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Municipal Election MANUAL

**West Bengal State Election Commission
1998**

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INTRODUCTION

The law and procedures relating to elections in general have undergone changes from time to time. The laws regulating elections to municipalities, essentially based on the guiding principles laid down in the Representation of the People Act, 1951, have also been subjected to minor changes over time.

With the introduction of the Constitution (Seventy-fourth Amendment) Act, 1992, however, there has been a sea change in the municipal election procedure. In keeping with the provisions of the Constitutional amendment, the West Bengal State Election Commission was constituted under the West Bengal State Election Commission Act, 1994. Drastic changes in the municipal election rules have since followed and the West Bengal Municipal Elections Act, 1994 has been introduced replacing the earlier “West Bengal Municipal Election Rules, 1975” and a number of similar rules for individual municipal corporations. Several rules have since been promulgated under the West Bengal Municipal Elections Act, 1994.

The present volume intends to serve as a compendium for those responsible for implementation of the provisions of the new and the revised statutes and rules framed thereunder.

PERSONNEL

The West Bengal State Election Commission has been constituted in terms of sub-section (1) of section 3 of the West Bengal State Election Commission Act, 1994. The Commission comprises one State Election Commissioner under clause (1) of article 243K of the Constitution.

For the purpose of preparation of electoral rolls for and the conduct of elections to the municipalities, the West Bengal State Election Commission Act provides for the appointment of—

- (a) District Municipal Election Officer for each district;
- (b) Municipal Electoral Registration Officer for one or more municipalities;
- (c) Municipal Returning Officers for one or more constituencies of one or more municipalities;
- (d) Assistant Municipal Electoral Registration Officers as may be required;
- (e) Assistant Municipal Returning Officers as may be required;
- (f) Presiding Officers as may be required; and
- (g) Polling Officers.

District Municipal Election Officer

The District Municipal Election Officer (DMEO) is appointed by the State Election Commissioner in consultation with the State Government under sub-section (1) of section 6 of the West Bengal State Election Commission Act, 1994.

The DMEO exercises such powers and performs such functions as are provided in the West Bengal Municipal Elections Act, 1994, and the rules made thereunder. These include—

- (a) subject to the superintendence, direction and control of the State Election Commission, the coordination and supervision of all work within his jurisdiction in connection with the preparation and revision of electoral rolls for all municipalities;
- (b) subject to the superintendence, direction and control of the State Election Commission, the supervision of the conduct of all elections within his jurisdiction;
- (c) subject to the direction and control of the State Election Commission appointing such number of officers of the State Government as may be required to be—
 - (i) Assistant Municipal Electoral Registration Officer, and
 - (ii) Assistant Municipal Returning Officer;
- (d) acting as an appellate authority from any order of the Municipal Electoral Registration Officer under section 21 and section 22 of the West Bengal Municipal Elections Act, 1994 relating to correction of entries or inclusion of names in electoral rolls;
- (e) when so appointed by the State Election Commission acting as the 'prescribed authority' under clause (c) of sub-section (1) of section 2 of the West Bengal Municipal Elections (Reservation of Seats) Rules, 1994;
- (f) performing such other functions as may be entrusted to him by the State Election Commission.

Municipal Electoral Registration Officer

The Municipal Electoral Registration Officer shall be appointed by the State Election Commissioner in consultation with the State Government under sub-section (1) of section 6, of the West Bengal State Election Commission Act, 1994.

His duties include the preparation and revision of electoral rolls for each municipality subject to the supervision of the District Municipal Election Officer.

Municipal Returning Officer

The Municipal Returning Officer is appointed by the State Election Commissioner in consultation with the State Government under sub-section (1) of section 6 of the West Bengal State Election Commission Act, 1994.

He is the Municipal Returning Officer for every constituency for every election to fill a seat or seats in the municipality:

It shall be the general duty of the Municipal Returning Officer at any election to do all such acts and things as may be necessary for effectually conducting the election in the manner provided by the West Bengal Municipal Elections Act, 1994 and the rules and the orders made thereunder. He is required to—

- (1) arrange for polling stations and publish list of such polling stations;
- (2) appoint polling personnel viz. Presiding Officers and Polling Officers;
- (3) issue public notice in the manner prescribed under the rules inviting nominations;
- (4) receive and scrutinise nomination papers in the manner prescribed under the rules;
- (5) allot symbols to contesting candidates;
- (6) publish a list of contesting candidates and declare result in uncontested election;
- (7) issue ballot papers to voters on election duty on proper application and verification and receive such ballot papers in sealed covers with duly recorded votes;
- (8) make arrangements for despatch of polling parties to the polling stations and for reception and custody of sealed packets and ballot boxes after the polls;
- (9) make arrangements for centralised counting when so directed by the Commission. In such cases he shall send notice of such counting to the contesting candidates at least 7 days before the date of such counting and also publish the notice in his office. In such centralised counting he shall perform the functions of the Presiding Officer at a polling station in relation to counting;
- (10) fix the time and place for declaration of result of the election after compilation of the results of counting and notify the contesting candidates and election agents not less than three days before the date so fixed and publish the notice in his office as well;
- (11) count the votes cast by voters on election duty;
- (12) compile results of different polling stations;

- (13) declare the result of an election;
- (14) prepare return of election and issue certificate of election;
- (15) send return of election to the Commission.
- (16) keep in his custody all sealed packets received from the Presiding Officers and those prepared by himself in such manner and for such period as may be prescribed under the rules;
- (17) perform any other function that may be assigned to him under the Acts and the rules.

Assistant Municipal Registration Officer

Subject to the direction and control of the State Election Commission as many Assistant Municipal Electoral Registration Officers as may be required shall be appointed by the District Municipal Election Officer and every Assistant Electoral Municipal Registration Officer shall, subject to the direction and control of the Municipal Electoral Registration Officer, be competent to perform any of the functions of the Municipal Electoral Registration Officer.

Assistant Municipal Returning Officer

Subject to the direction and control of the State Election Commission as many Assistant Municipal Returning Officers as may be required shall be appointed by the District Municipal Election Officer and every Assistant Municipal Returning Officer shall, subject to the direction and control of the Municipal Returning Officer, be competent to perform any of the functions of the Municipal Returning Officer.

Presiding Officers and Polling Officers

Presiding Officers and Polling Officers as may be required for a general election or a bye-election are appointed by the Municipal Returning Officer in terms of section 6(4) of the West Bengal State Election Commission Act, 1994 and subject to such rules as may be made by the State Government in this behalf.

The duties and functions of the Presiding Officers and Polling Officers have been dealt with under sections 13 to 15 of the West Bengal Municipal Elections Act, 1994 and the West Bengal Municipalities (Conduct of Elections) Rules, 1995. These are elaborately dealt with in the Handbook for the Presiding Officers.

DELIMITATION OF CONSTITUENCIES

Article 243R of the Constitution of India provides that for the purpose of direct election each municipal area shall be divided into territorial constituencies known as wards.

Under section 8 of the West Bengal Municipal Act, 1993 the State Government may, by notification, determine the number of wards in any municipal area having regard to population, dwelling pattern, geographical condition and economic considerations of the area included in each ward.

The West Bengal Municipal Elections Act, 1994 provides that for the purpose of election of members of a municipality, the West Bengal State Election Commission shall, having regard to the population, dwelling pattern, geographical conditions and economic considerations of any municipal area, by notification, in the case of a new municipality of its own motion, and in the case of a municipality already in existence at the time the notification is made, after consideration of the views of the municipality, divide, in such manner as it thinks fit, such municipal area into such number of wards as may be determined by the State Government in this behalf; provided that the number of wards in the municipal areas of the Calcutta Municipal Corporation and the Howrah Municipal Corporation and the boundaries of the wards shall be such as are provided in the Calcutta Municipal Corporation Act, 1980 and the Howrah Municipal Corporation Act, 1980 respectively, and that each ward of a municipality shall be a single member constituency.

RESERVATION

Article 243T of the Constitution of India provides that—

“(1) Seats shall be reserved for the Scheduled Castes and the Scheduled Tribes in every municipality and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that municipality as the population of the Scheduled Castes in the municipal area or of the Scheduled Tribes in the municipal area bears to the total population of that area and such seats may be allotted by rotation to different constituencies in a municipality.

(2) Not less than one-third of the total number of seats reserved under clause (1) shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes.

(3) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every municipality shall be reserved for women and such seats may be allotted by rotation to different constituencies in a municipality.

(4) The office of chairpersons in the municipalities shall be reserved for the Scheduled Castes, the Scheduled Tribes and women in such manner as the Legislature of a State may, by law, provide.

(5) The reservation of seats under clauses (1) and (2) and the reservation of office of chairpersons (other than the reservation for women) under clause (4) shall cease to have effect on the expiration of the period specified in Article 334.

(6) Nothing in this Part shall prevent the Legislature of a State from making any provision for reservation of seats in any municipality or office of chairpersons in the municipalities in favour of backward class of citizens.”.

Section 29 of the West Bengal Municipal Elections Act, 1994 accordingly makes provisions for such reservation and the West Bengal Municipal Elections (Reservation of Seats) Rules, 1994 lays down the detailed procedure for determination of the total number of seats as well as the serial numbers of constituencies to be reserved for Scheduled Tribes, Scheduled Castes and women during consecutive terms.

A model exercise for determination of the total number of seats as well as the serial numbers of constituencies to be reserved is given below:

Model Illustrations on Reservation of Seats in Municipalities

[Vide West Bengal Municipal Elections (Reservation of Seats) Rules, 1994]

I. Determine the number of seats to be reserved in the following cases:

(a) Total Population	..	40585
S.T. Population	..	338
S.C. Population	..	4565
Number of Wards	..	20

Ans. Percentage of S.T. Population = $\frac{338 \times 100}{40585} = 0.83$.

Since this is below 1 there will be no reservation for S.T. *[vide proviso (iii) under rule 3(1)(a)]*.

The percentage of S.C. Population = $\frac{4565 \times 100}{40585} = 11.24$ i.e., 11.2.

[Vide Explanation II at the end of rule 3(1)(a)]

The number of seats admissible for Reservation for S.C. = $\frac{20 \times 11.2}{100} = 2.24 = 2$.

[Vide Explanation II as above]

(b) Total Population	..	75722
S.C. Population	..	11949
S.T. Population	..	2476
Number of Wards	..	26

Ans. The percentage of S.T. = $\frac{2476 \times 100}{75722} = 3.26$ i.e., 3.3

and the percentage of S.C. = $\frac{11949 \times 100}{75722} = 15.78$ i.e., 15.8.

[Vide Explanation II as above]

Hence the number of seats for S.T. = $\frac{26 \times 3.3}{100} = .858$.

Therefore, the number of seats for S.T. Reservation shall be 1 as the digit in the first place of decimal is not less than 5. Again, the number of seats for S.C. = $\frac{26 \times 15.8}{100} = 4.11$.

Therefore, the number of seats for S.C. Reservation shall be 4 since the figure in the first place of decimal is less than 5.

II. Determine the number of seats to be reserved for each category and specify the constituency numbers to be earmarked for each category in the following case:

Total Population	..	80706
S.T. Population	..	4334
S.C. Population	..	17069
Number of Wards	..	27

Percentage of S.T. & S.C. Population in individual wards is as follows:

Ward No.	Percentage	
	S.T.	S.C.
1	3.25	20.32
2	1.56	12.75
3	1.03	11.16
4	2.74	10.53
5	1.18	10.62
6	2.03	18.92
7	4.15	23.17
8	0.52	7.23
9	0.00	5.34
10	0.11	6.52
11	2.85	10.54
12	3.11	7.66
13	1.05	4.23
14	1.23	7.43
15	1.88	8.17
16	2.34	20.23
17	3.04	21.16
18	9.82	24.32
19	12.54	20.56
20	8.22	19.57
21	22.31	25.16
22	6.23	12.12
23	2.15	17.53
24	2.64	18.24
25	7.51	40.17
26	1.25	30.72
27	1.72	27.34

Ans. In terms of proviso (vi) to the rule 3(2)(a), the Scheduled Tribe comes first in order of preference. Hence, we have to settle S.T. Reservation first.

Now, S.T. percentage is 5.37 i.e. 5.4.

$$\therefore \text{Number of seats to be reserved for S.T. is } \frac{27 \times 5.4}{100} = 1.458$$

i.e, 1 seat since the digit in the first place of decimal is less than 5.

This one seat is to be reserved in rotation amongst the seats eligible for S.T. Reservation i.e., amongst those constituencies where the percentage of S.T. Population is not below 2.7 (i.e., half of 5.4) [vide rule 3(2)(a)].

These wards are: 1, 4, 7, 11, 12, 17, 18, 19, 20, 21, 22 and 25. These are arranged into two groups of odd nos. and even nos. [vide proviso (iii) to rule 3(2)(a)] as below:

Ward No.	Ward No.
1	4
7	12
11	18
17	20
19	22
21	
25	

Hence constituency No. 1 is to be reserved for S.T. category for the 1st term [vide proviso (iv) to rule 3(2)(a)].

N.B.—It is to be noted that none of the constituencies with much larger percentage of S.T. population than Ward No. 1 can be reserved right now. They shall have to wait for their respective turns i.e. subsequent elections according to the roster.

Next we are to consider S.C. Reservation.

S.C. percentage is 21.15 i.e. 21.2

$$\therefore \text{Number of seats to be reserved} = \frac{27 \times 21.2}{100} = 5.724$$

i.e., 6 seats, since the digit at the first place of decimal is not less than 5.

These 6 seats are to be rotated amongst constituency Nos. 1, 2, 3, 5, 6, 7, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 and 27 which have S.C. population percentage not below 10.6 (i.e., half of 21.2).

Of these, Ward No. 1 is already booked for S.T. Therefore the seats available for reservation at this stage are (in odd-even columns):

Ward No.	Ward No.
3	2
5	6
7	16
17	18
19	20
21	22
23	24
25	26
27	

Hence the 1st six seats in the first i.e., the 'odd' group are to be reserved for S.C. during the 1st term. These are Ward Nos. 3, 5, 7, 17, 19 and 21 [vide proviso (iv) to rule 3(2)(a)].

Next we are to specify not less than one-third of the total number of S.T. & S.C. seats for allotment to S.C. & S.T. women.

The total number of seats reserved for S.T. & S.C. is $1 + 6 = 7$. Not less than one-third of 7 is 3.

In selecting these 3 seats the roster 1, 4, 7, 10 etc. is to be applied after arranging the SC/ST constituencies in the ascending order as follows:

Ward No.	Sl No.
1	(1)
3	2
5	3
7	(4)
17	5
19	6
21	(7)

Thus, serially the 1st, 4th and 7th of the 'Reserved' seats are reserved for women also. In other words, Ward No. 1 is reserved for **SCHEDULED TRIBE WOMEN** and Ward Nos. 7 and 21 for **SCHEDULED CASTE WOMEN**.

The final part of the exercise is **RESERVATION OF SEATS FOR WOMEN OF GENERAL CATEGORY**.

Not less than one-third of the total number of seats should be reserved for women. Hence the reservation quota for women in the municipality is one-third of 27 i.e., 9.

We have already reserved a total of 3 seats for Scheduled Tribe and Scheduled Caste women. Hence 9 minus 3 i.e., 6 seats shall be reserved for women of the general category.

Excluding the seven constituencies (wards) reserved for scheduled tribes and scheduled castes, there are now twenty constituencies (wards). The reservation roster for women has to be applied on those twenty constituencies as shown below:

[Vide 4th proviso to rule 3(2)(b)]

The available wards are—

Ward No.:	2	4	6	8	9	10	11	12	13	14	15	16	18	20	22	23	24	25	26	27
	↑			↑			↑			↑			↑			↑				
Sl. No. :	1			4			7			10			13			16				

Arranging the available wards in ascending order we get seat Nos. 2, 8, 11, 14, 18 and 23 as the 1st, 4th, 7th, 10th, 13th and 16th seat of our roster.

Therefore, Ward Nos. 2, 8, 11, 14, 18 and 23 shall be reserved for **WOMEN OF THE GENERAL CATEGORY**.

The final picture is given below:

Total Number of constituencies	Serial Nos. of constituencies reserved for SC/ST		Serial Nos. of constituencies reserved for women			
	(1)	(2)	(3)			
		SC	ST	SC	ST	Gen
27	3	1	7	1	2	
	5		21		8	
	7				11	
	17				14	
	19				18	
	21				23	

IIA. For the second and third term of election the same procedure shall be followed except that reservation shall be made after excluding the constituencies reserved in earlier term or terms of election. In the event of shortfall from the required number of constituencies, constituencies beginning from the lowest serial number, shall be reserved, notwithstanding that such constituencies were reserved in any earlier term.

III. In a municipality with 20 wards the percentage of S.T. Population is 20%. But in all but 3 of the constituencies the percentage of such population is below 10%. How is reservation to be made for S.T.?

Ans. Here the S.T. quota is 20% of 20 seats i.e. 4 seats. But only 3 seats are eligible for rotation. Hence all these three seats shall be reserved for S.T. and for the 4th seat the Commission is to take a decision.

[Vide proviso (vii) to rule 3(2)(a)]

IV. In a municipality the Scheduled Tribes constitute 3% of the total population and number of wards is 12. What should be the procedure for reservation?

Ans. Number of seats admissible for reservation is $\frac{12 \times 3}{100} = .36$

As this figure is less than one the matter is to be brought to the notice of the Commission for decision.

[Vide proviso to proviso (iii) to rule 3(1)(a)]

N.B.—NOTWITHSTANDING THE RESERVATION OF SEATS FOR THEM IN THE MANNER PRESCRIBED A MEMBER OF THE SCHEDULED CASTES OR THE SCHEDULED TRIBES OR A WOMAN SHALL NOT BE DISQUALIFIED TO CONTEST OR HOLD A SEAT NOT RESERVED FOR MEMBERS OF THE SCHEDULED CASTES OR THE SCHEDULED TRIBES OR WOMEN IF HE OR SHE IS OTHERWISE QUALIFIED TO HOLD SUCH SEAT.

ELECTORAL ROLL

Elections to the local bodies are now held on the basis of universal adult suffrage, like the elections to the Parliament and State Legislature. The electoral rolls for the municipal constituencies should, therefore, logically and conveniently be based on the relevant parts of the electoral rolls for the Assembly and Parliamentary constituencies. To facilitate such utilisation of Assembly electoral rolls for municipal elections, the West Bengal State Election Commission Act, 1994 provides for adoption of the electoral roll for the time being in force for the election of member to the West Bengal Legislative Assembly for election of member to a municipality.

Subject to this provision of the West Bengal State Election Commission Act, 1994 the West Bengal Municipal Elections Act, 1994 and the West Bengal Municipal Elections (Registration of Electors) Rules, 1995 framed thereunder lay down the manner in which the municipal electoral rolls shall be prepared and revised.

It follows from all these provisions that—

- (1) normally the electoral rolls for municipal constituencies shall be prepared by adoption of the electoral rolls for the time being in force for Assembly Elections;
- (2) as soon as revised Assembly Electoral Rolls are published steps should be taken to adopt the relevant parts of the roll for municipal constituencies in terms of the guidelines that may be issued by the Commission;
- (3) the adopted Assembly Electoral Rolls become the basic roll for the municipal election. Claims and objections to that roll are to be dealt with according to the provisions of the West Bengal Municipal Elections (Registration of Electors) Rules, 1995.

**THE CONSTITUTION (SEVENTY-FOURTH AMENDMENT)
ACT, 1992**

An Act

further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

Short title
and com-
mencement.

1. (1) This Act may be called the Constitution (Seventy-fourth Amendment) Act, 1992.

(2) It shall come into force on such date as the Central Government may, by notification in the *Official Gazette*, appoint.

Insertion of
new Part
IXA.

2. After Part IX of the Constitution, the following Part shall be inserted, namely:—

'PART IXA

THE MUNICIPALITIES

Definitions.

243P. In this Part, unless the context otherwise requires—

- (a) "Committee" means a Committee constituted under article 243S;
- (b) "district" means a district in a State;
- (c) "Metropolitan area" means an area having a population of ten lakhs or more comprised in one or more districts and consisting of two or more Municipalities or Panchayats or other contiguous areas, specified by the Governor by public notification to be a Metropolitan area for the purposes of this Part;
- (d) "Municipal area" means the territorial area of a Municipality as is notified by the Governor;
- (e) "Municipality" means an institution of self-government constituted under article 243Q;
- (f) "Panchayat" means a Panchayat constituted under article 243B;
- (g) "population" means the population as ascertained at the last preceding census of which the relevant figures have been published.

Constitution
of Muni-
cipalities.

243Q. (1) There shall be constituted in every State,—

- (a) a Nagar Panchayat (by whatever name called) for a transitional area, that is to say, an area in transition from a rural area to an urban area;

- (b) a Municipal Council for a smaller urban area; and
- (c) a Municipal Corporation for a larger urban area, in accordance with the provisions of this Part:

Provided that a Municipality under this clause may not be constituted in such urban area or part thereof as the Governor may, having regard to the size of the area and the municipal services being provided or proposed to be provided by an industrial establishment in that area and such other factors as he may deem fit, by public notification, specify to be an industrial township.

(2) In this article, "a transitional area" "a smaller urban area" or "a larger urban area" means such area as the Governor may, having regard to the population of the area, the density of the population therein, the revenue generated for local administration, the percentage of employment in non-agricultural activities, the economic importance or such other factors as he may deem fit, specify by public notification for the purposes of this Part.

243R. (1) Save as provided in clause (2), all the seats in a Municipality shall be filled by persons chosen by direct election from the territorial constituencies in the Municipal area and for this purpose each Municipal area shall be divided into territorial constituencies to be known as wards.

Composition
of Municip-
alities.

(2) The Legislature of a State may, by law, provide,—

(a) for the representation in a Municipality of—

- (i) persons having special knowledge or experience in Municipal administration;
- (ii) the members of the House of the People and the members of the Legislative Assembly of the State representing constituencies which comprise wholly or partly the Municipal area;
- (iii) the members of the Council of States and the members of the Legislative Council of the State registered as electors within the Municipal area;
- (iv) the Chairpersons of the Committees constituted under clause (5) of article 243S:

Provided that the person referred to in paragraph (i) shall not have the right to vote in the meetings of the Municipality;

(b) the manner of election of the Chairperson of a Municipality.

243S. (1) There shall be constituted Wards Committees, consisting of one or more wards, within the territorial area of a Municipality having a population of three lakhs or more.

Constitution
and
composition
of Wards
Committees,
etc.

(2) The Legislature of a State may, by law, make provision with respect to—

- (a) the composition and the territorial area of a Wards Committee;
- (b) the manner in which the seats in a Wards Committee shall be filled.

(3) A member of a Municipality representing a ward within the territorial area of the Wards Committee shall be a member of that Committee.

(4) Where a Wards Committee consists of—

- (a) one ward, the member representing that ward in the Municipality; or
- (b) two or more wards, one of the members representing such wards in the Municipality elected by the members of the Wards Committee

shall be the Chairperson of that Committee.

(5) Nothing in this article shall be deemed to prevent the Legislature of a State from making any provision for the constitution of Committees in addition to the Wards Committees.

Reservation
of seats.

243T. (1) Seats shall be reserved for the Scheduled Castes and the Scheduled Tribes in every Municipality and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Municipality as the population of the Scheduled Castes in the Municipal area or of the Scheduled Tribes in the Municipal area bears to the total population of that area and such seats may be allotted by rotation to different constituencies in a Municipality.

(2) Not less than one-third of the total number of seats reserved under clause (1) shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes.

(3) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Municipality shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Municipality.

(4) The offices of Chairpersons in the Municipalities shall be reserved for the Scheduled Castes, the Scheduled Tribes and women in such manner as the Legislature of a State may, by law, provide.

(5) The reservation of seats under clauses (1) and (2) and the reservation of offices of Chairpersons (other than the reservation for women) under clause (4) shall cease to have effect on the expiration of the period specified in article 334.

(6) Nothing in this part shall prevent the Legislature of a State from making any provision for reservation of seats in any Municipality or offices of Chairpersons in the Municipalities in favour of backward class of citizens.

243U. (1) Every Municipality, unless sooner dissolved under any law for the time being in force, shall continue for five years from the date appointed for its first meeting and no longer:

Duration of Municipalities, etc.

Provided that a Municipality shall be given a reasonable opportunity of being heard before its dissolution.

(2) No amendment of any law for the time being in force shall have the effect of causing dissolution of a Municipality at any level, which is functioning immediately before such amendment, till the expiration of its duration specified in clause (1).

(3) An election to constitute a Municipality shall be completed,—

- (a) before the expiry of its duration specified in clause (1);
- (b) before the expiration of a period of six months from the date of its dissolution:

Provided that where the remainder of the period for which the dissolved Municipality would have continued is less than six months, it shall not be necessary to hold any election under this clause for constituting the Municipality for such period.

(4) A Municipality constituted upon the dissolution of Municipality before the expiration of its duration shall continue only for the remainder of the period for which the dissolved Municipality would have continued under clause (1) had it not been so dissolved.

243V. (1) A person shall be disqualified for being chosen as, and for being, a member of a Municipality—

Disqualification for membership.

- (a) if he is so disqualified by or under any law for the time being in force for the purposes of elections to the Legislature of the State concerned:

Provided that no person shall be disqualified on the ground that he is less than twenty-five years of age, if he has attained the age of twenty-one years;

- (b) if he is so disqualified by or under any law made by the Legislature of the State.

(2) If any question arises as to whether a member of a Municipality has become subject to any of the disqualifications mentioned in clause (1), the question shall be referred for the decision of such authority and in such manner as the Legislature of a State may, by law, provide.

243W. Subject to the provisions of this Constitution, the Legislature of State may, by law, endow—

Powers, authority and responsibilities of Municipalities etc.

- (a) the Municipalities with such powers and authority as may be necessary to enable them to function as institutions

of self-government and such law may contain provisions for the devolution of powers and responsibilities upon Municipalities, subject to such conditions as may be specified therein, with respect to—

- (i) the preparation of plans for economic development and social justice;
 - (ii) the performance of functions and the implementation of schemes as may be entrusted to them including those in relation to the matter listed in the Twelfth Schedule;
- (b) the Committees with such powers and authority as may be necessary to enable them to carry out the responsibilities conferred upon them including those in relation to the matters listed in the Twelfth Schedule.

Power to impose taxes by, and Funds of, the Municipalities.

243X. The Legislature of a State may, by law—

- (a) authorise a Municipality to levy, collect and appropriate such taxes, duties, tolls and fees in accordance with such procedure and subject to such limits;
- (b) assign to a Municipality such taxes, duties, tolls and fees levied and collected by the State Government for such purposes and subject to such conditions and limits;
- (c) provide for making such grants-in-aid to the Municipalities from the Consolidated Fund of the State; and
- (d) provide for constitution of such Funds for crediting all moneys received, respectively, by or on behalf of the Municipalities and also for the withdrawal of such moneys therefrom,

as may be specified in the law.

Finance Commission.

243Y. (1) The Finance Commission constituted under article 243-I shall also review the financial position of the Municipalities and make recommendations to the Governor as to—

- (a) the principles which should govern—
 - (i) the distribution between the State and the Municipalities of the net proceeds of the taxes, duties, tolls and fees leviable by the State, which may be divided between them under this Part and the allocation between the Municipalities at all levels of their respective shares of such proceeds;
 - (ii) the determination of the taxes, duties, tolls and fees which may be assigned to, or appropriated by, the Municipalities;
 - (iii) the grants-in-aid to the Municipalities from the Consolidated Fund of the State;
- (b) the measures needed to improve the financial position of the Municipalities;

(c) any other matter referred to the Finance Commission by the Governor in the interests of sound finance of the Municipalities.

(2) The Governor shall cause every recommendation made by the Commission under this article together with an explanatory memorandum as to the action taken thereon to be laid before the Legislature of the State.

243Z. The Legislature of a State may, by law, make provisions with respect to the maintenance of accounts by the Municipalities and the audit of such accounts.

Audit of accounts of Municipalities.

243ZA. (1) The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the Municipalities shall be vested in the State Election Commission referred to in article 243K.

Elections to the Municipalities.

(2) Subject to the provisions of this Constitution, the Legislature of a State may, by law, make provision with respect to all matters relating to, or in connection with, elections to the Municipalities.

243ZB. The provisions of this Part shall apply to the Union territories and shall, in their application to a Union Territory, have effect as if the references to the Governor of a State were references to the Administrator of the Union Territory appointed under article 239 and references to the Legislature or the Legislative Assembly of a State were references in relation to a Union Territory having a Legislative Assembly, to that Legislative Assembly:

Application to Union Territories.

Provided that the President may, by public notification, direct that the provisions of this Part shall apply to any Union Territory or part thereof subject to such exceptions and modifications as he may specify in the notification.

243ZC. (1) Nothing in this Part shall apply to the Scheduled Areas referred to in clause (1), and the tribal areas referred to in clause (2), of article 244.

Part not to apply to certain areas.

(2) Nothing in this Part shall be construed to affect the functions and powers of the Darjeeling Gorkha Hill Council constituted under any law for the time being in force for the hill areas of the district of Darjeeling in the State of West Bengal.

(3) Notwithstanding anything in this Constitution, Parliament may, by law, extend the provisions of this Part to the Scheduled Areas and the tribal areas referred to in clause (1) subject to such exceptions and modifications as may be specified in such law, and no such law shall be deemed to be an amendment of this Constitution for the purposes of article 368.

243ZD. (1) There shall be constituted in every State at the district level a District Planning Committee to consolidate the plans prepared by the Panchayats and the Municipalities in the district and to prepare a draft development plan for the district as a whole.

Committee for district planning.

(2) The Legislature of a State may, by law, make provision with respect to—

- (a) the composition of the District Planning Committees;
- (b) the manner in which the seats in such Committees shall be filled:

Provided that not less than four-fifths of the total number of members of such Committee shall be elected by, and from amongst, the elected members of the Panchayat at the district level and on the Municipalities in the district in proportion to the ratio between the population of the rural areas and of the urban areas in the district;

- (c) the functions relating to district planning which may be assigned to such Committees;
- (d) the manner in which the Chairpersons of such Committees shall be chosen.

(3) Every District Planning Committee shall, in preparing the draft development plan,—

(a) have regard to—

- (i) matters of common interest between the Panchayats and the Municipalities including spatial planning, sharing of water and other physical and natural resources, the integrated development of infrastructure and environmental conservation,
- (ii) the extent and type of available resources whether financial or otherwise;

(b) consult such institutions and organisations as the Governor may, by order, specify.

(4) The Chairperson of every District Planning Committee shall forward the development plan, as recommended by such Committee, to the Government of the State.

Committee
for Metro-
politan
planning.

243ZE. (1) There shall be constituted in every Metropolitan area a Metropolitan Planning Committee to prepare a draft development plan for the Metropolitan area as a whole.

(2) The Legislature of a State may, by law, make provision with respect to—

- (a) the composition of the Metropolitan Planning Committees;
- (b) the manner in which the seats in such Committees shall be filled:

Provided that not less than two-thirds of the members of such Committee shall be elected by, and from amongst, the elected members of the Municipalities and chairpersons of the Panchayats in the Metropolitan area in proportion to the ratio between the population of the Municipalities and of the Panchayats in that area;

- (c) the representation in such Committees of the Government of India and the Government of the State and of such organisations and institutions as may be deemed necessary for carrying out of functions assigned to such Committees;
 - (d) the functions relating to planning and coordination for the Metropolitan area which may be assigned to such Committees;
 - (e) the manner in which the Chairpersons of such Committees shall be chosen.
- (3) Every Metropolitan Planning Committee shall, in preparing the draft development plan,—
- (a) have regard to—
 - (i) the plans prepared by the Municipalities and the Panchayats in the Metropolitan area;
 - (ii) matters of common interest between the Municipalities and the Panchayats, including co-ordinated spatial planning of the area, sharing of water and other physical and natural resources, the integrated development of infrastructure and environmental conservation;
 - (iii) the overall objectives and priorities set by the Government of India and the Government of the State;
 - (iv) the extent and nature of investments likely to be made in Metropolitan area by agencies of the Government of India and of the Government of the State and other available resources whether financial or otherwise;
 - (b) consult such institutions and organisations as the Governor may, by order, specify.
- (4) The Chairperson of every Metropolitan Planning Committee shall forward the development plan, as recommended by such Committee, to the Government of the State.

243ZF. Notwithstanding anything in this Part, any provision of any law relating to Municipalities in force in a State immediately before the commencement of the Constitution (Seventy-fourth Amendment) Act, 1992, which is inconsistent with the provisions of this Part, shall continue to be in force until amended or repealed by a competent Legislature or other competent authority or until the expiration of one year from such commencement, whichever is earlier:

Continuance of existing laws and Municipalities.

Provided that all the Municipalities existing immediately before such commencement shall continue till the expiration of their duration, unless sooner dissolved by a resolution passed to that effect by the Legislative Assembly of that State or, in the case of a State having a Legislative Council, by each House of the Legislature of that State.

Bar to interference by courts in electoral matters.

243ZG. Notwithstanding anything in this Constitution,—

- (a) the validity of any law relating to the delimitation of constituencies or the allotment of seats to such constituencies, made or purporting to be made under article 243ZA shall not be called in question in any court;
- (b) no election to any Municipality shall be called in question except by an election petition presented to such authority and in such manner as is provided for by or under any law made by the Legislature of a State.

Amendment of article 280.

3. In clause (3) of article 280 of the Constitution, sub-clause (c) shall be lettered as sub-clause (d) and before sub-clause (d) as so relettered, the following sub-clause shall be inserted, namely:—

“(c) the measures needed to augment the Consolidated Fund of a State to supplement the resources of the Municipalities in the State on the basis of the recommendations made by the Finance Commission of the State;”.

Addition of Twelfth Schedule.

4. After the Eleventh Schedule to the Constitution, the following Schedule shall be added, namely:—

“TWELFTH SCHEDULE
(Article 243W)

1. Urban planning including town planning.
2. Regulation of land-use and construction of buildings.
3. Planning for economic and social development.
4. Roads and bridges.
5. Water supply for domestic, industrial and commercial purposes.
6. Public health, sanitation, conservancy and solid waste management.
7. Fire services.
8. Urban forestry, protection of the environment and promotion of ecological aspects.
9. Safeguarding the interests of weaker sections of society, including the handicapped and mentally retarded.
10. Slum improvement and upgradation.
11. Urban poverty alleviation.
12. Provision of urban amenities and facilities such as parks, gardens, playgrounds.
13. Promotion of cultural, educational and aesthetic aspects.
14. Burials and burial grounds; cremations, cremation grounds and electric crematoriums.
15. Cattle pounds; prevention of cruelty to animals.
16. Vital statistics including registration of births and deaths.
17. Public amenities including street lighting, parking lots, bus stops and public conveniences.
18. Regulation of slaughter houses and tanneries.”

EXTRACTS FROM THE CONSTITUTION (SCHEDULED CASTES)
ORDER, 1950

1. Bagdi, Duley
2. Bahelia
3. Baiti
4. Bantar
5. Bauri
6. Beldar
7. Bhogta
8. Bhuimali
9. Bhuiya
10. Bind
11. Chamar, Charmakar, Mochi, Muchi, Rabidas, Ruidas, Rishi
12. Chaupal
13. Dabgar
14. Damai (Nepali)
15. Dhoba, Dhobi
16. Doai
17. Dom, Dhangad
18. Dosadh, Dusadh, Dhari, Dharhi
19. Ghasi
20. Gonrhi
21. Halalhkori
22. Hari, Mehtar, Mehtor, Bhangi
23. Jalia Kaibartta
24. Jhalo mola, Malo
25. Kadar
26. Kami (Nepali)
27. Kandra
28. Kanjar
29. Kaora
30. Karenga, Koranga
31. Kawe
32. Keot, Keyot
33. Khaira
34. Khatik

35. Koch
36. Konai
37. Konwar
38. Kotal
39. Kuraria
40. Lalbegi
41. Lohar
42. Mahar
43. Mal
44. Mallah
45. Musahar
46. Namasudra
47. Nat
48. Nuniya
49. Paliya
50. Pan, Sawasi
51. Pasi
52. Patni
53. Pod, Poundra
54. Rajbanshi
55. Rajwar
56. Sarki (Nepali)
57. Sunri (excluding Saha)
58. Tiyar
59. Turi

EXTRACTS FROM THE CONSTITUTION (SCHEDULED TRIBES)
ORDER, 1950

1. Asur
2. Baiga
3. Badia, Bediya
4. Bhumij
5. Bhutia, Sherpa, Toto, Dukpa, Kagatya, Tibetan, Yolmo
6. Birhor
7. Birjia
8. Chakma
9. Chero
10. Chik Baraik
11. Garo
12. Gond
13. Gorait
14. Hajang
15. Ho
16. Karmali
17. Kharwar
18. Khond
19. Kisan
20. Kora
21. Korwa
22. Lepcha
23. Lodha, Kheria, Kharia
24. Lohara, Lohra
25. Magh
26. Mahali
27. Mahli
28. Mal Pahariya
29. Mech
30. Mru
31. Munda
32. Nagesia
33. Oraon
34. Parhaiya
35. Rabha
36. Santal
37. Sauria Paharia
38. Savar

EXTRACTS FROM THE INDIAN PENAL CODE

(Act 45 of 1860)

¹[153A. **Promoting enmity between different groups on grounds of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony.**—(1) Whoever—

- (a) by words, either spoken or written, or by signs or by visible representations or otherwise, promotes or attempts to promote, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, disharmony or feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities, or
- (b) commits any act which is prejudicial to the maintenance of harmony between different religious, racial, language or regional groups or castes or communities, and which disturbs or is likely to disturb the public tranquillity, ²[or]
- (c) organizes any exercise, movement, drill or other similar activity intending that the participants in such activity shall use or be trained to use criminal force or violence or knowing it to be likely that the participants in such activity will use or be trained to use criminal force or violence, participates in such activity intending to use or be trained to use criminal force or violence or knowing it to be likely that the participants in such activity will use or be trained to the use of criminal force or violence, against any religious, racial, language or regional group or caste or community and such activity for any reason whatsoever causes or is likely to cause fear or alarm or a feeling of insecurity amongst members of such religious, racial, language or regional group or caste or community,

shall be punished with imprisonment which may extend to three years, or with fine, or with both.

Offence committed in place of worship, etc.—(2) Whoever commits an offence specified in sub-section (1) in any place of worship or in any assembly engaged in the performance of religious worship or religious ceremonies, shall be punished with imprisonment which may extend to five years and shall also be liable to fine.]

²[153B. **Imputations, assertions, prejudicial to national integration.**—(1) Whoever, by words either spoken or written or by signs or by visible representations or otherwise,—

- (a) makes or publishes any imputation that any class of persons cannot, by reason of their being members of any religious, racial, language or regional group or caste or community, bear true faith and allegiance to the Constitution of India as by law established or uphold the sovereignty and integrity of India, or
- (b) asserts, counsels, advises, propagates or publishes that any class or persons shall, by reason of their being members of any religious, racial, language or regional group or caste or community, be denied or deprived of their rights as citizens of India, or

¹Subs. by Act 35 of 1969, s. 2, for s. 153A.

²Ins. by Act 31 of 1972, s. 2.

(c) makes or publishes any assertion, counsel, plea or appeal concerning the obligation of any class of persons, by reason of their being members of any religious, racial, language or regional group or caste or community, and such assertion, counsel, plea or appeal causes or is likely to cause disharmony or feelings of enmity or hatred or ill-will between such members and other persons, shall be punished with imprisonment which may extend to three years, or with fine, or with both.

(2) Whoever commits an offence specified in sub-section (1), in any place of worship or in any assembly engaged in the performance of religious worship or religious ceremonies, shall be punished with imprisonment which may extend to five years and shall also be liable to fine.

* * * * *

¹[CHAPTER IXA

OF OFFENCES RELATING TO ELECTIONS.

171A. **“Candidate”, “Electoral right” defined.**—For the purposes of this Chapter—

²[(a) “candidate” means a person who has been nominated as a candidate at any election;]

(b) “electoral right” means the right of a person to stand, or not to stand as, or to withdraw from being a candidate or to vote or refrain from voting at a election.

171B. **Bribery.**—(1) Whoever—

(i) gives a gratification to any person with the object of inducing him or any other person to exercise any electoral right or of rewarding any person for having exercised any such right; or

(ii) accepts either for himself or for any other person any gratification as a reward for exercising any such right or for inducing or attempting to induce any other person to exercise any such right,

commits the offence of bribery:

Provided that a declaration of public policy or a promise of public action shall not be an offence under this section.

(2) A person who offers, or agrees to give, or offers or attempts to procure, a gratification shall be deemed to give a gratification.

(3) A person who obtains or agrees to accept or attempts to obtain a gratification shall be deemed to accept a gratification, and a person who accepts a gratification as a motive for doing what he does not intend to do, or as a reward for doing what he has not done, shall be deemed to have accepted the gratification as a reward.

171C. **Undue influence at elections.**—(1) Whoever voluntarily interferes or attempts to interfere with the free exercise of any electoral right commits the offence of undue influence at an election.

(2) Without prejudice to the generality of the provisions of sub-section (1), whoever—

(a) threatens any candidate or voter, or any person in whom a candidate or voter is interested, with injury of any kind; or

¹Ins. by Act 39 of 1920, s. 2.

²Subs. by Act 40 of 1975, s. 9, for cl. (a) (w.e.f. 6.8.1975).

(b) induces or attempts to induce a candidate or voter to believe that he or any person in whom he is interested will become or will be rendered an object of Divine displeasure or of spiritual pleasure,

shall be deemed to interfere with the free exercise of the electoral right of such candidate or voter, within the meaning of sub-section (1).

(3) A declaration of public policy or a promise of public action, or the mere exercise of a legal right without intent to interfere with an electoral right, shall not to be deemed to be interference within the meaning of this section.

171D. Personation at elections.—Whoever at an election applies for a voting paper or votes in the name of any other person, whether living or dead, or in a fictitious name, or who having voted once at such election applies at the same election for a voting paper in his own name, and whoever abets, procures or attempts to procure the voting by any person in any such way, commits the offence of personation at an election.

171E. Punishment for bribery.—Whoever commits the offence of bribery shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both:

Provided that bribery by treating shall be punished with fine only.

Explanation.—“Treating” means that form of bribery where the gratification consists in food, drink, entertainment, or provision.

171F. Punishment for undue influence or personation at an election.—Whoever commits the offence of undue influence or personation at an election shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

171G. False statement in connection with an election.—Whoever with intent to affect the result of an election makes or publishes any statement purporting to be a statement of fact which is false and which he either knows or believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate shall be punished with fine.

171H. Illegal payments, in connection with an election.—Whoever without the general or special authority in writing of a candidate incurs or authorises expenses on account of the holding of any public meeting, or upon any advertisement, circular or publication, or in any other way whatsoever for the purpose of promoting or procuring the election of such candidate, shall be punished with fine which may extend to five hundred rupees:

Provided that if any person having incurred any such expenses not exceeding the amount of ten rupees without authority obtains within ten days from the date on which such expenses were incurred the approval in writing of the candidate, he shall be deemed to have incurred such expenses with the authority of the candidate.

171-I. Failure to keep election accounts.—Whoever being required by any law for the time being in force or any rule having the force of law to keep accounts of expenses incurred at or in connection with an election fails to keep such accounts shall be punished with fine which may extend to five hundred rupees.

* * * * *

¹505. **Statements conducing to public mischief.**—(1) Whoever makes, publishes or circulates any statement, rumour or report,—

- (a) with intent to cause, or which is likely to cause, any officer, soldier, sailor or airman in the Army, Navy or Air Force of India to mutiny or otherwise disregard or fail in his duty as such; or
- (b) with intent to cause, or which is likely to cause, fear or alarm to the public, or to any section of the public whereby any person may be induced to commit an offence against the State or against the public tranquillity; or
- (c) with intent to incite, or which is likely to incite, any class or community of persons to commit any offence against any other class or community,

shall be punished with imprisonment which may extend to three years, or with fine, or with both.

(2) **Statement creating or promoting enmity, hatred or ill-will between classes.**—Whoever makes, publishes or circulates any statement or report containing rumour or alarming news with intent to create or promote, or which is likely to create or promote, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities, shall be punished with imprisonment which may extend to three years, or with fine, or with both.

(3) **Offence under sub-section (2) committed in place of worship, etc.**—Whoever commits an offence specified in sub-section (2) in any place of worship or in any assembly engaged in the performance of religious worship or religious ceremonies, shall be punished with imprisonment which may extend to five years and shall also be liable to fine.

Exception.—It does not amount to an offence, within the meaning of this section, when the person making, publishing or circulating any such statement, rumour or report, has reasonable grounds for believing that such statement, rumour or report is true and makes, publishes or circulates it in good faith and without any such intent as aforesaid.

* * * * *

¹Section 505 has been reproduced here as amended from time to time.

EXTRACT FROM THE REPRESENTATION OF THE PEOPLE ACT, 1951

PART II

¹[Chapter III.—*Disqualifications for Members of Parliament and State Legislatures*

7. **Definitions.**—In this Chapter,—

- (a) “appropriate Government” means in relation to any disqualification for being chosen as or for being a member of either House of Parliament, the Central Government, and in relation to any disqualification for being chosen as or for being a member of the Legislative Assembly or Legislative Council of a State, the State Government;
- (b) “disqualified” means disqualified for being chosen as, and for being, member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State.

8. **Disqualification on conviction for certain offences.**—²[(1) A person convicted of on an offence punishable under—

- (a) section 153A (offence of promoting enmity between different groups on ground of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony) or section 171E (offence of bribery) or section 171F (offence of undue influence or personation at an election) or sub-section (1) or sub-section (2) of section 376 or section 376A or section 376B or section 376C or section 376D (offences relating to rape) or section 498A (offence of cruelty towards a woman by husband or relative of a husband) or sub-section (2) or sub-section (3) of section 505 (offence of making statement creating or promoting enmity, hatred or ill-will between classes or offence relating to such statement in any place of worship or in any assembly engaged in the performance of religious worship or religious ceremonies) of the Indian Penal Code (45 of 1860); or
- (b) the Protection of Civil Rights Act, 1955 (22 of 1955), which provides for punishment for the preaching and practice of “untouchability”, and for the enforcement of any disability arising therefrom; or
- (c) section 11 (offence of importing or exporting prohibited goods) for the Customs Act, 1962 (52 of 1952); or
- (d) sections 10 to 12 (offence of being a member of an association declared unlawful, offence relating to dealing with funds of an unlawful association or offence relating to contravention of an order made in respect of a notified place) of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967); or
- (e) the Foreign Exchange (Regulation) Act, 1973 (46 of 1973); or
- (f) the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985); or
- (g) section 3 (offence of committing terrorist acts) or section 4 (offence of committing disruptive activities) or the Terrorist and Disruptive Activities (Prevention) Act, 1987 (28 of 1987); or
- (h) section 7 (offence of contravention of the provisions of sections 3 to 6) of the Religious Institutions (Prevention of Misuse) Act, 1988 (41 of 1988); or

¹Subs. by Act 47 of 1966, s. 20, for chapter III (w.e.f. 14.12.1966). Previous Chapter IV (ss. 110 and 111) was rep. by Act 103 of 1956, s. 66.

²Subs. by Act 1 of 1989, s. 4, for sub-sections (1) and (2) (w.e.f. 15.3.1989).

(i) section 125 (offence of promoting enmity between classes in connection with the election or section 135 of removal of ballot papers from polling stations) or section 135A (offence of booth capturing) or clause (a) of sub-section (2) of section 136 (offence of fraudulently defacing or fraudulently destroying any nomination paper) of this Act, or

¹[(j) section 6 (offence of conversion of a place of worship) of the places of worship (special provisions) Act, 1991,]⁴ or

⁵(k) section 2 (offence of insulting the Indian National Flag or the constitution of India) or section 3 (offence of preventing singing of National Anthem) of the prevention of insults to National Honour Act, 1971;

shall be disqualified for a period of six years from the date of such conviction.

(2) A person convicted for the contravention of—

(a) any law providing for the prevention of hoarding or profiteering; or

(b) any law relating to the adulteration of food or drugs; or

(c) any provision of the Dowry Prohibiting Act, 1961 (28 of 1961); or

(d) any provisions of the Commission of Sati (Prevention) Act, 1987 (3 of 1988); and sentenced to imprisonment for not less than six months,

shall be disqualified from date of such conviction and shall continue to be disqualified for a further period of six years since his release.

(3) A person convicted of any offence and sentenced to imprisonment for not less than two years other than any offence referred to in sub-section (1) or sub-section (2)] shall be disqualified from the date of such conviction and shall continue to be disqualified for a further period of six years since his release.

¹[(4)] Notwithstanding anything ²[in sub-section (1), sub-section (2) and sub-section (3)] disqualification under either sub-section shall not, in the case of a person who on the date of the conviction is a member of Parliament or the Legislature of a State, take effect until three months have elapsed from that date or, if within that period an appeal or application for revision is brought in respect of the conviction or the sentence, until that appeal or application is disposed of by the court.

Explanation.—In this section,—

- (a) “law providing for the prevention of hoarding or profiteering” means any law, or any order, rule or notification having the force of law, providing for—
- (i) the regulation of production or manufacture of any essential commodity,
- (ii) the control of price at which any essential commodity may be bought or sold;
- (iii) the regulation of acquisition, possession, storage, transport, distribution, disposal, use or consumption of any essential commodity.
- (iv) the prohibition of the withholding from sale of any essential commodity ordinarily kept for sale;

¹Subs. by Act 1 of 1989, s. 4, for sub-sections (1) and (2) (w.e.f. 15.3.1989).

⁴Ins. by Act 21 of 1996.

⁵Ins. by Act 21 of 1996.

¹Sub-section (3) renumbered as sub-section (4) by Act 1 of 1989 s. 4 (w.e.f. 15.3.1989).

²Subs. by s. 4, *ibid.*, for “in sub-section (1) and sub-section (2)” (w.e.f. 15.3.1989).

- (b) "drug" has the meaning assigned to it in the Drugs and Cosmetics Act, 1940 (23 of 1940);
- (c) "essential commodity" has the meaning assigned to it in the Essential Commodities Act, 1955 (10 of 1955);
- (d) "food" has the meaning assigned to it in the Prevention of Food Adulteration Act, 1954 (37 of 1954).

8A. Disqualification on ground of corrupt practices.—(1) The case of every person found guilty of a corrupt practice by an order under section 99 shall be submitted, as soon as may be after such order takes effect, by such authority as the Central Government may specify in this behalf, to the President for determination of the question as to whether such person shall be disqualified and if so, for what period:

Provided that the period for which any person may be disqualified under this sub-section shall in no case exceed six years from the date on which the order made in relation to him under section 99 takes effect.

(2) Any person who stands disqualified under section 8A of this Act as it stood immediately before the commencement of the Election Laws (Amendment) Act, 1975 (40 of 1975), may, if the period of such disqualification has not expired, submit a petition to the President for removal of such disqualification for the unexpired portion of the said period.

(3) Before giving his decision on any question mentioned in sub-section (1) or on any petition submitted under sub-section (2), the President shall obtain the opinion of the Election Commission on such question or petition and shall act according to such opinion.

9. Disqualification for dismissal for corruption or disloyalty.—(1) A person who having held an office under the Government of India or under the Government of any State has been dismissed for corruption or for disloyalty to the State shall be disqualified for a period of five years from the date of such dismissal.

(2) For the purposes of sub-section (1), a certificate issued by the Election Commission to the effect that a person having held office under the Government of India or under the Government of a State, has or has not been dismissed for corruption or for disloyalty to the State shall be conclusive proof of that fact:

Provided that no certificate to the effect that a person has been dismissed for corruption or for disloyalty to the State shall be issued unless an opportunity of being heard has been given to the said person.

9A. Disqualification for Government contracts, etc.—A person shall be disqualified if, and for so long as, there subsists a contract entered into by him in the course of his trade or business with the appropriate Government for the supply of goods to, or for the execution of any works undertaken by, that Government.

*Explanation.—*For the purposes of this section, where a contract has been fully performed by the person by whom it has been entered into with the appropriate Government, the contract shall be deemed not to subsist by reason only of the fact that the Government has not performed its part of the contract either wholly or in part.

³Subs. by Act 40 of 1975, s. 2. (w.e.f. 6.8.1975)

10. **Disqualification for office under Government Company.**—A person shall be disqualified if, and for so long as, he is a managing agent, manager or secretary of any company or corporation (other than a co-operative society) in the capital of which the appropriate Government has not less than twenty-five per cent, share.

10A. **Disqualification for failure to lodge account of election expenses.**—If the Election Commission is satisfied that a person—

(a) has failed to lodge an account of election expenses within the time and in the manner required by or under this Act, and

(b) has no good reason or justification for the failure, the Election Commission shall, by order published in the *Official Gazette*, declare him to be disqualified and any such person shall be disqualified for a period of three years from the date of the order.

11. **Removal or reduction of period of disqualification.**—The Election Commission may, for reasons to be recorded, remove any disqualification under this Chapter [(except under section 8A)] or reduce the period of any such disqualification.

CHAPTER IV

Disqualification for Voting.

11A. **Disqualification arising out of conviction and corrupt practices.**—²[(1)] If any person, after the commencement of this Act,—

³* * * is convicted of an offence punishable under section 171E or section 171F of the Indian Penal Code (45 of 1860), or under section 125 or section 135 or clause (a) of sub-section (2) of section 136 of this Act, ⁴* * *

⁵* * * *

he shall, for a period of six years from the date of the conviction or from the date on which the order takes effect, be disqualified for voting at any election.

¹[(2) Any person disqualified by a decision of the President under sub-section (1) of section 8A for any period shall be disqualified for the same period for voting at any election.

(3) The decision of the President on a petition submitted by any person under sub-section (2) of section 8A in respect of any disqualification for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State shall, so far as may be, apply in respect of the disqualification for voting at any election incurred by him under clause (b) of sub-section (1) of section 11A of this Act as it stood immediately before the commencement of the Election Laws (Amendment) Act, 1975 (40 of 1975), as if such decision were a decision in respect of the said disqualification for voting also.]

11B. **Removal of disqualifications.**—The Election Commission may, for reasons to be recorded, remove ²[any disqualification under sub-section (1) of section 11A].

²S11A renumbered as sub-section (1) of that section by s. 4, *ibid.*

³The brackets and letter "(a)" omitted by Act 38 of 1978, s. 3 and the second schedule.

⁴Ins. by s. 5, *ibid.*

⁵Subs. by s. 5, *ibid.* for certain words.

PART VII
CHAPTER III
Electoral Offences.

³[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 grounds of religion, race, caste, community or language, feelings of enmity or hatred, between different classes of the citizens of India shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.]

⁴[126. **Prohibition of public meetings during period of forty-eight hours shik ending with hour fixed for conclusion of poll.**—[(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 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, ⁵[shall be punishable with imprisonment for a term which may extend to ⁶six months or with fine which may extend to two thousand rupees,] or with both.]

⁷[(1A) An offence punishable under sub-section (1) shall be cognizable].

(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 the date on which such election is held.

³Ins. by Act 40 of 1961, s. 24 (w.e.f. 20.9.1961).

⁴Subs. by Act 47 of 1966, s. 54 for sub-section (1) (w.e.f. 14.12.1966).

⁵Subs. by Act 1 of 1989, s. 14 for certain words (w.e.f. 15.3.1989).

⁶Subs. by Act 21 of 1996.

⁷Subs. by Act 21 of 1996.

(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 officer may arrest him without warrant.

¹[127A. **Restrictions on the printing of pamphlets, posters, etc.**—(1) No person shall print or publish, or cause to be printed or published any election pamphlet or poster which does not bear on its face names and addresses of the printer and the publisher thereof.

(2) No person shall print or cause to be printed any election pamphlet or poster—

(a) unless a declaration as to the identity of the publisher thereof, signed by him and attested by two persons to whom he is personally known, is delivered by him to the printer in duplicate; and

(b) unless, within a reasonable time after the printing of the document, one copy of the declaration is sent by the printer, together with one copy of the document,—

(i) where it is printed in the capital of the State, to the Chief Electoral Officer, and

(ii) in any other case, to the District Magistrate of the district in which it is printed.

(3) For the purposes of this section,—

(a) any process for multiplying copies of a document, other than copying it by hand, shall be deemed to be printed and the expression “printer” shall be construed accordingly; and

(b) “election pamphlet or poster” means any printed pamphlet, hand-bill or other document distributed for the purpose of promoting or prejudicing the election of a candidate or group of candidates or any placard or poster having reference to an election, but does not include any hand-bill, placard or poster merely announcing the date, time, place and other particulars of an election meeting or routine instructions to election agents or workers.

(4) Any person who contravenes any of the provisions of sub-section (1) or sub-section (2) 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.]

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 provisions 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 ¹[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.

¹Ins. by Act 40 of 1961, s. 26 (w.e.f. 20.9.1961).

¹Subs. by Act 47 of 1966, s. 55, for “a returning officer” (w.e.f. 14.12.1966).

- (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 months or with fine or with both.
- ²(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 ³[one hundred metres] of the polling station, namely:—

- (a) canvassing for votes; or
 - (b) soliciting the vote of any elector; or
 - (c) persuading any elector not to vote for any particular candidate; or
 - (d) persuading any elector not to vote at the election; or
 - (e) exhibiting any notice or sign (other than an official notice) relating to the election.
- (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 stations.—(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 loudspeaker, or
 - (b) shout, or otherwise act in a disorderly manner, within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof, so as to cause annoyance to any person visiting the polling station for the poll, or so as to interfere with the work of the officers and other persons on duty at the polling station.
- (2) Any person who contravenes, or wilfully 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 provisions 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 of 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 by such presiding officer.

²Ins. by s. 55, *ibid.* (w.e.f. 14.12.1966).

³Subs. by s. 56, *ibid.* for "one hundred yards" (w.e.f. 14.12.1966).

(2) The powers conferred by sub-section (1) shall not be exercised so as to prevent any elector who is otherwise entitled to vote 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.

¹[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.]

²[133. **Penalty for illegal hiring or procuring of conveyances 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.

⁴[(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 ⁵* * * ⁶[district election officers; returning officers], assistant returning officers, presiding officers, polling officers and any other person appointed to perform any duty in connection with ⁷* * * the receipt of nominations 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 construed accordingly, but shall not include duties imposed otherwise than by or under this Act ⁵* * *.

¹Ins. by Act 4 of 1986, s. 2 and Sch. (w.e.f. 15.5.1986).

²Subs. by Act 21 of 1996.

⁴Ins. by s. 58, *ibid.* (w.e.f. 14.12.1966).

⁵Certain words omitted by Act 58 of 1958, s. 37.

⁶Subs. by Act 47 of 1966, s. 58, for “returning officers” (w.e.f. 14.12.1966).

⁷The words “the preparation of an electoral roll” omitted by Act 58 of 1958, s. 37.

Extract:

Section 123(5) The hiring or procuring, whether on payment or otherwise, of any vehicle or vessel by a candidate or his agent or by any other person ⁶[with the consent of a candidate or his election agent], ⁷[or the use of such vehicle or vessel for the free conveyance] of any elector (other than the candidate himself, the members of his family or his agent) to or from any polling station provided under section 25 or a place fixed under sub-section (1) of section 29 for the poll:

Provided that the hiring of a vehicle or vessel by an elector by several electors at their joint costs for the purpose of conveying him or them to and from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause if the vehicle or vessel so hired is a vehicle or vessel not propelled by mechanical power:

Provided further that the use of any public transport vehicle or vessel or any tramcar or railway carriage by any elector at his own cost for the purpose of going to or coming from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause.

Explanation.—In this clause, the expression “vehicle” means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise and whether used for drawing other vehicles or otherwise.

¹[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 of 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.]

³[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, of any kind within the 54 of 1959 neighbourhood of 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 anything 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 revoked 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 ⁴[unauthorisedly] takes, or attempts to take, a ballot paper out of a polling station, or wilfully aids 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 searched, 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 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.

²[135A. **Offence of booth capturing.**—Whoever commits an offence of booth capturing shall be punishable with imprisonment for a term which ⁵[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 the 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.]

¹Ins. by Act 47 of 1966, s. 59 (w.e.f. 14.12.1966).

²Ins. by Act 1 of 1989, s. 15 (w.e.f. 15.3.1989).

³Ins. by Act 21 of 1996.

⁴Subs. by Act 21 of 1996.

Explanation.—For the purposes of ⁶[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 surrender the ballot papers or voting machines and doing of any other act which affects the orderly conduct of elections;
- (b) taking possession of a polling station or a place fixed for the poll by any person or persons and allowing only his or their own supporters to exercise their right to vote and prevent others ⁶[free exercise of their right to vote];
- (c) ⁷[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 anything 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 prospects of the election of a candidate.

⁴[135C. **Liquor not to 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 liquors or other substances of a like nature found in his 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 ¹[or receives any ballot paper from any person or is in possession of any ballot paper]; or

³Subs. by Act 21 of 1996.

⁶Subs. *ibid.*

⁷Subs. *ibid.*

- (e) fraudulently puts into any ballot box anything 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 the 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 wilfully 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 a term which may extend to six months or with fine or with both.

(3) For the purposes 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 this Act ^{2*} * *

³[(4) An offence punishable under sub-section (2) shall be cognizable.]

137. **[Prosecution regarding certain offences.]**—*Rep. by the Representation of the People (Amendment) Act, 1966 (47 of 1966), s. 61,*

138. **[Amendment of Act 5 of 1898.]**—*Rep. by the Repealing and Amending Act, 1957 (36 of 1957), s. 2 and the First Schedule.*

¹Ins. by Act 27 of 1956.

²Certain words omitted by Act 58 of 1958, s. 38.

³Subs. by Act 47 of 1966.

⁴Ins. by Act 21 of 1996.

EXTRACTS FROM THE WEST BENGAL MUNICIPAL ACT, 1993

* * * * *

- s. 7. The State Government may, for the purpose of application of the provisions of this Act, classify the municipal areas into the following groups on the basis of the population as ascertained at the last preceding census of which the relevant figures have been published:—

Group A—municipal areas having population above 2,00,000.

Group B—municipal areas having population above 1,50,000 but not exceeding 2,00,000.

Group C—municipal areas having population above 75,000 but not exceeding 1,50,000.

Group D—municipal areas having population above 25,000 but not exceeding 75,000.

Group E—municipal areas having population not exceeding 25,000:

Provided that classification of municipal areas of the hill areas will be as follows:

Group A—municipal areas having population above 68,000.

Group B—municipal areas having population above 48,000 but not exceeding 68,000.

Group C—municipal areas having population above 28,000 but not exceeding 48,000.

Group D—municipal areas having population above 8,000 but not exceeding 28,000.

Group E—municipal areas having population not exceeding 8,000.

(vide Notification No. 493/C-4/MIM-9/94 Pt. I dt. 26.8.98)

- s. 8. The State Government may, by notification, determine the number of wards in any municipal area, having regard to population, dwelling pattern, geographical condition and economic considerations of the area included in each ward:

Provided that the number of wards in any municipal area shall not be less than nine and shall not exceed, in the case of a municipal area included in Group A thirty-five, in the case of municipal area inculcating Group B thirty, in the case of any municipal area included in Group C twenty-five, in the case of a municipal area included in Group D twenty, and in the case of a municipal area included in Group E fifteen.

“Disqualification
for being a
Councillor on
change of political
party by the
Councillor.

21B. (1) Notwithstanding anything to the contrary contained in this Act or in any other law for the time being in force, such competent authority for a Municipality as may be appointed by the State Government by notification in this behalf (hereinafter referred to in this section as the competent authority), may, subject to the other provisions of this section, declare, for reasons to be recorded in writing, a Councillor of such Municipality to be disqualified for being a Councillor thereof, if—

- (a) he is an elected Councillor set up by a recognised political party and has—
(i) voluntarily given up his membership of such recognised political party, or

- (ii) exercised the voting right contrary to the manner of voting of the majority of the Councillors who are the members of such recognised political party in such Municipality, or
- (b) he is an elected Councillor set up by a recognised political party and he has joined a recognised political party on the expiry of six months from the date of election:

Provided that the competent authority shall not declare any Councillor to be disqualified under this section without giving to such Councillor a reasonable opportunity to represent his case and to be heard in person:

Provided further that an elected Councillor referred to in sub-clause (ii) of clause (a) shall not, on the competent authority being satisfied in this behalf, be declared to be disqualified, if—

- (a) the action of such Councillor was taken on obtaining prior permission of, or was condoned by, such recognised political party, or
- (b) such Councillor claims that he and any other Councillors, who are the members, of such recognised political party, constitute in the Municipality a group representing a faction consisting of not less than one-third of the total number of Councillors set up by such recognised political party in the Municipality and that all the Councillors constituting such group have voluntarily given up their membership of such recognised political party, or
- (c) the former recognised political party of the Councillor merges with another recognised political party, and he claims that he and the other members of his former recognised political party—
 - (i) have become members of such other recognised political party or of a new recognised political party formed out of merger, as the case may be, or
 - (ii) have not accepted the merger, and from the time of such merger, he and such other Councillors constituting not less than one-third of the total number of Councillors set up by the former recognised political party in the Municipality, have opted to remain members of the former recognised political party or have formed a new recognised political party.

(2) On being declared to be disqualified under sub-section (1), a Councillors shall, subject to the provisions of sub-section (12), stand removed from the Board of Councillors from the date of such declaration.

(3) As soon as may be within one month from the date of the first meeting of the Board of Councillors or within one month from the date on which this section comes into force, as the case may be, the elected Councillors set up by the recognised political parties shall, by adopting a resolution, select one Councillor from amongst themselves to be the Leader and such Leader shall, within fifteen days from the date of such selection, furnish to the competent authority referred to in sub-section (1)—

- (i) a copy of the resolution,
- (ii) a signed statement containing the names, addresses and constituencies of himself and other Councillors set up by such recognised political party, and
- (iii) a copy of a set of rules and regulations, if any, by whatever name called, of such recognised political party:

Provided that an office-bearer may also hold the office of the Leader:

Provided further that the competent authority shall not refuse to accept, or to rely on, the documents furnished by the Leader merely on the ground that the resolution selecting the Leader was not adopted within one month from the date of the first meeting of the Board of Councillors or within one month from the date on which this section comes into force, as the case may be, or that the documents as aforesaid were not furnished to him within fifteen days from the date of such selection.

(4) Where there is only one elected Councillor set up by a recognised political party in a Municipality, he shall furnish the documents referred to in sub-section (3) in relation to himself:

Provided that in the event of any increase in the number of Councillors who are the members of such recognised political party, the provisions of sub-section (3) shall apply as if the first meeting of the Board of Councillors was held or this section came into force, as the case may be, on the date on which such increase took place.

(5) A Councillors not belonging to any recognised political party shall furnish a statement to that effect to the competent authority within one month from the date of the first meeting of the Board of Councillors.

(6) In the event of any change of the information furnished under sub-section (3), sub-section (4) or sub-section (5), the Leader or the Councillor as the case may be, shall, as soon as may be within fifteen days from the date of such change, furnish in writing such change of information to the competent authority.

(7) The Leader referred to in sub-section (3), who is a member of a recognised political party, may at any file a petition endorsed by the General Secretary, or, if there is no General Secretary, the Secretary, of the district unit of such recognised political party to the competent authority, stating that—

- (a) one or more Councillors who are the members of such recognised political party have—
 - (i) voluntarily given up his or their membership of such recognised political party, or
 - (ii) have exercised the voting right contrary to the manner of voting of the majority of the Councillors set up by such recognised political party in the Municipality, or
 - (b) the Councillor referred to in sub-section (4) has voluntarily given up his membership of the recognised political party that set him up, or
 - (c) the Councillor referred to in sub-section (5) has joined a recognised political party on the expiry of six months from the date of election, and that such Councillor or Councillors should be declared to be disqualified under sub-section (1) and should be removed from the Board of Councillors.
- (8) Every petition referred to in sub-section (7)—
- (a) shall contain a concise statement of the material facts on which the petitioner relies, and
 - (b) shall be accompanied by copies of the documentary evidence, if any, on which the petitioner relies and, where the petitioner relies on any information furnished to him by any person or persons, a statement containing the names and addresses of such person or persons and the gist of such information as furnished by such person or each of such persons.

(9) On receipt of the petition referred to in sub-section (7), the competent authority shall, as soon as possible within six weeks from the date of the receipt of such petition, proceed to make an enquiry to satisfy himself, among others, as to—

- (a) the common decision in regard to the manner of voting to be exercised by the majority of the Councillor set up by the recognised political party, and
- (b) where the Councillor of Councillors, against whom such petition is filed, exercised the voting right in a meeting of the Board of Councillors contrary to such manner of voting.

(10) For the purpose of enquiry under sub-section (9), the competent authority may summon such members of the recognised political party or other persons, and may require such signed statement from, and production of such documents and records by, the members or other persons as aforesaid, as he may deem necessary.

(11) As soon as possible within eight weeks from the date of receipt of the petition referred to in sub-section (7), the competent authority shall, in consideration of the statements, documents and records before it,—

- (a) reject the petition, or
- (b) admit the petition wholly or in part and declare any member or members of such recognised political party to be disqualified under sub-section (1) for being Councillor or Councillors of the Municipality.

(12) Any Councillor declared disqualified under sub-section (1) or the Leader of the recognised political party referred to in sub-section (7), if aggrieved by the decision of the competent authority, may, within thirty days from the date of the order, appeal to such authority as the State Government may appoint in this behalf and, thereupon, the authority so appointed may stay the operation of the order till the disposal of the appeal and may, after giving notice of the appeal to the competent authority, and after giving the appellant and the opposite parties an opportunity of being heard, set aside or confirm the order or declare any Councillor or Councillors to be disqualified under, and in accordance with the provisions of, sub-section (1) and, upon such declaration, the Councillor or Councillors shall stand removed from the Board of Councillors.

(13) The order passed by the authority referred to in sub-section (12) on the appeal shall be final.

(14) Notwithstanding anything to the contrary contained in this Act or in any other law for the time being in force, no court shall have any jurisdiction in respect of any matter arising out of a Councillor of a Municipality being declared to be disqualified under sub-section (1) for being a Councillor of such Municipality.

Explanation.—For the purposes of this section, an elected Councillor shall be deemed to be set up by a recognised political party if he has contested election with the symbol reserved for such recognised political party or if he has contested election with a free symbol and joins a recognised political party and furnishes a declaration to that effect to the competent authority before the expiry of six months from the date of election.”

- s. 26. (1) The first general election of the Board of Councillors of a municipal area newly constituted shall be held within a period of six months from the date of the notification under section 6 or sub-section (3), or sub-section (4) of section 378, as the case may be.
- (2) The general election in a municipal area to constitute the Board of Councillors shall be held before the expiration of the term of office of the existing Board of Councillors on such date not earlier than six months prior to the date on which the duration of its term of office would expire under sub-section (2) of section 14.
- (3) Each ward of a municipal area shall elect a Councillor during the general election.
- (4) Notwithstanding anything contained in this section, there shall be no bar to the constitution of a Board of Councillors after a general election on account of election not being held on account of natural calamity or orders of a court having jurisdiction in a ward or in a number of wards not exceeding one-fourth of the total number of wards constituting the municipal area.

GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

NOTIFICATION

No. 465-L.—22nd March, 1994.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:—

West Bengal Act VIII of 1994

THE WEST BENGAL STATE ELECTION COMMISSION ACT, 1994

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 22nd March, 1994.]

An Act to provide for matters relating to the constitution of a State Election Commission for the superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the Panchayats and the Municipalities.

WHEREAS it is expedient to provide for matters relating to the constitution of a State Election Commission for the superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the *Panchayats* and the *Municipalities*;

It is hereby enacted in the Forty-fifth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

Short title
and com-
mencement.

1. (1) This Act may be called the West Bengal State Election Commission Act, 1994.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

- (a) “Commission” means the West Bengal State Election Commission referred to in sub-section (1) of section 3;
- (b) “Constituency” means an area declared as such under any law for the time being in force for the purpose of election of members not exceeding two from that area to a *Panchayat* or *Municipality*;

- (c) "Constitution" means the Constitution of India;
- (d) "District Municipal Election Officer" means the officer appointed as such under sub-section (1) of section 6;
- (e) "District Panchayat Election Officer" means the officer appointed as such under sub-section (1) of section 6;
- (f) "Governor" means the Governor, appointed as such under article 155, read with article 153, of the Constitution, for the State of West Bengal;
- (g) "Municipality" has the same meaning as in clause (e) of article 243P of the Constitution;
- (h) "Municipal Electoral Registration Officer" means the officer appointed as such under sub-section (1) of section 6;
- (i) "Municipal Returning Officer" means the officer appointed as such under sub-section (1) of section 6;
- (j) "Notification" means a notification published in the *Official Gazette*;
- (k) "*Panchayat*" has the same meaning as in clause (e) of article 243 of the Constitution;
- (l) "Panchayat Electoral Registration Officer" means the officer appointed as such under sub-section (1) of section 6;
- (m) "Panchayat Returning Officer" means the officer appointed as such under sub-section (1) of section 6;
- (n) "Prescribed" means prescribed by rules made under this Act;
- (o) "State Election Commissioner" means the State Election Commissioner referred to in sub-section (1) of section 3;
- (p) Words and expressions used in this Act and not otherwise defined shall have the meanings respectively assigned to them in—
 - (i) the West Bengal Municipal Elections Act, 1994,
 - (ii) the West Bengal Panchayat Act, 1973.

West Ben.
Act XLI of
1973.

3. (1) With effect from such date as the State Government may by notification, appoint, there shall be a Commission, to be called the West Bengal State Election Commission, consisting of a State Election Commissioner appointed by the Governor under clause (1) of article 243K of the Constitution.

State
Election
Commission.

(2) If—

- (a) the State Election Commissioner is, by reason of leave, illness or other cause, temporarily unable to exercise the powers and perform the duties of his office, or

(b) a vacancy occurs in the office of the State Election Commissioner by reason of death, resignation or expiry of the term of his office, removal or otherwise,

then, the Governor shall, by notification, designate an officer of the State Government who shall act as the State Election Commissioner during the period of such temporary inability or pending the appointment of a State Election Commissioner, as the case may be.

(3) The functions of the Commission may, subject to such general or special directions, if any, as may be given by the Commission in this behalf, be performed also by such officers of the Commission as the State Election Commissioner may, by order, specify.

Election
to the
Panchayats.

4. (1) The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the *Panchayats* shall vest in the Commission:

Provided that the electoral roll for the time being in force for the election of Members to the West Bengal Legislative Assembly may, at the discretion of the State Election Commissioner, be adopted as the electoral roll for election of members, by whatever name called, to a *Panchayat* to such extent and in such manner as the State Election Commissioner thinks fit.

(2) Subject to the provisions of sub-section (1), all matters relating to, or in connection with, elections to the *Panchayats* shall be regulated in accordance with the provisions of the West Bengal *Panchayat Act*, 1973, and the rules made thereunder in so far as they are not inconsistent with the provisions of this Act or the rules made thereunder.

West Ben.
Act XLI of
1973.

Elections to
the Muni-
cipalities.

5. (1) The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the Municipalities shall vest in the Commission:

Provided that the electoral roll for the time being in force for the election of Members to the West Bengal Legislative Assembly may, at the discretion of the State Election Commissioner, be adopted as the electoral roll for election of members, by whatever name called, to a Municipality to such extent and in such manner as the State Election Commissioner thinks fit.

(2) Subject to the provisions of sub-section (1), all matters relating to, or in connection with, elections to the Municipalities shall be regulated in accordance with the provisions of the West Bengal Municipal Elections Act, 1994, and the rules made thereunder in so far as they are not inconsistent with the provisions of the Act or the rules made thereunder.

6. (1) For the purpose of preparation of electoral rolls for, and conduct of, elections to the *Panchayats* and the Municipalities, the State Election Commissioner shall, in consultation with the State Government, appoint such officers of the State Government to be the—

Appointment of officers for preparation of electoral rolls for, and conduct of, elections to *Panchayats* and Municipalities.

- (a) District Municipal Election Officer for every district,
 - (b) District Panchayat Election Officer for every district,
 - (c) Municipal Electoral Registration Officer for one or more Municipalities,
 - (d) Panchayat Electoral Registration Officer for one or more Blocks,
 - (e) Municipal Returning Officer for one or more constituencies of one or more Municipalities, and
 - (f) Panchayat Returning Officer for one or more *Panchayats*,
- as he thinks fit, who shall exercise such powers and perform such functions as provided in the West Bengal Municipal Elections Act, 1994 and the rules made thereunder or the West Bengal Panchayat Act, 1973 and the rules made thereunder, as the case may be:

Provided that if the territorial jurisdiction of Municipality is spread over the administrative jurisdiction of two or more districts, the State Election Commissioner may appoint one District Municipal Election Officer for the purpose of preparation of electoral rolls for, and conduct of, elections to that Municipality.

(2) Subject to the direction and control of the State Election Commissioner, the District Municipal Election Officer shall appoint such number of officers of the State Government to be the—

- (a) Assistant Municipal Electoral Registration Officer, and
- (b) Assistant Municipal Returning Officer,

as may be necessary, and such Assistant Municipal Electoral Registration Officer and Assistant Municipal Returning Officer shall exercise such powers and perform such functions as provided in the West Bengal Municipal Elections Act, 1994 and the rules made thereunder.

(3) Subject to the direction and control of the State Election Commissioner, the District Panchayat Election Officer shall appoint such number of officers of the State Government to be the—

- (a) Assistant Panchayat Electoral Registration Officer, and
- (b) Assistant Panchayat Returning Officer,

as may be necessary, and such Assistant Panchayat Electoral Registration Officer and Assistant Panchayat Returning Officer shall exercise such powers and perform such functions as provided in the West Bengal Panchayat Act, 1973 and the rules made thereunder.

(4) Subject to the provisions of the West Bengal Municipal Elections Act, 1994 and the rules made thereunder the Municipal Returning Officer shall appoint such number of persons to be the—

- (a) Presiding Officer, and

(b) Polling Officer,
as may be necessary for holding elections or bye-elections to a Municipality:

Provided that no person, who has been employed by or on behalf of, or has otherwise been working for, a candidate in or about the election or bye-election to a Municipality, shall be appointed to be the Presiding Officer or Polling Officer for holding such election or bye-election, as the case may be.

(5) Subject to the provisions of the West Bengal *Panchayat Act*, 1973 and the rules made thereunder the Panchayat Returning Officer shall appoint such number of persons to be the—

(a) Presiding Officer, and

(b) Polling Officer,

as may be necessary for holding elections or bye-elections to a *Panchayat*:

Provided that no person, who has been employed by or on behalf of, or has otherwise been working for, a candidate in or about the election or bye-election to a *Panchayat*, shall be appointed to be the Presiding Officer or Polling Officer for holding such election or bye-election, as the case may be.

Staff of
Commission.

7. (1) The Commission shall have such staff, made available to it by the Governor when so requested by it, as may be necessary for the discharge of the functions conferred on it by sub-section (1) of section 4 and sub-section (1) of section 5.

(2) The terms and conditions of service of the members of the staff made available to the Commission by the Governor shall be regulated in accordance with the rules regulating the terms and conditions of service of the employees of the State Government for the time being in force.

Fixing date
and time for
poll.

8. The State Government shall, in consultation with the Commission, by notification, fix the date or dates on which, and the hours during which, the poll will be taken:

Provided that the poll on any day shall continue for a period of not less than eight hours without interruption.

Bar on
jurisdiction
of civil court.

9. Notwithstanding anything contained in this Act or in any other law for the time being in force,—

(1) no civil court shall have jurisdiction—

(a) to entertain or adjudicate upon any question whether any person is or is not entitled to have his name entered in the electoral roll for a constituency, or

(b) to question the legality of any action taken by or under the authority of the State Election Commissioner relating to preparation and revision of an electoral roll;

- (2) the validity of any law relating to delimitation of constituencies or allotment of seats to such constituencies made or purporting to be made shall not be called in question in any court;
- (3) no election to any *Panchayat* or Municipality shall be called in question except by an election petition presented to such authority and in such manner as may be provided for by or under any law made by the State Legislature.

10. (1) The State Government shall, under appropriation made by the State Legislature by law in this behalf, pay to the Commission by way of grant such sums of money and in such manner as the State Government may think fit for being utilised for the purposes of this Act.

Grant by
State
Government.

(2) The Commission may spend such sums of money as it thinks fit for performing the functions under this Act, and such sums of money shall be treated as expenditure payable out of the grant referred to in sub-section (1).

11. (1) The Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the State Government in consultation with the Accountant-General, West Bengal.

Accounts
and Audit.

(2) The annual accounts of the Commission shall be audited by the Accountant-General, West Bengal.

(3) The Accountant-General, West Bengal, shall have the same rights and privileges and the authority in connection with such audit as the Accountant-General, West Bengal, generally has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Commission.

(4) The accounts of the Commission, as certified by the Accountant-General, West Bengal, together with the audit report thereon shall be forwarded annually to the State Government by the Commission.

12. (1) The State Government may, make rules which may provide for all or any of the matters which, under any provision of this Act, are required to be prescribed or to be provided for by rules.

Power to
make rules.

(2) All rules made under this Act shall be published in the *Official Gazette*, and shall, unless some later date is appointed by the State Government come into force on the date of such publication.

(3) All rules made under this Act shall be laid for not less than fourteen days before the State Legislature as soon as possible after they are made and shall be subject to such modification as the State Legislature may make during the session in which they are so laid.

By Order of the Governor,

S. K. PHAUJDAR,

Secy. to the Govt. of West Bengal.

GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

NOTIFICATION

No. 1286-L—20th July, 1994.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:—

West Bengal Act XXXIV of 1994

THE WEST BENGAL MUNICIPAL ELECTIONS ACT, 1994

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the Calcutta Gazette, Extraordinary, of the 20th July, 1994.]

An Act to consolidate and amend the laws relating to the holding of elections to the Municipalities in West Bengal.

WHEREAS it is expedient to consolidate and amend the laws relating to the holding of elections to the Municipalities in West Bengal;

It is hereby enacted in the Forty-fifth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

CHAPTER I

Preliminary.

Short title,
extent and
com-
mencement.

1. (1) This Act may be called the West Bengal Municipal Elections Act, 1994.

(2) It extends to the whole of West Bengal.

(3) It shall come into force on such date as the State Government may, by notification, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “article” means an article of the Constitution;

(b) “Commission” means the West Bengal State Election Commission referred to in sub-section (1) of section 3 of the West Bengal State Election Commission Act, 1994;

(c) “constituency” means a ward of a Municipality;

West Ben.
Act VIII of
1994.

43 of 1950.

- (d) "Constitution" means the Constitution of India;
- (e) "election" means the election to fill a seat or seats in a Municipality;
- (f) "elector", in relation to a constituency of Municipality, means the person whose name is entered in the electoral roll of that Municipality for the time being in force and who is not subject to any of the disqualifications mentioned in section 16 of the Representation of the People Act, 1950;
- (g) "member" means a person elected at an election to fill a seat in a Municipality;
- (h) "Municipal area" means the territorial area of a Municipality;
- (i) "Municipality" has the same meaning as in clause (e) of article 243P of the Constitution;
- (j) "notification" means a notification published in the *Official Gazette*;
- (k) "order" means an order published in the *Official Gazette*;
- (l) "ordinarily resident" has the same meaning as assigned to it in section 20 of the Representation of People Act 1950;
- (m) "*Panchayat*" has the same meaning as in clause (f) of article 243P of the Constitution;
- (n) "person" does not include a body of persons;
- (o) "prescribed" means prescribed by rules made under this Act;
- (p) "public holiday" means any day which is a public holiday for the purposes of section 25 of the Negotiable Instrument Act, 1881;
- (q) "qualifying date" means the date specified as such by the Commission by notification for the purposes of this Act;
- (r) "sign", in relation to a person who is unable to write his name, means to authenticate in such manner as may be prescribed;
- (s) "ward" means an administrative division of a Municipality;
- (t) other expressions have the meanings respectively assigned to them in the West Bengal State Election Commission Act, 1994.

26 of 1881.

3. (1) For the purpose of election of members of a Municipality, the Commission shall, having regard to population, dwelling pattern, geographical conditions and economic considerations of any municipal area, by notification, in the case of a new Municipality, of its own motion and in the case of a Municipality already in existence at the time the notification is made, after consideration of the views of the Municipality, divide, in such manner as it thinks fit, such municipal area into such number of wards as may be determined by the State Government in this behalf:

Power to delimit municipal areas into wards.

Provided that the number of wards in the municipal areas of the Calcutta Municipal Corporation and the Howrah Municipal Corporation and the boundaries of the wards shall be such as is provided in the Calcutta Municipal Act, 1980 and the Howrah Municipal Corporation Act, 1980, respectively.

(2) Each ward of a Municipality shall be as single-member constituency.

West Beng.
Act LIX of
1980.
West Beng.
Act LVIII of
1980.

CHAPTER II

Officers.

Officers.

4. The officers for the purpose of election shall be appointed in accordance with the provisions of section 6 of the West Bengal State Election Commission Act, 1994, and they shall exercise powers and perform functions in accordance with the provisions of this Act and the West Bengal State Election Commission Act, 1994.

Co-ordina-
tion and
supervision.

5. (1) Subject to the superintendence, direction and control of the Commission, the District Municipal Election Officer shall co-ordinate and supervise all work within his jurisdiction in connection with the preparation and revision of electoral rolls for all Municipalities.

(2) The District Municipal Election Officer shall perform such other functions as may be entrusted to him by the Commission.

Preparation
and revision
for electoral
roll.

6. (1) The electoral roll for each Municipality shall be prepared and revised by a Municipal Electoral Registration Officer.

(2) A Municipal Electoral Registration Officer may, subject to any prescribed restrictions, employ such persons as he thinks fit for the preparation and revision of the electoral roll for the Municipality.

Functions of
Assistant
Municipal
Electoral
Registration
Officer.

7. Every Assistant Municipal Electoral Registration Officer shall, subject to the direction and control of the Municipal Electoral Registration Officer, be competent to perform any of the functions of the Municipal Electoral Registration Officer.

General
duties for
District
Municipal
Election
Officer.

8. Subject to the superintendence, direction and control of the Commission, the District Municipal Election Officer shall supervise the conduct of all elections within his jurisdiction. The District Municipal Election Officer shall perform such other functions as may be entrusted to him by the Commission.

Municipal
Returning
Officer.

9. Subject to the provisions of sub-section (1) of section 6 of the West Bengal State Election Commission Act, 1994, there shall be a Municipal Returning Officer for every constituency for every election to fill a seat or seats in a Municipality:

West Ben.
Act VIII of
1994.

Provided that nothing in this section shall prevent the Commission from designating or nominating the same person to be the Municipal Returning Officer for more than one constituency.

10. Subject to the provisions of sub-section (2) of section 6 of the West Bengal State Election Commission Act, 1994, every Assistant Municipal Returning Officer shall, subject to the control of the Municipal Returning Officer, be competent to perform any of the functions of the Municipal Returning Officer.

Assistant
Municipal
Returning
Officer.

11. It shall be the general duty of the Municipal Returning Officer at any election to do all such acts and things as may be necessary for effectually conducting the election in the manner provided by this Act or the rules or the orders made thereunder.

General
duty of the
Municipal
Returning
Officer.

12. The Municipal Returning Officer shall, subject to such directions as may be issued by the Commission in this behalf, provide a sufficient number of polling stations for every constituency and shall publish, in such manner as the Commission may direct, a list showing the polling stations so provided and the polling areas or groups of voters for which they have respectively been provided.

Provision of
polling
stations for
constituen-
cies.

13. (1) Subject to the provisions of sub-section (4) of section 6 of the West Bengal State Election Commission Act, 1994, there shall be a Presiding Officer and such number of Polling Officer or Officers for each polling station as the Municipal Returning Officer thinks necessary:

Appointment
of Presiding
Officers and
Polling
Officers for
polling
stations.

Provided that nothing in this sub-section shall prevent the Municipal Returning Officer from appointing the same person to be the Presiding Officer for more than one polling station in the same premises:

Provided further that if a Polling Officer is absent from the polling station, the Presiding Officer may appoint any person who is present at the polling station, other than a person who has been employed by or on behalf of, or has been otherwise working for, a candidate in or about the election, to be Polling Officer during the absence of the former officer, and inform the Municipal Returning Officer accordingly.

(2) A Polling Officer shall, if so directed by the Presiding Officer, perform all or any of the functions of a Presiding Officer under this Act or the rules or the orders made thereunder.

(3) If the 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 authorised by the Municipal Returning Officer to perform such functions during any such absence.

(4) Any reference in this Act to the Presiding Officer shall, unless the context otherwise requires, be deemed to include a reference to any person performing any functions which he is authorised to perform under sub-section (2) or sub-section (3), as the case may be.

General duty of the Presiding Officer.

14. It shall be the general duty of the Presiding Officer at a polling station to keep order thereat and to see that the poll is fairly taken.

Duties of a Polling Officer.

15. It shall be the duty of the Polling Officer at a polling station to assist the Presiding Officer for such polling station in the performance of his functions.

CHAPTER III

Electoral rolls for Municipalities.

Electoral rolls for Municipalities.

16. Subject to the provisions of section 5 of the West Bengal State Election Commission Act, 1994, the electoral roll for every Municipality shall consist of the electoral rolls for all the constituencies comprised within the Municipality.

West Ben. Act VIII of 1994.

Condition for registration as a voter.

17. (1) Every person who
(a) is not less than 18 years of age on the qualifying date, and
(b) is ordinarily resident in a municipal area,
shall be entitled to be registered in the electoral roll for that municipal area.
(2) No person shall be entitled to be registered in the electoral roll for any Municipality in more than one place.
(3) No person shall be entitled to be registered in the electoral roll for any Municipality if his name has already been registered as a voter in the electoral roll for any other Municipality or *Panchayat*.
(4) No person shall be entitled to be registered in the electoral roll for any Municipality more than once.

Disqualifications for registration.

18. The disqualifications for registration in an electoral roll for a Municipality shall be the same as provided in section 16 of the Representation of the People Act, 1950.

43 of 1950.

Dispute as to whether a person is ordinarily resident.

19. If, in any case, a question arises as to whether a person is ordinarily resident at any relevant time, the question shall be determined with reference to all the facts of the case and such rules as may be made in this behalf by the State Government in consultation with the Commission.

20. (1) Subject to the provisions of section 5 of the West Bengal State Election Commission Act, 1994, the electoral roll for each Municipality shall be prepared in the prescribed manner by reference to the qualifying date and shall come into force immediately upon its final publication in accordance with the rules made under this Act.

Preparation and revision of electoral rolls.

(2) The electoral roll shall,—

(a) unless otherwise directed by the Commission, for reasons to be recorded in writing, be revised in the prescribed manner by reference to the qualifying date—

(i) before each general election to the Municipality, and

(ii) before each bye-election to fill a casual vacancy in a seat allotted to the constituency, and

(b) notwithstanding anything contained in clause (a), be revised in any year in the prescribed manner by reference to the qualifying date if such revision has been directed by the Commission:

Provided that if the electoral roll is not revised as aforesaid, the validity or continued operation of the said electoral roll shall not thereby be affected.

(3) Notwithstanding anything contained in sub-section (2), the Commission may, at any time, for reasons to be recorded in writing, direct a special revision of the electoral roll of any Municipality in such manner as it may think fit:

Provided that subject to the other provisions of this Act, the electoral roll for the Municipality as in force at the time of issue of any such direction, shall continue to be in force until the completion of the special revision so directed.

21. If the Municipal Electoral Registration Officer for a Municipality, on an application made to him or on his own motion, is satisfied after such inquiry as he thinks fit, that any entry in the electoral roll of the Municipality—

Correction of entries in electoral rolls.

(a) is erroneous or defective in any particular,

(b) should be transposed to another place in the electoral roll on the ground that the person concerned has changed his place of ordinary residence within the jurisdiction of the Municipality, or

(c) should be deleted on the ground that the person concerned is dead or has ceased to be ordinarily resident within the jurisdiction of the Municipality or is otherwise not entitled to be registered in that electoral roll, the Municipal Electoral Registration Officer shall, subject to such general

or special directions, if any, as may be given by the Commission in this behalf, amend, transpose or delete the entry:

Provided that before taking any action on any ground under clause (a) or clause (b) or any action under clause (c) on the ground that the person concerned has ceased to be ordinarily resident within the jurisdiction of the Municipality or that he is otherwise not entitled to be registered in the electoral roll of that Municipality, the Municipal Electoral Registration Officer shall give the person concerned a reasonable opportunity of being heard in respect of the action proposed to be taken in relation to him.

Inclusion of names in electoral rolls.

22. (1) Any person whose name is not included in the electoral roll of a Municipality may apply to the Municipal Electoral Registration Officer for the inclusion of his name in the electoral roll.

(2) The Municipal Electoral Registration Officer shall, if he is satisfied that the applicant is entitled to be registered in the electoral roll, direct his name to be included therein:

Provided that if the applicant is registered in the electoral roll of any other Municipality or Panchayat, the Municipal Electoral Registration Officer shall inform the Municipal Electoral Registration Officer of that other Municipality or the Panchayat Electoral Registration Officer of that *Panchayat* to that effect and the Municipal Electoral Registration Officer of that other Municipality or the Panchayat Electoral Registration Officer of that *Panchayat*, as the case may be, shall, on receipt of the information, strike off the applicant's name from the electoral roll.

(3) No amendment, transposition or deletion of any entry shall be made under section 21 and no direction for the inclusion of a name in the electoral roll of a Municipality shall be given under this section after the last date for making nominations for an election in that Municipality and before the completion of such election.

Appeal.

23. An appeal shall lie within such time and in such manner as may be prescribed to the District Municipal Election Officer from any order of the Municipal Electoral Registration Officer under section 21 or section 22.

Fee for applications and appeals.

24. Every application under section 21 or section 22 and every appeal under section 23 shall be accompanied by the prescribed fee which shall, in no case, be refunded.

CHAPTER IV

General.

25. (1) The State Government may, after consulting the Commission, by notification, make rules for carrying out the purpose of this Act. Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the particulars to be entered in the electoral roll;
- (b) the preliminary publication of electoral rolls;
- (c) the manner in which and the time within which claims and objections as to entries in electoral rolls may be preferred;
- (d) the manner in which notices of claim or objections shall be published;
- (e) the place, date and time at which claims or objections shall be heard and disposed of;
- (f) the final publication of electoral rolls;
- (g) the revision and correction of electoral rolls and inclusion of names therein;
- (h) any other matter required to be prescribed by this Act.

(3) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature, while it is in session for a total period of fourteen days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, the State Legislature agrees in making any modification in the rule or the State Legislature agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

26. Every local authority in the State shall, when so required by the Commission, make available to any Municipal Electoral Registration Officer such staff as may be necessary for the performance of any duties in connection with the preparation and revision of electoral rolls. Staff of local authorities.

27. If any person makes, in connection with— Making false declarations.

- (a) the preparation, revision or correction of an electoral roll, or
- (b) the inclusion or exclusion of any entry in or from an electoral roll,

a statement or declaration in writing which is false and which he either knows or believes to be false or does not believe to be true, he shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

Breach of official duty in connection with the preparation etc. of electoral rolls.

28. (1) If any Municipal Electoral Registration Officer, Assistant Municipal Electoral Registration Officer or other person required by or under this Act to perform any official duty in connection with the preparation, revision or correction of an electoral roll or inclusion or exclusion of any entry in or from such electoral roll is, without reasonable cause, guilty of any act or commission in breach of such official duty, he shall be punishable with fine which may extend to five hundred rupees.

(2) No suit or other legal proceeding shall lie against any such officer or other person for damages in respect of any such act or omission as aforesaid.

(3) No court shall take cognizance of any offence punishable under sub-section (1) unless there is a complaint made by an order of, or under the authority from, the Commission.

CHAPTER V

Elections.

Reservation of seats.

29. (1) Seats shall be reserved for the Scheduled Castes and the Scheduled Tribes in every Municipality in such manner as may be prescribed and the number of seats so reserved shall bear as nearly as may be, the same proportion to the total number of seats to be filled by direct election to the Municipality as the population of the Scheduled Castes in the municipal area or of the Scheduled Tribes in the municipal area, as the case may be, bears to the total population of that municipal area, and such seats may be allotted by rotation to different constituencies of that Municipality by the Commission in such manner as may be prescribed.

(2) Not less than one-third of the total number of seats reserved under sub-section (1) shall be reserved for women belonging to the Scheduled Castes, or as the case may be, the Scheduled Tribes.

(3) Not less than one-third of the total number of seats, including the seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes under sub-section (2), to be filled by direct election to a Municipality, shall be reserved for women, and such seats may be allotted by rotation to different constituencies of the Municipality by the Commission in such manner as may be prescribed.

(4) The office of Chairperson of Municipality shall be reserved for a woman candidate for the first term if at least 50 per cent of the total number of elected members are women. The office of Chairperson

of a Municipality shall be reserved for a Scheduled Caste candidate for the next term if at least 50 per cent of the elected members belong to the Scheduled Caste and the Scheduled Tribe communities. The office of Chairperson of a Municipality shall be reserved for a Scheduled Tribe candidate for the next term where at least 50 per cent of the elected members belong to the Scheduled Caste and the Scheduled Tribe communities.

29A. A person shall not be qualified for being chosen to fill a seat in a Municipality unless,—

Qualifications for membership of a Municipality.

- (a) in the case of a seat reserved for the Scheduled Castes or the Scheduled Tribes, such person is a member of the Scheduled Castes or the Scheduled Tribes, as the case may be, and is an elector in relation to that Municipality;
- (b) in the case of a seat reserved for a woman, such person is a woman, and is an elector in relation to that Municipality;
- (c) in the case of any other seat, such person is an elector in relation to that Municipality.

30. (1) A person shall not be eligible for election as a member if such person—

General disqualifications for membership of a Municipality.

- (a) has been adjudged by a competent court to be of unsound mind; or
- (b) is under twenty-one years of age; or
- (c) is an undischarged insolvent; or
- (d) 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
- (e) holds any office of profit under the Municipality; or
- (f) has, directly by himself or by his partner or employer or any employee, any share or interest in any contract or employment with, by, or on behalf of, the Municipality; or
- (g) is in the service of, or receives remuneration from, the Central or the State Government or the Municipality; or
- (h) has been elected to, or appointed under, any other Municipality or *Panchayat* or the Darjeeling Gorkha Hill Council constituted under the Darjeeling Gorkha Hill Council Act, 1988:

Provided that notwithstanding anything contained in clause (f), no person shall be deemed to be disqualified thereunder by reason only of his having a share or interest in—

- (i) any lease, sale or purchase of land or any agreement for the same; or

- (ii) any agreement for the loan of money or any security for the payment of money only; or
- (iii) any newspaper in which any advertisement relating to the affairs of the Municipality is inserted; or
- (iv) any incorporated or registered company which contracts with, or is employed by, the Municipality.

(2) A person shall be disqualified for being chosen as, and for being, a member of a Municipality if he is so disqualified by or under any law for the time being in force for the purposes of elections to the State Legislature:

Provided that no person shall be disqualified on the ground that he is less than twenty-five years of age, if he has attained the age of twenty-one years.

(3) If any question arises as to whether any person or any member has become subject to any of the disqualifications mentioned in sub-section (1) or sub-section (2), the question shall be referred for decision to such authority and in such manner as the State Government may notify from time to time.

Election of ineligible persons and disqualifications subsequently incurred.

31. (1) Where a person elected to be a member was not eligible for such election on account of any disqualification referred to in section 30 or where a person incurs such disqualification subsequent to his election as member, the election of such person shall be void upon the State Government making a declaration to that effect:

Provided that no such declaration shall be made if the question of such disqualification was raised in an election petition presented under this Act.

(2) No act done by a member as aforesaid while remaining in office, shall be invalid on account of his election being declared void subsequently.

(3) The casual vacancy arising out of any election being declared void under this section shall be filled up in accordance with the provision of this Act.

Disqualification on ground of corrupt practices.

32. (1) Any person who stands disqualified under section 76 may, if the period of such disqualification has not expired, submit a petition to the Governor for removal of such disqualification for the unexpired portion of the said period.

(2) Before giving his decision on any question, or on any petition submitted under sub-section (1), the Governor may obtain the opinion of the Commission on such question or petition.

33. (1) A person who having held an office under the Government of India or under the Government of any State or under any Municipality has been dismissed for corruption or for disloyalty to the State or the Municipality, shall be disqualified for a period of five years from the date of such dismissal.

Disqualifica-
tion for
dismissal for
corruption
or disloyalty.

(2) For the purposes of sub-section (1), a certificate issued by the Commission to the effect that a person having held office under the Government of India or under the Government of a State or under any Municipality has or has not been dismissed for corruption or for disloyalty to the State or Municipality shall be conclusive proof of that fact:

Provided that no certificate to the effect that a person has been dismissed for corruption or for disloyalty to the State or Municipality shall be issued unless such person has been given an opportunity of being heard.

34. If the Commission is satisfied that a person—

- (a) has failed to lodge an account of election expenses within the time and in the manner required by or under this Act, and
- (b) has no good reason or justification for such failure, the Commission shall by order published in the *Official Gazette*, declare him to be disqualified, and such person shall be disqualified for a period of three years from the date of the order.

Disqualifica-
tion for
failure to
lodge
account of
election
expenses.

35. (1) If any person, after the commencement of this Act, is convicted of an offence punishable under section 171E, or section 171F, of the Indian Penal Code, or under section 125, or section 135, or clause (a) of sub-section (2) of section 136, of the Representation of the People Act, 1951, he shall, for a period of six years from the date of conviction or from the date on which the order takes effect, as the case may be, be disqualified for voting at any election, and his name shall be struck off from the electoral roll.

Disqualifica-
tion arising
out of
conviction
and corrupt
practices.

(2) Any person disqualified by a decision of the District Judge under section 76 for any period shall be disqualified for the same period for voting at any election.

36. (1) The first general election to a Municipality, newly constituted, shall be held not later than six months from the date of notification constituting the Municipality.

Notification
for general
election to a
Municipality.

(2) A general election shall be held for the purpose of constituting a new Municipality on the expiration of the duration of the existing Municipality or on its dissolution and completed before the expiry of the duration of the Municipality.

45 of 1860
43 of 1951.

(3) For the purpose as aforesaid, the State Government shall, subject to the provisions of section 8 of the West Bengal State Election Commission Act, 1994, by one or more notifications published in the *Official Gazette* on such date or dates as may be determined, call upon the Municipality to elect members in accordance with the provisions of this Act and the rules and the orders made thereunder:

Provided that where a general election is held otherwise than on the dissolution of the existing Municipality, no such notification shall be issued at any time earlier than six months prior to the date on which the duration of such Municipality would expire:

Provided further that when a Municipality has been dissolved, elections to constitute the Municipality shall be completed before the expiry of six months from the date of its dissolution:

Provided also that where the period for which such dissolved Municipality would have continued is less than six months, it shall not be necessary to hold any elections to constitute such Municipality for such period.

CHAPTER VI

Conduct of Elections.

Appointment
of dates for
nominations
etc.

37. As soon as the notification calling upon a Municipality to elect a member or members is issued, the Commission shall, by notification, appoint—

- (a) the last date for making nominations, which shall be seventh day after the date of publication of the first mentioned notification or, if that day is a public holiday, the next succeeding day which is not a public holiday;
- (b) the date for the scrutiny of nominations, which shall be the 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:

Provided that one or more successive dates may be appointed for the scrutiny of nominations;

- (c) the last date for the withdrawal of candidatures, which shall be the second day after the last 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 or dates on which a poll shall, if necessary, be taken, which or the first of which shall be a date not earlier than the twenty-fifth day after the last date for the withdrawal of candidatures; and
- (e) the date before which the election shall be completed.

38. On the issue of a notification under section 37, the Municipal Returning Officer shall, in such form and manner as may be prescribed, give public notice of the intended election inviting nominations of candidates for such election and specifying the place at which the nomination papers shall be delivered.

Public notice of election.

39. Any person may be nominated as a candidate for election to fill a seat in a Municipality if he is qualified to be chosen to fill that seat under the provisions of this Act.

Nomination of candidates for election.

40. (1) On or before the date appointed under clause (a) of section 37, each candidate shall, either in person or by his proposer, between the hours of eleven o'clock in the forenoon and three o'clock in the afternoon, deliver to the Municipal Returning Officer at the place specified in this behalf in the notice issued under section 38 a nomination paper completed in the prescribed form and signed by the candidate and by an elector of the constituency as proposer:

Presentation of nomination paper and requirements for valid nomination.

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

(2) In a constituency where any seat is reserved, a candidate shall not be deemed to be qualified to be chosen to fill that seat unless his nomination paper contains a declaration by him specifying the particular caste or tribe of which he is a member and the area in relation to which that caste or tribe is a Scheduled Caste or, as the case may be, a Scheduled Tribe of the State of West Bengal.

(3) Where the candidate is a person who, having held any office referred to in section 33 has been dismissed and a period of five years has not elapsed since the dismissal, such person shall not be deemed to be duly nominated as a candidate unless his nomination paper is accompanied by a certificate issued in the prescribed manner by the Commission to the effect that he has not been dismissed for corruption or disloyalty to the State.

(4) On the presentation of a nomination paper, the Municipal Returning Officer shall satisfy himself that the names and electoral roll numbers of the candidate and his proposer as entered in the nomination paper are the same as those entered in the electoral roll:

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

Officer shall permit any such misnomer or inaccurate description or clerical, technical or printing error to be corrected and, where necessary, direct that any such misnomer or inaccurate description or clerical, technical or printing error in the electoral roll or in the nomination paper shall be overlooked.

(5) Where the candidate is an elector of a different constituency of a Municipality, a copy of the electoral roll of that constituency or of the relevant part thereof or a certified copy of the relevant part thereof or a certified copy of the relevant entries in such roll shall, unless it has been filed along with the nomination paper, be produced before the Municipal Returning Officer at the time of scrutiny.

(6) 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 Municipal Returning Officer for election in the same constituency.

Deposits.

41. (1) A candidate shall not be deemed to be duly nominated for election from a constituency unless he deposits or causes to be deposited a sum of one hundred rupees or where the candidate is a member of the Scheduled Caste or the Scheduled Tribe, a sum of fifty rupees:

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

(2) Any sum required to be deposited under sub-section (1) shall not be deemed to have been deposited under that sub-section unless, at the time of delivery of the nomination paper under sub-section (1), the candidates either deposited or caused to be deposited that sum with the Municipal Returning Officer in cash or enclosed with the nomination paper a receipt showing that the said sum has been deposited by him or on his behalf in the Reserve Bank of India or in a Government Treasury.

Notice of nominations and the time and place for their scrutiny.

42. The Municipal Returning Officer shall, on receiving the nomination paper under sub-section 40, inform the person or persons delivering the same of the date, time and place fixed for the scrutiny of nomination and shall enter on the nomination paper its serial number, and shall sign thereon a certificate stating the date on which and the hour at which the nomination paper has been delivered to him, and shall, as soon as may be thereafter, cause to be affixed in some conspicuous place in his office a notice of the nomination containing descriptions similar to those contained in the nomination paper, both of the candidate and of the proposer.

43. (1) On the date fixed for the scrutiny of nomination under section 37, the candidates, their election agents, one proposer of each candidate, and one other person duly authorised in writing by each candidate, but no other person, may attend at such time and place as the Municipal Returning Officer may appoint, and the Municipal Returning Officer shall give them all reasonable facilities for examining the nomination papers of all candidates which have been delivered within the time and in the manner laid down in section 40.

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

- (a) that on the date fixed for the scrutiny of nominations the candidate either is not qualified or is disqualified for being chosen to fill the seat under this Act;
- (b) that there has been a failure to comply with any of the provisions of section 40 or section 41; or
- (c) that the signature of the candidate or the proposer on the nomination papers is not genuine.

(3) Nothing contained in clause (b) or clause (c) of sub-section (2) shall be deemed to authorise 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 Municipal Returning Officer shall not reject any nomination paper on the ground of any defect which is not of a substantial character.

(5) The Municipal Returning Officer shall hold the scrutiny on the date appointed in this behalf under clause (b) of section 37 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 Municipal Returning Officer or is made by any other person, the candidate concerned may be allowed time to rebut it not later than the next day but one following the date fixed for scrutiny, and the Municipal Returning Officer shall record his decision on the date to which the proceedings have been adjourned.

(6) The Municipal 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 reason 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 Municipality shall be conclusive evidence of the fact that the person referred to in that entry is an elector for that Municipality, unless it is proved that he is subject to a disqualification mentioned in this Act or the rules made thereunder.

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

Withdrawal
of
candidature.

44. (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 37 to the Municipal Returning Officer either by such candidate in person or by his proposer or election agent 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-section (1) shall be allowed to cancel the notice.

(3) The Municipal 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.

Allotment of
symbol.

45. Immediately after the expiry of the period within which candidates may withdraw their candidature under section 44, the Municipal Returning Officer shall forthwith consider the allotment of symbols in the prescribed manner to the candidates who have not withdrawn their candidature.

Publication
of list of
contesting
candidates.

46. (1) Immediately after the allotment of symbols under section 45, the Municipal Returning Officer shall prepare and publish in such form and manner as may be prescribed a list of contesting candidates, that is to say candidates who were included in the list of validly nominated candidates and who have not withdrawn their candidature within the said period.

(2) The list as aforesaid shall contain the names in alphabetical order and the addresses of the contesting candidates as given in the nomination papers together with such other particulars as may be prescribed.

47. A candidate at an election may appoint in the prescribed manner any one person, other than himself, to be his election agent, and when any such appointment is made, notice of the appointment shall be given in the prescribed manner to the Municipal Returning Officer.

Election agents.

48. Any person who is for the time being disqualified under this Act for being a member of a Municipality or for voting at elections, shall, so long as the disqualification subsists, also be disqualified for being an election agent at any election.

Disqualification for being an election agent.

49. (1) Any revocation of the appointment of an election agent shall be signed by the candidate, and shall operate from the date on which it is lodged with the Municipal Returning Officer.

Revocation of appointment, or death, of election agents.

(2) In the event of the revocation of the appointment of an election agent or death of an election agent, whether such event occurs before or during the election or after the election but before the account of the candidate's election expenses has been lodged in accordance with the provisions of section 73, the candidate may appoint in the prescribed manner another person to be his election agent and when such appointment is made, notice of the appointment shall be given in the prescribed manner to the Municipal Returning Officer.

50. An election agent may perform such functions in connection with the election as are authorised by or under this Act to be performed by an election agent.

Functions of election agents.

51. A contesting candidate or his election agent may appoint in the prescribed manner such number of agents and relief agents as may be prescribed, to act as polling agents of such candidates at each polling station provided under section 12 for the poll.

Appointment of polling agents.

52. A contesting candidate or his election agent may appoint in the prescribed manner one or more persons, but not exceeding such number as may be prescribed to be present as his counting agent or agents at the counting of votes.

Appointment of counting agents.

53. (1) Any revocation of the appointment of a polling agent shall be signed by the candidate or his election agent and shall operate from the date on which it is lodged with such officer as may be prescribed and, in the event of such revocation or the death of a polling agent before the close of the poll, the candidate or his election agent may appoint in the prescribed manner another polling agent at any time before the poll is closed and shall forthwith give notice of such appointment in the prescribed manner to such officer as may be prescribed.

Revocation of appointment, or death, of polling agent or counting agent.

(2) Any revocation of the appointment of a counting agent shall be signed by the candidate or his election agent and shall operate from the date on which it is lodged with such officer as may be prescribed and in the event of such revocation or the death of a counting agent before the commencement of the counting of votes, the candidate or his election agent may appoint in the prescribed manner another counting agent at any time before the counting of votes is commenced and shall forthwith give notice of such appointment in the prescribed manner to such officer a may be prescribed.

Functions of polling agents and counting agents.

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

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

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

55. (1) At every election where a poll is taken, each contesting candidate at such election and his election agent shall have a right to be present at any polling station provided under section 12 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, if appointed, would have been authorised 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.

Non-attendance of polling or counting agents.

56. Where any act or thing is required or authorised by or under this Act to be done in the presence of the polling or counting agents, the non-attendance of any such agent or agents at the time and place appointed for the purpose shall not if the act or thing is otherwise duly done, invalidate the act or thing done.

Death of candidate before poll.

57. If a candidate whose nomination has been found valid on scrutiny under section 43 and who has not withdrawn his candidature under section 44 dies and a report of his death is received before the publication of the list of contesting candidates under section 46 or if a contesting candidate dies and a report of his death is received before the commencement of the poll, the Municipal Returning Officer shall, upon being satisfied of the fact of the death of the candidate, countermand the poll and report the fact to the Commission and also to the appropriate authority, 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 the case of a person who was a contesting candidate at the time of the countermanding of the poll:

Provided further that no person who has given a notice of withdrawal of his candidature under sub-section (1) of section 44 before the countermanding of the poll shall be ineligible for being nominated as a candidate for the election after such countermanding.

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

(2) If the number of such candidates is equal to the number of seats to be filled, the Municipal Returning Officer shall forthwith declare all such candidates to be duly elected to fill those seats.

(3) If the number of such candidates is less than the number of seats to be filled, the Municipal Returning Officer shall forthwith declare all such candidates to be elected and the Commission shall, by notification, call upon the constituency to elect a person or persons to fill the remaining seat or seats:

Provided that where the constituency having already been called upon under this sub-section, has failed to elect a person or the requisite number of person, as the case may be, to fill the vacancy or vacancies, the Commission shall not be bound to call again upon the constituency to elect a person or persons until it is satisfied that if called upon again, there will be no such failure on the part of the constituency.

59. For the avoidance of doubt, it is hereby declared that a member of the Scheduled Castes or the Scheduled Tribes or a woman shall not be disqualified to hold a seat not reserved for members of the Scheduled Castes or the Scheduled Tribes or women, if he or she is otherwise qualified to hold such seat under this Act.

CHAPTER VII

The Poll.

60. The hours during which the poll will be taken shall be fixed in accordance with the provisions of section 8 of the West Bengal State Election Commission Act, 1994.

61. (1) If at an election the proceedings at any polling station provided under section 12 for the poll are interrupted or obstructed by any riot or open violence, or if at any election it is not possible to take the poll at any polling station or such place on account of any natural calamity or any other sufficient cause, the Presiding Officer for such polling station or the Municipal Returning Officer presiding

Procedure in contested and uncontested elections.

Elegibility of members of Scheduled Castes or Scheduled Tribes or women to hold seats not reserved for them.

West Ben.
Act VIII of
1994.

Fixing time for poll
West Ben.
Act VIII of
1994.

Adjournment of poll in emergencies.

over such place, as the case may be, shall announce an adjournment of the poll to a date to be notified later and where the poll is so adjourned by a Presiding Officer, he shall forthwith inform the Municipal Returning Officer concerned.

(2) Whenever a poll is adjourned under sub-section (1), the Municipal Returning Officer shall immediately report the circumstances to the appropriate authority and the Commission and shall, as soon as may be, with the previous approval of the Commission appoint the day on which the poll shall recommence, and fix the polling station or place at which, and the hours during which, the poll will be taken, and shall not count the votes cast at such election until such adjourned poll shall have been completed.

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

Fresh poll in the case of destruction etc. of ballot boxes.

62. (1) If at any election,—

- (a) any ballot box used at a polling station or at place fixed for the poll is unlawfully taken out of the custody of the Presiding Officer or the Municipal Returning Officer, or is accidentally destroyed or lost, or is damaged or tampered with to such extent that the result of the poll at that polling station or place cannot be ascertained; or
- (b) any such error or irregularity as is likely to vitiate the poll is committed at a polling station or at a place fixed for the poll,

the Municipal Returning Officer shall forthwith report the matter to the Commission.

(2) Thereupon the Commission shall, after taking all material circumstances into account, either—

- (a) declare the poll at that polling station or place 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 the hours so fixed in such manner as it may deem fit, or
- (b) issue such directions to the Municipal Returning Officer as it may deem proper for the further conduct and completion of the election, provided the Commission is 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 or that the error or irregularity in procedure is not material.

(3) The provisions of the Act and the rules and the orders made thereunder shall apply to every such fresh poll as they apply to the original poll.

63. (1) If at any election,—

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

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

the Municipal Returning Officer shall forthwith report the matter to the Commission.

(2) The Commission shall, on receipt of the report from the Municipal Returning Officer under sub-section (1) and after taking all material circumstances into account, either—

(a) declare that the poll at that polling station or place 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 or places 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” shall have the same meaning as in section 135A of the Representation of the People Act, 1951.

43 of 1951.

64. 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.

Manner of voting at elections.

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

- (a) for the making 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;
- (b) 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

Special procedure for preventing personation of electors.

- (c) 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.

Right to vote.

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

(2) No person shall vote at an election in any constituency if he is subject to any of the disqualifications referred to in section 16 of the Representation of the People Act, 1950.

(3) 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.

(4) 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.

(5) No person shall vote at any election if he is confined in a prison, whether under a sentence of imprisonment or transportation 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.

Counting of votes.

67. At every election where a poll is taken, votes shall be counted in such manner as may be prescribed, and each contesting candidate, his election agent and his counting agents shall have a right to be present at the time of counting.

Destruction, loss, etc. of ballot papers.

68. (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 Presiding Officer or the Municipal Returning Officer or are accidentally or intentionally destroyed or lost or are damaged or tampered with, to such extent that the result of the poll at that polling station or place cannot be ascertained, the Municipal Returning Officer shall forthwith report the matter to the Commission.

(2) Thereupon, the Commission shall, after taking all materials circumstances into account, either—

- (a) direct that the counting of votes shall be stopped, declare the poll at that polling station or place 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) issue such directions to the Municipal Returning Officer as it may deem proper for the resumption and completion of the counting and for the further conduct and completion of the election in relation to which the votes have been counted, provided that the commission is 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.

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

69. 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 Presiding Officer or the Municipal Returning Officer, as the case may be, shall forthwith decide between those candidates by lot and proceed as if the candidate on whom the lot falls had received an additional vote.

Equality of votes.

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

Declaration of results.

71. As soon as may be after the result of an election has been declared, the Municipal Returning Officer shall report the result to the appropriate authority and the Commission who shall immediately publish the names of elected member in the *Official Gazette*.

Report of the results.

72. (1) Every candidate at an election shall, either by himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election incurred or authorised by him or by his election agent between the date on which he has been nominated and the date of declaration of the result thereof, both dates inclusive.

Account of election expenses and maximum thereof.

Explanation I.—Notwithstanding any judgement, order or decision of any court to the contrary, any expenditure incurred or authorised in connection with the election of a candidate by a political party or by any other association or body of persons or by any individual other than the candidate or his election agent shall not be deemed to be, and shall not ever be deemed to have been, expenditure in connection with the election incurred or authorised by the candidate or by his election agent for the purpose of this subsection:

Provided that nothing contained in the *Explanation* shall affect any judgement, order or decision of the Civil Court whereby the election of a candidate has been declared void or set aside.

Explanation II.—For the removal of doubt, it is hereby declared that any expenditure incurred in respect of any arrangements made, facilities provided or any other act or thing done by any person in the service of the Government and belonging to any of the classes mentioned in clause (7) of section 123 of the Representation of the People Act, 1951, in the discharge or purported discharge of his official duty as mentioned in the proviso to that clause shall not be deemed to be expenditure in connection with the election incurred or authorised by a candidate or by his election agent for the purpose of this sub-section.

43 of 1951.

(2) The account shall contain such particulars as may be notified by the Commission.

(3) The total of the said expenditure shall not exceed such amount as may be notified by the Commission.

Lodging of account with the district Municipal Election Officer.

73. Every contesting candidate at an election shall, within thirty days from the date of election of the returned candidate or, if there are more than one returned candidate at the election and the dates of their elections are different, the latter of those two dates, lodge with the District Municipal Election Officer on account of his election expenses which shall be a true copy of the account kept by him or by his election agent under section 72.

CHAPTER VIII

Disputes regarding Election.

Definition.

74. In this chapter, "District Judge" shall mean,—

- (a) for the purposes of elections to the Calcutta Municipal Corporation constituted under the Calcutta Municipal Corporation Act, 1980, the Chief Judge of the Court of Small Causes of Calcutta, or
- (b) for the purposes of elections to the Siliguri Municipal Corporation constituted under the Siliguri Municipal Corporation Act, 1990, the District Judge of Darjeeling or the District Judge of Jalpaiguri as the State Government may, by notification, determine, or
- (c) for the purposes of elections to a Municipality in any district, the District Judge of that district.

West Ben. Act LIX of 1980.

West Ben. Act XXX of 1990.

Election petition and procedure.

75. (1) If the validity of any election of a member is called in question by any person qualified to vote at such election, such person may, at any time within ten days immediately after the date of

declaration, of the result of the election, file a petition before the District Judge of the district within which the election has been or should have been held and shall, at the same time, deposit two hundred rupees in the court as security for the cost likely to be incurred:

Provided that the validity of such election shall not be called in question in any such petition—

- (a) on the ground that the name of any person qualified to vote has been omitted from the electoral roll, or
- (b) on the ground that the name of any person not qualified to vote has been inserted in the electoral roll:

Provided further that if only two candidates contested such election, the petitioner may in addition to calling in question the election of the returned candidate, claim that if the election of the returned candidate is set aside, the other candidate may be declared duly elected.

5 of 1908.

(2) The provisions of the Code of Civil Procedure, 1908, shall apply, as far as may be, in the matter of adjudication of an election petition under sub-section (1).

76. If the District Judge, after holding such inquiry as he deems fit in respect of an election petition, is satisfied that—

Setting
aside of
election.

43 of 1951.

- (a) a candidate has committed any corrupt practice within the meaning of section 123 of the Representation of the People Act, 1951, or
- (b) the result of the election has been materially affected by any act or omission in violation of the provisions of this Act or the rules made thereunder, or
- (c) the result of the election has been vitiated by any offence punishable under the West Bengal Local Bodies (Electoral Offences and Miscellaneous Provisions) Act, 1952,

West Ben.
Act X of
1952.

he shall set aside the election of such candidate, if he has been elected, and may, if the election is set aside for any cause which is the result of any act of a candidate or his agent, declare that candidate to be disqualified for the purpose of a fresh election caused by such setting aside:

Provided that if the District Judge in setting aside the election holds a candidate guilty of any corrupt practice, he may declare such candidate disqualified for contesting an election to a Municipality for a period not exceeding six years.

Explanation.—A person shall be deemed to have committed an offence of corrupt practice if he commits an act relating to a corrupt practice within the meaning of section 123 of the Representation of the People Act, 1951.

Scrutiny of votes and declaration or confirmation of result.

77. (1) If the election petition is confined to the question of validity of votes cast or counting, the District Judge shall, after such scrutiny and computation of votes as may be deemed necessary, declare the result.

(2) If there be only two candidates contesting the election in dispute and the election petition contains a claim by one of the candidate for declaring him elected, the District Judge may, while deciding upon the election petition, declare such candidate duly elected.

(3) If after computation, there be an equality of votes among two or more candidates, the District Judge shall select one among them by drawing lots.

(4) If the District Judge is satisfied that no ground exists for setting aside the election or modifying the results thereof, he shall confirm the election.

Bar to jurisdiction of court.

78. Save as provided in this Act, no court shall entertain any application in any form whatsoever for adjudication of any matter relating to election to a Municipality.

Fresh election when an election is set aside.

79. If an election is set aside by the District Judge, a date shall forthwith be fixed and necessary steps shall be taken for holding a fresh election for filling up the vacancy, as though it has been a casual vacancy.

Saving of acts done by a member before his election is set aside.

80 Where a candidate, who has been elected to be a member is declared by the District Judge to have not been duly elected, no act done by him by virtue of the office of member before such declaration, shall be invalidated by reason of such declaration.

Electoral offences for the purposes of the Act.

81. For the purposes of this Act, the electoral offences under Chapter III of the Representation of the People Act, 1951, shall be the electoral offences under this Act, and the provisions of Chapter III of that Act shall apply to the electoral offences under this Act.

43 of 1951.

CHAPTER IX

Miscellaneous.

Protection of action taken in good faith.

82. No suit, prosecution or other legal proceeding shall lie against the Commission or any person acting under the direction of the Commission in respect of anything which is in good faith done or intended to be done in pursuance of the foregoing provisions of this Act or of any order made thereunder or in respect of the tendering of any opinion by the Commission to the Governor or in respect of the publication by, or under the authority of, the Commission of any such opinion, paper or proceedings.

83. (1) When the seat of a member elected to a Municipality becomes vacant or is declared vacant or his election to a Municipality is declared void, the Commission shall, by notification, call upon the constituency concerned to elect a person for the purpose of filling the vacancy so caused before such date as may be specified in the notification, and the provisions of this Act and the rules and the orders made thereunder shall apply, as far as may be, in relation to the election of a member to fill such vacancy.

Casual vacancies in the Municipality.

(2) A member chosen to fill a casual vacancy shall be chosen to serve for the remainder of his predecessor's term of office.

84. Subject to the provisions of the Constitution, it shall be competent for the Commission for reasons which it considers sufficient, to extend the time for the completion of any election by making necessary amendments in the notification issued by it under section 37.

Extension of time for completion of election.

85. (1) The deposit made under section 41 shall either be returned to the person making it or his legal representative or be forfeited to the appropriate authority in accordance with the provisions of this section.

Return of forfeiture of candidate's deposit.

(2) Except in cases hereinafter mentioned in this section, the deposit shall be returned as soon as practicable after the result of the election is declared.

(3) 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 practicable after the publication of the list or after his death, as the case may be.

(4) Subject to the provisions of sub-section (3), 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.

(5) Notwithstanding anything in sub-section (2), (3) and (4) if at a general election, the candidate is a contesting candidate in more than one constituency, not more than one of the deposits shall be returned, and the others shall be forfeited.

86. Every local authority in the State shall, when so required by the Commission, make available to any Municipal Returning Officer such staff as may be necessary for the performance of any duties in connection with an election.

Staff of every local authority to be made available for election work.

Requisition and derequisition of premises, vehicles, etc. for election purposes.

87. Provisions for requisitioning premises and vehicles and payment of compensation therefor, power to obtain information in this regard, powers of entry into and inspection of premises, eviction from requisitioned premises, release of premises from requisition, delegation of functions of the State Government with regard to requisitioning, and penalty for contravention of any order regarding requisitioning shall be such as are provided in sections 162, 163, 164, 165, 166 and 167 of the Representation of the People Act, 1951.

43 of 1951.

Power to make rules.

88. (1) The State Government may, after consulting the Commission, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the duties of Presiding Officer and Polling Officers at polling stations;
- (b) the checking of voters by reference to the electoral roll;
- (c) the manner in which votes are to be given both generally and in the case of illiterate voter or voters under physical or other disability;
- (d) the manner in which votes are to be given by a Presiding Officer, Polling Officer, Polling Agent or any other person, who being an elector for a constituency is authorised or appointed for duty at a polling station at which he is not entitled to vote;
- (e) the procedure to be followed in respect of the tender of vote by a person representing himself to be an elector after another person has voted as such elector;
- (f) the manner of giving and recording of votes by means of voting machines and the procedure as to voting to be followed at polling stations where such machines are used;
- (g) the scrutiny and counting of votes including cases in which a recount of the votes may be made before the declaration of the result of the election;
- (h) the safe custody of ballot boxes, voting machines, ballot papers and other election papers, the period for which such papers shall be preserved and the inspection and production of such papers;
- (i) any other matter required to be prescribed by this Act.

(3) Every rule made under this Act shall be laid, as soon as may be, after it is made, before the State Legislature, while it is in session, for a total period of fourteen days which may be comprised in one session or in two or more successive sessions, and if, before the expiry

of the session immediately following the session or the successive sessions aforesaid, the State Legislature agrees in making any modification in the rule or the State Legislature agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

89. No civil court shall have jurisdiction to question the legality of any action taken or of any decision given by the Municipal Returning Officer or by any other person appointed under the West Bengal State Election Commission Act, 1994, or, under this Act in connection with an election.

Jurisdiction
of
Civil Courts
barred.

90. If any difficulty arises in giving effect to the provisions of this Act, the State Government, in consultation with the Commission, may, as occasion may require, by order, not inconsistent with the provisions of this Act, do or cause to be done anything which may be necessary for removing the difficulty.

Removal of
difficulty.

By order of the Governor,

S. MAITRA,
Special Officer & ex officio
Jt. Secy. to the Govt. of West Bengal.

GOVERNMENT OF WEST BENGAL
DEPARTMENT OF MUNICIPAL AFFAIRS

NOTIFICATION

No. 607/C-4/M1A-38/94

Dated, the 21st December, 1994

In exercise of the power conferred by section 88, read with sub-section (1), and sub-section (3) of section 29, of the West Bengal Municipal Elections Act, 1994 (West Ben. Act XXXIV of 1994), the Governor, after consulting the West Bengal State Election Commission, is pleased hereby to make the following rules:—

The West Bengal Municipal Elections (Reservation of Seats) Rules, 1994.

CHAPTER I

Preliminary.

1. **Short title.**—(1) These rules may be called the West Bengal Municipal Elections (Reservation of Seats) Rules, 1994.

(2) They shall come into force at once.

2. **Definitions.**—(1) In these rules, unless the context otherwise requires,—

(a) “Act” means the West Bengal Municipal Elections Act, 1994 (West Ben. Act XXXIV of 1994);

(b) “constituency” means a ward of a Municipality;

(c) “prescribed authority” means the authority appointed by the West Bengal State Election Commission referred to in sub-section (1) of section 3 of the West Bengal State Election Commission Act, 1994 (West Ben. Act VIII of 1994);

(d) “section” means a section of the Act.

(2) The expressions used in these rules and not otherwise defined shall have the meanings respectively assigned to them in the Act.

(3) The Bengal General Clauses Act, 1899 (I of 1899), shall apply for interpretation of these rules as it applies for the interpretation of an Act of the Legislature of the State of West Bengal.

CHAPTER II

Reservation of seats.

3. **Determination of reservation of seats.**—(1) The prescribed authority shall, by an order in Form B after previous publication in Form A, determine—

(a) the number of the Scheduled Castes and the Scheduled Tribes members to be elected from among the members determined under the Howrah Municipal Corporation Act, 1980 (West Ben. Act LVIII of 1980), the Calcutta Municipal Corporation Act, 1980 (West Ben. Act LIX of 1980), the Siliguri Municipal Corporation Act, 1990 (West Ben. Act XXX of 1990), the Asansol Municipal Corporation Act, 1990 (West Ben. Act XXXI of 1990), the Chandernagore Municipal Corporation Act, 1990 (West Ben. Act XXXII of 1990), and the West Bengal Municipal Act, 1993 (West Ben. Act XXII of 1993), which shall bear, as nearly as may be, the same proportion to

the number of the members to be elected to the Municipality as the population of the Scheduled Castes, or the Scheduled Tribes as the case may be, in the Municipal area bears to the total population of the Municipality:

Provided that—

- (i) the number of the Scheduled Castes or the Scheduled Tribes or the total population in a Municipality shall be determined on the basis of the last preceding census of which the relevant figures have been published;
- (ii) when the census figures are not available for any area of a Municipality, the prescribed authority shall, subject to such order of the Commission as may be made in this behalf, determine the number of the Scheduled Castes or the Scheduled Tribes or the total population on the basis of any other authenticated record maintained by any office or organisation of any department of the State Government or, where no such record is available, on the basis of a local enquiry, which may include house to house enumeration, caused by it for the purpose as aforesaid after consulting, where necessary, any portion of the census report, electoral roll of the West Bengal Legislative Assembly or any other authenticated record that may be of assistance;
- (iii) when it is ascertained from the available records that the population of the Scheduled Castes or the Scheduled Tribes, as the case may be, is less than one per cent of the total population in a Municipality, such population of the Scheduled Castes or the Scheduled Tribes in respect of such Municipality shall not be taken into account for the purpose of this sub-rule:

Provided that where the percentage of population of such Scheduled Castes or the Scheduled Tribes is one per cent or above but the number of seats in proportion to the total seats in Municipality becomes less than one, the matter shall be forthwith brought to the notice of the Commission who shall issue instruction in such case.

- (iv) the prescribed authority shall, by an order in writing, record, before publication of the draft of the order in Form A the procedure adopted, the records and documents relied upon and the findings made for the purpose of determination of the number of the Scheduled Castes and the Scheduled Tribes members;

Explanation I.—An authenticated record maintained by any department shall be a record authenticated by the senior officer of the department posted in any office or organisation under the department located in the district.

Explanation II.—For the purpose of determination of the number of seats to be reserved under this rule all figures for calculation shall be taken up to first place of decimal raising the figure by one when the digit in the second place of decimal is not less than five and, for final stage of calculation for arriving at the number of seats to be reserved, the whole number obtained shall be raised by one if the digit at the first place of decimal is not less than five while ignoring any digit below five at the first place of decimal.

- (b) the number of women members to be elected so as to constitute—
 - (i) not less than one-third of the Scheduled Castes and the Scheduled Tribes members determined under clause (a);

- (ii) not less than one-third of the total number of members to be elected to the Municipality including the number determined under sub-clause (i) of this clause, and then declare the number of women members for constituencies not reserved under clause (a):

Provided that the total number of the Scheduled Castes and the Scheduled Tribes members determined under clause (a) shall be taken into account while determining the total number of women members among them.

(2) The prescribed authority shall, by an order in Form B after previous publication in Form A, declare—

- (a) such number of constituencies to be reserved by rotation for the Scheduled Castes or the Scheduled Tribes from amongst the constituencies, each constituency having such population of the Scheduled Castes or the Scheduled Tribes as bears to the total population in that constituency not less than half of the proportion, as may be determined under clause (a) of sub-rule (1):

Provided that—

- (i) the proportion of the population of the Scheduled Castes or the Scheduled Tribes as aforesaid shall be determined on the basis of the last preceding census of which the relevant figures have been published;
- (ii) when the census figures are not available for any constituency or for any portion of any constituency, the prescribed authority shall, subject to such order of the Commission as may be made in this behalf, determine the proportion which the population of the Scheduled Castes or the Scheduled Tribes bears to the total population on the basis of any other authenticated record maintained by any office or organisation of any department of the State Government or, where no such record is available, on the basis of a local enquiry, which may include house to house enumeration, caused by it for the purpose after consulting, where necessary, any portion of the census report, electoral roll of the West Bengal Legislative Assembly or any other authenticated record of any other department of the State Government that may be of assistance;
- (iii) the constituencies available for reservation by rotation shall be arranged in the ascending order of the serial numbers of such constituencies and formed into two groups having all the odd numbers of the constituencies in the first group and all the even numbers of the constituencies in the second group; in case the constituencies available comprise only odd or only even numbers, there shall be formed a single group and, in every such case, the group shall be formed maintaining the ascending order of the serial numbers;
- (iv) for the first term of election among every three consecutive terms, constituencies shall be reserved commencing from the first group and then from the second group, if necessary, or from the single group, as the case may be, beginning in any such case from the lowest serial number in order to reach the number determined under clause (a) of sub-rule (1);

- (v) for the second and the third term of election, the same procedure shall be followed except that reservation shall be made after excluding the constituencies reserved in earlier term or terms of election and, in the event of the shortfall of the required number of constituencies, constituencies beginning from the lowest serial number of the group shall be reserved, notwithstanding that such constituencies were reserved in any earlier term;
- (vi) if, following the principle of rotation, any constituency is selected in any term of election for reservation for both the Scheduled Castes and Scheduled Tribes, preference shall be given to the reservation for the Scheduled Tribes and, thereafter, reservation for the Scheduled Castes shall be made of the constituency coming next in order;
- (vii) if the number of constituencies determined for reservation under this clause for the Scheduled Castes or the Scheduled Tribes is less than the number of seats for the Scheduled Castes or the Scheduled Tribes as the case may be, as determined under clause (a) of sub-rule (1), the Commission may, by an order, determine the constituencies to be reserved for the Scheduled Castes or the Scheduled Tribes, as the case may be, taking into consideration the concentration of population of the Scheduled Castes or the Scheduled Tribes in the remaining constituencies;
- (viii) the prescribed authority shall, by an order in writing, record, before the publication of the draft of the order in Form A the procedure adopted, the records and documents relied upon and the findings made for the purpose of declaration of the constituencies reserved for the Scheduled Castes or the Scheduled Tribes;
- (b) such number of constituencies reserved for women as is equal to the number of members determined under clause (b) of sub-rule (1):

Provided that such declaration of constituencies shall be made separately in respect of the women to be elected as determined under sub-clause (i), and sub-clause (ii), of clause (b) of sub-rule (1):

Provided further that such declaration of constituencies shall be made in accordance with the roster as specified in the Schedule:

Provided also that in case the number of constituency determined under sub-clause (i), or sub-clause (ii), of clause (b) of sub-rule (1) is one only, that constituency shall be reserved for women for the first term of election and there shall be no reservation for the second and the third term of election:

Provided also that for the purpose of reservation of constituencies in accordance with the roster as specified in the Schedule, all the constituencies available for reservation shall be arranged in the ascending order of numbers of the constituencies and continuous serial numbers shall be given to them so that reservation may be made to match such continuous serial numbers with indential serial numbers in the roster.

4. **Manner of publication of order under rule 3.**—(1) The draft of the order under rule 3 shall be published by the prescribed authority in Form A on such date or dates, not later than ten weeks before the date of poll, as may be fixed by the Commission, by posting the same—

- (i) in the office of the Municipality to which the order relates;

- (ii) in the office of the Sub-Divisional Officer, the District Magistrate and *Zilla Parishad* of the area concerned;
- (iii) in such other conspicuous places within the municipal area as the prescribed authority deems fit.

(2) Any person affected by such order may submit any objection or suggestion in writing stating the reasons thereof so as to reach the prescribed authority within two weeks from the date of such publication.

(3) The prescribed authority shall consider the objections or suggestions, if any, received by it within the stipulated period and may make suitable alterations or amendments in the order.

(4) The prescribed authority shall publish the order in Form B with alterations and amendments, if any, on such date or dates, not later than seven weeks before the date of poll, as may be fixed by the Commission, by posting the same in places where the draft of the order was published and, upon such publication, the order shall come into force:

Provided that the order shall be deemed to have been duly published if there has been substantial compliance with the provisions of this rule, and any omission to post the order in one or more places shall not invalidate the order.

5. **Removal of difficulty.**—If any difficulty arises in giving effect to the provisions of these rules, the State Government, in consultation with the Commission, may, as occasion may require, by order, not inconsistent with the provisions of the Act or these rules, do or cause to be done anything which may be necessary for removing the difficulty.

FORM A

(See rules 3 and 4)

Order

No.

Dated

In exercise of the power conferred by rule 3 of the West Bengal Municipal Elections (Reservation of Seats) Rules, 1994, I, as the prescribed authority appointed by the West Bengal State Election Commission, hereby publish the draft of this order to determine for the Municipality in column (1) of the Schedule below the number of members to be elected to the Municipality specified in the corresponding entries in column (2), number of the constituency in column (3), constituency or constituencies reserved for the Scheduled Castes or the Scheduled Tribes specified in the corresponding entries in column (4), and constituency or constituencies reserved for women specified in the corresponding entries in column (5), of the said Schedule for the information of persons likely to be affected thereby.

The draft will be taken up for consideration after two weeks from this day and any objection or suggestion with respect thereto which may be received by the undersigned before that date shall be duly considered.

The Schedule

Name of Municipality	Number of members to be elected to the Municipality	Number of the Constituency	Constituency reserved for Scheduled Castes and Scheduled Tribes		Constituency reserved for women		
(1)	(2)	(3)	(4)		(5)		
			S.C. 4(a)	S.T. 4(b)	S.C. 5(a)	S.T. 5(b)	Gen. 5(c)

Signature of the Prescribed Authority

FORM B

(See rules 3 and 4)

Order

No.

Dated

In exercise of the power conferred by rule 3 of the West Bengal Municipal Elections (Reservation of Seats) Rules, 1994, I, as the prescribed authority appointed by the West Bengal State Election Commission, hereby determine, after previous publication of the draft of this order as required under the said rules, for the Municipalities specified in column (1) of the Schedule below, the number of members to be elected to the Municipality specified in the corresponding entries in column (2), number of the constituency in column (3), constituency or constituencies reserved for the Scheduled Castes or the Scheduled Tribes specified in the corresponding entries in column (4), and constituency or constituencies reserved for women specified in the corresponding entries in column (5), of the said Schedule.

The Schedule

Name of Municipality	Number of members to be elected to the Municipality	Number of the Constituency	Constituency reserved for Scheduled Castes and Scheduled Tribes		Constituency reserved for women		
(1)	(2)	(3)	(4)		(5)		
			S.C. 4(a)	S.T. 4(b)	S.C. 5(a)	S.T. 5(b)	Gen. 5(c)

Signature of the Prescribed Authority

SCHEDULE

[See rule 3(2)(b)]

Roster for Reservation of Seats for Women by Rotation

(for application to the Scheduled Castes, the Scheduled Tribes and the general category)

Total number of seats among which reservation shall be made	Seats to be reserved in 1st term of General Election/ Bye-Election	Seats to be reserved in 2nd term of General Election/ Bye-Election	Seats to be reserved for 3rd term of General Election/ Bye-Election
1	2*	3*	4*
1.	1	—	—
2.	1	2	1
3.	1	2	3
4.	1, 4	2, 1	3, 2
5.	1, 4	2, 5	3, 1
6.	1, 4	2, 5	3, 6
7.	1, 4, 7	2, 5, 1	3, 6, 2
8.	1, 4, 7	2, 5, 8	3, 6, 1
9.	1, 4, 7	2, 5, 8	3, 6, 9
10.	1, 4, 7, 10	2, 5, 8, 1	3, 6, 9, 2
11.	1, 4, 7, 10	2, 5, 8, 11	3, 6, 9, 1
12.	1, 4, 7, 10	2, 5, 8, 11	3, 6, 9, 12
13.	1, 4, 7, 10, 13	2, 5, 8, 11, 1	3, 6, 9, 12, 2
14.	1, 4, 7, 10, 13	2, 5, 8, 11, 14	3, 6, 9, 12, 1
15.	1, 4, 7, 10, 13	2, 5, 8, 11, 14	3, 6, 9, 12, 15
16.	1, 4, 7, 10, 13, 16	2, 5, 8, 11, 14, 1	3, 6, 9, 12, 15, 2
17.	1, 4, 7, 10, 13, 16	2, 5, 8, 11, 14, 17	3, 6, 9, 12, 15, 1
18.	1, 4, 7, 10, 13, 16	2, 5, 8, 11, 14, 17	3, 6, 9, 12, 15, 18
19.	1, 4, 7, 10, 13, 16, 19	2, 5, 8, 11, 14, 17, 1	3, 6, 9, 12, 15, 18
20.	1, 4, 7, 10, 13, 16, 19	2, 5, 8, 11, 14, 17, 20	3, 6, 9, 12, 15, 18, 1
21.	1, 4, 7, 10, 13, 16, 19	2, 5, 8, 11, 14, 17, 20	3, 6, 9, 12, 15, 18, 21
22.	1, 4, 7, 10, 13, 16, 19, 22	2, 5, 8, 11, 14, 17, 20, 1	3, 6, 9, 12, 15, 18, 21, 2
23.	1, 4, 7, 10, 13, 16, 19, 22	2, 5, 8, 11, 14, 17, 20, 23	3, 6, 9, 12, 15, 18, 21, 1
24.	1, 4, 7, 10, 13, 16, 19, 22	2, 5, 8, 11, 14, 17, 20, 23	3, 6, 9, 12, 15, 18, 21, 24

1	2*	3*	4*
25.	1, 4, 7, 10, 13, 16, 19, 22, 25	2, 5, 8, 11, 14, 17, 20, 23, 1	3, 6, 9, 12, 15, 18, 21, 24, 2
26.	1, 4, 7, 10, 13, 16, 19, 22, 25	2, 5, 8, 11, 14, 17, 20, 23, 26	3, 6, 9, 12, 15, 18, 21, 24, 1
27.	1, 4, 7, 10, 13, 16, 19, 22, 25	2, 5, 8, 11, 14, 17, 20, 23, 26	3, 6, 9, 12, 15, 18, 21, 24, 27
28.	1, 4, 7, 10, 13, 16, 19, 22, 25, 28	2, 5, 8, 11, 14, 17, 20, 23, 26, 1	3, 6, 9, 12, 15, 18, 21, 24, 27, 2
29.	1, 4, 7, 10, 13, 16, 19, 22, 25, 28	2, 5, 8, 11, 14, 17, 20, 23, 26, 29	3, 6, 9, 12, 15, 18, 21, 24, 27, 1
30.	1, 4, 7, 10, 13, 16, 19, 22, 25, 28	2, 5, 8, 11, 14, 17, 20, 23, 26, 29	3, 6, 9, 12, 15, 18, 21, 24, 27, 30
31.	1, 4, 7, 10, 13, 16, 19, 22, 25, 28, 31	2, 5, 8, 11, 14, 17, 20, 23, 26, 29, 1	3, 6, 9, 12, 15, 18, 21, 24, 27, 30, 2
32.	1, 4, 7, 10, 13, 16, 19, 22, 25, 28, 31	2, 5, 8, 11, 14, 17, 20, 23, 26, 29, 32	3, 6, 9, 12, 15, 18, 21, 24, 27, 30, 1
33.	1, 4, 7, 10, 13, 16, 19, 22, 25, 28, 31	2, 5, 8, 11, 14, 17, 20, 23, 26, 29, 32	3, 6, 9, 12, 15, 18, 21, 24, 27, 30, 33
34.	1, 4, 7, 10, 13, 16, 19, 22, 25, 28, 31, 34	2, 5, 8, 11, 14, 17, 20, 23, 26, 29, 32, 1	3, 6, 9, 12, 15, 18, 21, 24, 27, 30, 33, 2
35.	1, 4, 7, 10, 13, 16, 19, 22, 25, 28, 31, 34	2, 5, 8, 11, 14, 17, 20, 23, 26, 29, 32, 35	3, 6, 9, 12, 15, 18, 21, 24, 27, 30, 33, 1
36.	1, 4, 7, 10, 13, 16, 19, 22, 25, 28, 31, 34	2, 5, 8, 11, 14, 17, 20, 23, 26, 29, 32, 35	3, 6, 9, 12, 15, 18, 21, 24, 27, 30, 33, 36
37.	1, 4, 7, 10, 13, 16, 19, 22, 25, 28, 31, 34, 37	2, 5, 8, 11, 14, 17, 20, 23, 26, 29, 32, 35, 1	3, 6, 9, 12, 15, 18, 21, 24, 27, 30, 33, 36, 2
38.	1, 4, 7, 10, 13, 16, 19, 22, 25, 28, 31, 34, 37	2, 5, 8, 11, 14, 17, 20, 23, 26, 29, 32, 35, 38	3, 6, 9, 12, 15, 18, 21, 24, 27, 30, 33, 36, 1
39.	1, 4, 7, 10, 13, 16, 19, 22, 25, 28, 31, 34, 37	2, 5, 8, 11, 14, 17, 20, 23, 26, 29, 32, 35, 38	3, 6, 9, 12, 15, 18, 21, 24, 27, 30, 33, 36, 39
40.	1, 4, 7, 10, 13, 16, 19, 22, 25, 28, 31, 34, 37, 40	2, 5, 8, 11, 14, 17, 20, 23, 26, 29, 32, 35, 38, 1	3, 6, 9, 12, 15, 18, 21, 24, 27, 30, 33, 36, 39, 2
41.	1, 4, 7, 10, 13, 16, 19, 22, 25, 28, 31, 34, 37, 40	2, 5, 8, 11, 14, 17, 20, 23, 26, 29, 32, 35, 38, 41	3, 6, 9, 12, 15, 18, 21, 24, 27, 30, 33, 36, 39, 1
42.	1, 4, 7, 10, 13, 16, 19, 22, 25, 28, 31, 34, 37, 40	2, 5, 8, 11, 14, 17, 20, 23, 26, 29, 32, 35, 38, 41	3, 6, 9, 12, 15, 18, 21, 24, 27, 30, 33, 36, 39, 42
43.	1, 4, 7, 10, 13, 16, 19, 22, 25, 28, 31, 34, 37, 43	2, 5, 8, 11, 14, 17, 20, 23, 26, 29, 32, 35, 38, 41, 1	3, 6, 9, 12, 15, 18, 21, 24, 27, 30, 33, 36, 39, 42, 2
44.	1, 4, 7, 10, 13, 16, 19, 22, 25, 28, 31, 34, 37, 40, 43	2, 5, 8, 11, 14, 17, 20, 23, 26, 29, 32, 35, 38, 41, 44	3, 6, 9, 12, 15, 18, 21, 24, 27, 30, 33, 36, 39, 42, 1

1	2*	3*	4*
146.	1, 4, 7, 10, 13, 16, 19, 22, 25, 28, 31, 34, 37, 40, 43, 46, 49, 52, 55, 58, 61, 64, 67, 70, 73, 76, 79, 82, 85, 88, 91, 94, 97, 100, 103, 106, 109, 112, 115, 118, 121, 124, 127, 130, 133, 136, 139, 142, 145	2, 5, 8, 11, 14, 17, 20, 23, 26, 29, 32, 35, 38, 41, 44, 47, 50, 53, 56, 59, 62, 65, 68, 71, 74, 77, 80, 83, 86, 89, 92, 95, 98, 101, 104, 107, 110, 113, 116, 119, 122, 125, 128, 131, 134, 137, 140, 143, 146	3, 6, 9, 12, 15, 18, 21, 24, 27, 30, 33, 36, 39, 42, 45, 48, 51, 54, 57, 60, 63, 66, 69, 72, 75, 78, 81, 84, 87, 90, 93, 96, 99, 102, 105, 108, 111, 114, 117, 120, 123, 126, 129, 132, 135, 138, 141, 144, 1
147.	1, 4, 7, 10, 13, 16, 19, 22, 25, 28, 31, 34, 37, 40, 43, 46, 49, 52, 55, 58, 61, 64, 67, 70, 73, 76, 79, 82, 85, 88, 91, 94, 97, 100, 103, 106, 109, 112, 115, 118, 121, 124, 127, 130, 133, 136, 139, 142, 145	2, 5, 8, 11, 14, 17, 20, 23, 26, 29, 32, 35, 38, 41, 44, 47, 50, 53, 56, 59, 62, 65, 68, 71, 74, 77, 80, 83, 86, 89, 92, 95, 98, 101, 104, 107, 110, 113, 116, 119, 122, 125, 128, 131, 134, 137, 140, 143, 146	3, 6, 9, 12, 15, 18, 21, 24, 27, 30, 33, 36, 39, 42, 45, 48, 51, 54, 57, 60, 63, 66, 69, 72, 75, 78, 81, 84, 87, 90, 93, 96, 99, 102, 105, 108, 111, 114, 117, 120, 123, 126, 129, 132, 135, 138, 141, 144, 147
148.	1, 4, 7, 10, 13, 16, 19, 22, 25, 28, 31, 34, 37, 40, 43, 46, 49, 52, 55, 58, 61, 64, 67, 70, 73, 76, 79, 82, 85, 88, 91, 94, 97, 100, 103, 106, 109, 112, 115, 118, 121, 124, 127, 130, 133, 136, 139, 142, 145, 148	2, 5, 8, 11, 14, 17, 20, 23, 26, 29, 32, 35, 38, 41, 44, 47, 50, 53, 56, 59, 62, 65, 68, 71, 74, 77, 80, 83, 86, 89, 92, 95, 98, 101, 104, 107, 110, 113, 116, 119, 122, 125, 128, 131, 134, 137, 140, 143, 146, 1	3, 6, 9, 12, 15, 18, 21, 24, 27, 30, 33, 36, 39, 42, 45, 48, 51, 54, 57, 60, 63, 66, 69, 72, 75, 78, 81, 84, 87, 90, 93, 96, 99, 102, 105, 108, 111, 114, 117, 120, 123, 126, 129, 132, 135, 138, 141, 144, 147, 2
149.	1, 4, 7, 10, 13, 16, 19, 22, 25, 28, 31, 34, 37, 40, 43, 46, 49, 52, 55, 58, 61, 64, 67, 70, 73, 76, 79, 82, 85, 88, 91, 94, 97, 100, 103, 106, 109, 112, 115, 118, 121, 124, 127, 130, 133, 136, 139, 142, 145, 148	2, 5, 8, 11, 14, 17, 20, 23, 26, 29, 32, 35, 38, 41, 44, 47, 50, 53, 56, 59, 62, 65, 68, 71, 74, 77, 80, 83, 86, 89, 92, 95, 98, 101, 104, 107, 110, 113, 116, 119, 122, 125, 128, 131, 134, 137, 140, 143, 146, 149	3, 6, 9, 12, 15, 18, 21, 24, 27, 30, 33, 36, 39, 42, 45, 48, 51, 54, 57, 60, 63, 66, 69, 72, 75, 78, 81, 84, 87, 90, 93, 96, 99, 102, 105, 108, 111, 114, 117, 120, 123, 126, 129, 132, 135, 138, 141, 144, 147, 1
150.	1, 4, 7, 10, 13, 16, 19, 22, 25, 28, 31, 34, 37, 40, 43, 46, 49, 52, 55, 58, 61, 64, 67, 70, 73, 76, 79, 82, 85, 88, 91, 94, 97, 100, 103, 106, 109, 112, 115, 118, 121, 124, 127, 130, 133, 136, 139, 142, 145, 148	2, 5, 8, 11, 14, 17, 20, 23, 26, 29, 32, 35, 38, 41, 44, 47, 50, 53, 56, 59, 62, 65, 68, 71, 74, 77, 80, 83, 86, 89, 92, 95, 98, 101, 104, 107, 110, 113, 116, 119, 122, 125, 128, 131, 134, 137, 140, 143, 146, 149	3, 6, 9, 12, 15, 18, 21, 24, 27, 30, 33, 36, 39, 42, 45, 48, 51, 54, 57, 60, 63, 66, 69, 72, 75, 78, 81, 84, 87, 90, 93, 96, 99, 102, 105, 108, 111, 114, 117, 120, 123, 126, 129, 132, 135, 138, 141, 144, 147, 150

By order of the Governor,
SMT. K. GUPTA MENON,
Secy. to the Govt. of West Bengal.

GOVERNMENT OF WEST BENGAL
DEPARTMENT OF MUNICIPAL AFFAIRS

NOTIFICATION

No. 116/C-4/M1A-38/94

Calcutta, the 14th March, 1995

In exercise of the power conferred by section 25 of the West Bengal Municipal Elections Act, 1994 (West Ben. Act XXXIV of 1994), the Governor, after consulting the West Bengal State Election Commission, is pleased hereby to make the following rules:—

**The West Bengal Municipal Elections (Registration of Electors)
Rules, 1995**

PART I

Preliminary.

1. **Short title and commencement.**—(1) These rules may be called the West Bengal Municipal Elections (Registration of Electors) Rules, 1995.

(2) They shall come into force at once.

2. **Definitions and interpretation.**—(1) In these rules, unless the context otherwise requires,—

- (a) “Act” means the West Bengal Municipal Elections Act, 1994 (West Ben. Act XXXIV of 1994);
- (b) “Election Commission” means the Election Commission referred to in article 324 of the Constitution of India;
- (c) “Form” means a Form appended to these rules and in respect of any constituency, includes a translation thereof in the language or any of the languages in which the electoral roll for the constituency is prepared;
- (d) “Registration Officer” means the Municipal Electoral Registration Officer of a constituency and includes an Assistant Municipal Electoral Registration Officer thereof;
- (e) “roll” means the electoral roll for a constituency of a Municipality;
- (f) “section” means a section of the Act.

(2) The expressions used in these rules and not otherwise defined shall have the meanings respectively assigned to them in the Act or in the West Bengal State Election Commission Act, 1994 (West Ben. Act VIII of 1994).

(3) The Bengal General Clauses Act, 1899 (I of 1899), shall apply for the interpretation of these rules as it applies for the interpretation of an Act of the Legislature of the State of West Bengal.

3. **Form and languages of roll.**—The roll for a constituency of a Municipality shall be in such form as the Commission may direct and shall be prepared in Bengali and Nepali languages for the constituencies of the Municipalities in the district of Darjeeling and in Bengali and English languages for the constituencies of all other Municipalities.

4. **Preparation of roll in parts.**—(1) The roll shall be divided into convenient parts which shall be numbered consecutively.

(2) The number of names included in any part of the roll shall not ordinarily exceed two thousand.

5. **Order of names.**—(1) The names of electors in each part of the roll shall be arranged according to house number, unless the Registration Officer, subject to any general or special instructions issued by the Commission, determines in respect of any part that the alphabetical order is more convenient or that the names shall be arranged partly in one way and partly in the other.

(2) The names of electors in each part of the roll shall be numbered, so far as practicable, consecutively with a separate series of number beginning with the number one.

6. **Information to be supplied by occupants of dwelling houses.**—The Registration Officer may, for the purpose of preparing the roll, send letters of request in Form I to the occupants of dwelling houses in the constituency or any part thereof; and every person receiving any such letter shall furnish the information called for therein to the best of his ability.

7. **Access to certain registers.**—For the purpose of preparing any roll or deciding any claim or objection to a roll, any Registration Officer and any person employed by him shall have access to any register of births and deaths and to the admission register of any educational institution, and it shall be the duty of every person in charge of any such register to give to the said officer or person such information and such extracts from the said register as he may require.

8. **Publication of roll in draft.**—As soon as the roll for a constituency of a Municipality is ready, the Registration Officer shall publish it in draft by making a copy thereof available for inspection and displaying a notice in Form 2—

(a) at his office;

(b) at the concerned office or offices of the Municipality; and

(c) at such places in the concerned municipal area as he thinks fit.

9. **Further publicity to the roll and notice.**—The Registration Officer shall also—

(a) make a copy of each separate part of the roll, together with a copy of the notice in Form 2 available for inspection at a specified place accessible to the public and in or near the area to which that part relates;

(b) give such further publicity to the notice in Form 2 as he may consider necessary; and

(c) supply free of cost two copies of each separate part of the roll to every political party for which a symbol has been exclusively reserved in the State by the Election Commission.

10. **Period for lodging claims and objections.**—Every claim for the inclusion of a name in the roll and every objection to any entry therein shall be lodged within a period of thirty days from the date of publication of the roll in draft under rule 8, or such shorter period of not less than fifteen days as may be fixed by the Commission in this behalf:

Provided that the Commission may, by notification in the *Official Gazette*, extend the period in respect of any constituency.

11. **Form for claims and objection.**—(1) Every claim shall be—

- (a) in Form 3;
- (b) signed by the person who desire his name to be included in the roll; and
- (c) countersigned by another person whose name is already included in the roll in which the claimant desires his name to be included.

(2) Every objection to the inclusion of a name in the roll shall be—

- (a) in Form 4;
- (b) preferred only by a person whose name is already included in that roll; and
- (c) countersigned by another person whose name is already included in the roll in which the name objected to appear.

(3) Every objection to a particular or particulars in any entry in the roll shall be—

- (a) in Form 5; and
- (b) preferred only by the person to whom that entry relates.

12. **Manner of lodging claims and objections.**—Every claim or objection shall—

- (a) either be presented to the Registration Officer or to such other officer as may be authorised by him in this behalf; or
- (b) be sent by post to the Registration Officer.

13. **Procedure of authorised officers.**—(1) Every officer authorised under rule 12 shall—

- (a) maintain in duplicate a list of claims in Form 6, a list of objections to the inclusion of names in Form 7 and a list of objections to particulars in Form 8; and
- (b) keep exhibited one copy of each such list on a notice board in his office.

(2) Where a claim or objection is presented to him, he shall after complying with the requirements of sub-rule (1), forward it with such remarks, if any, as he considers proper to the Registration Officer.

14. **Procedure of Registration Officer.**—The Registration Officer also shall—

- (a) maintain in duplicate the three lists in Forms 6, 7 and 8, entering thereon the particulars of every claim or objection as and when it is received by him whether directly under rule 12 or on being forwarded under rule 13; and
- (b) keep exhibited one copy of each such list on a notice board in his office.

15. **Rejection of certain claims and objections.**—Any claim or objection which is not lodged within the period, or in the form and manner herein specified, shall be rejected by the Registration Officer.

16. Acceptance of claims and objections without inquiry.—If the Registration Officer is satisfied as to the validity of any claim or objection, he may allow it without further inquiry after the expiry of one week from the date on which it is entered in the list exhibited by him under clause (b) of rule 4:

Provided that where before any such claim or objection has been allowed, a demand for inquiry has been made in writing to the Registration Officer by any person, it shall not be allowed without further inquiry.

17. Notice of hearing claims and objections.—(1) Where a claim or objection is not disposed of under rule 15 or rule 16, the Registration Officer shall—

- (a) specify in the list exhibited by him under clause (b) of rule 14 the date, time and place of hearing of the claim or objection; and
- (b) give notice of hearing.

(2) A notice under this rule may be given either personally or by a fixing to the person's residence or last known residence within the constituency.

18. Inquiry into claims and objections.—(1) The Registration Officer shall hold a summary inquiry into every claim or objection in respect of which notice has been given under rule 17 and shall record his decision thereon.

(2) At the hearing, the claimant or, as the case may be, the objector and the person objected to and any other person who, in the opinion of the Registration Officer, is likely to be of assistance to him, shall be entitled to appear and be heard.

(3) The Registration Officer may in his discretion—

- (a) require any claimant, objector or person objected to appear in person before him;
- (b) require that the evidence tendered by any person shall be given on oath and administer an oath for the purpose.

19. Inclusion of names inadvertently omitted.—If it appears to the Registration Officer that owing to inadvertence or error during preparation, the names of any electors have been left out of the roll and that remedial action should be taken under this rule, the Registration Officer shall—

- (a) prepare a list of the names and other details of such electors;
- (b) exhibit on the notice board of his office a copy of the list together with a notice as to the time and place at which the inclusion of these names in the roll will be considered, and also publish the list and the notice in such other manner as he may think fit; and
- (c) after considering any verbal or written objections that may be preferred, decide whether all or any of the names should be included in the roll.

20. Deletion of names.—If it appears to the Registration Officer at any time before the final publication of the roll that owing to inadvertence or error or otherwise, the names of dead person or of persons who cease to be, or are not, ordinarily residents in the constituency or of persons who are otherwise, not entitled to be registered in the roll have been included in the roll and that remedial action should be taken under this rule, the Registration Officer, shall—

- (a) prepare a list of the names and other details of such electors;

- (b) exhibit on the notice board of his office a copy of the list together with a notice as to the time and place at which the question of deletion of these names from the roll will be considered, and also publish the list and the notice in such other manner as he may think fit; and
- (c) after considering any verbal or written objections that may be preferred, decide whether all or any of the names should be deleted from the roll:

Provided that before taking any action under this rule in respect of any person on the ground that he has ceased to be, or is not, ordinarily resident in the constituency, or is otherwise not entitled to be registered in the roll, the Registration Officer shall make every endeavour to give him a reasonable opportunity to show cause why the action proposed should not be taken in relation to him.

21. Final publication of roll.—(1) The Registration Office shall thereafter—

- (a) prepare a list of amendments to carry out his decision under rules 16, 18, 19 and 20 and to correct any clerical or printing errors or other inaccuracies subsequently discovered in the roll;
- (b) publish the roll, together with the list of amendments, by making a complete copy thereof available for inspection and displaying a notice in Form 13 at his office; and
- (c) subject to such general or special direction as may be given by the Commission, supply free of cost, two copies of the roll, as finally published, with the list of amendments, if any, to every political party for which symbol has been exclusively reserved by the Election Commission.

(2) On such publication, the roll together with the list of amendments shall be the electoral roll of the constituency.

(3) Where the roll (hereafter in this sub-rule referred to as the basic roll), together with the list of amendments, becomes the electoral roll for a constituency under sub-rule (2), the Registration Officer may, for the convenience of all concerned, integrate, subject to any general or special directions issued by the Commission in this behalf, the list into the basic roll by incorporating the inclusion of the names, amendments, transposition or deletion of entries in the relevant parts of the basic roll itself, so however that no change shall be made in the process of such integration in the name of any elector or in any particulars relating to any elector as given in the list of amendments.

22. Appeals from order deciding claims and objections.—(1) An appeal shall lie from any decision of the Registration Officer under rule 18, rule 19 or rule 20 to the District Municipal Election Officer:

Provided that an appeal shall not lie where the person desiring to appeal has not availed himself of his right to be heard by, or to make representations to, the Registration Officer on the matter which is the subject of appeal.

(2) Every appeal under sub-rule (1) shall be—

- (a) in the form of memorandum signed by appellant; and
- (b) presented to the District Municipal Election Officer within a period of fifteen days from the date of announcement of the decision or sent to the District Municipal Election Officer by registered post so as to reach him within that period.

(3) The presentation of an appeal under this rule shall not have effect of staying or postponing any action to be taken by the Registration Officer under rule 21.

(4) Every decision of the District Municipal Election Officer shall be final, but in so far as it reverses or modifies a decision of the Registration Officer, shall take effect only from the date of the decision in appeal.

(5) The Registration Officer shall cause such amendment to be made in the roll as may be necessary to give effect to the decisions of the District Municipal Election Officer under this rule.

23. Special provision for preparation of rolls on redelimitation of constituencies.—(1) If any constituency is delimited anew in accordance with law and it is necessary urgently to prepare the roll for such constituency, the Commission may direct that it shall be prepared—

(a) by putting together the rolls of such of the existing constituencies or parts thereof as are comprised within the new constituency; and

(b) by making appropriate alterations in the arrangement, serial numbering and headings of the rolls so compiled.

(2) The roll so prepared shall be published in the manner specified in rule 21 and shall, on such publication, be the electoral roll for the new constituency.

24. Revision of rolls.—(1) Where the roll or any part thereof is to be revised intensively in any year, it shall be prepared afresh and the provision of rules 3 to 21 shall apply in relation to such revision as they apply in relation to the first preparation of a roll.

(2) When the roll or any part thereof is to be revised summarily in any year, the Registration Officer shall cause to be prepared a list of amendments to the relevant parts of the roll on the basis of such information as may be readily available and publish the roll together with the list of amendments in draft, and the provision of rules 7 to 22 shall apply in relation to such revision as they apply in relation to the first preparation of a roll.

(3) Where at any time between the publication in draft of the revised roll under sub-rule (1) or of the roll and list of amendments under sub-rule (2) and the final publication of the same under rule 21, any names have been directed to be included in the roll for the time being in force under section 21, the Registration Officer shall cause the names to be included also in the revised roll unless there is, in his opinion, any valid objection to such inclusion.

25. Correction of entries and inclusion of names in rolls.—(1) Every application under section 20 or sub-section (1) of section 21 shall be made in duplicate in such one of the Forms 3, 5, 5A and 5B as may be appropriate and shall be accompanied by a fee of ten paise.

(2) Every application referred to in sub-rule (1) shall be presented to the Registration Officer in such manner as the Commission may direct.

(3) Every application for inclusion of name in the roll to be presented to the Registration Officer under sub-rule (2), shall be countersigned, where necessary, by another person whose name is already included in the roll in which the claimant desires his name to be included.

(4) The fee specified in sub-rule (1), shall be—

- (a) paid by means of non-judicial stamps; or
- (b) deposited in a Government treasury or the Reserve Bank of India in favour of the Registration Officer concerned; or
- (c) paid in such other manner as may be directed by the Commission.

(5) Where the fee is deposited under clause (b) of sub-rule (4), the applicant shall enclose with the application a Government treasury receipt in proof of the fee having been deposited.

(6) The Registration Officer shall, immediately on receipt of such application, direct that one copy thereof be posted in some conspicuous place in his office together with a notice inviting objection to such application within a period of seven days from the date of such posting.

(7) The Registration Officer shall, as soon as may be after the expiry of the period specified in sub-rule (6), consider the application and the objection thereto, if any, received by him and shall, if satisfied, direct the inclusion, deletion, correction or transposition of entries in the roll, as may be necessary:

Provided that when an application is rejected by the Registration Officer, he shall record in writing a brief statement of his reasons for such rejection.

26. Appeals from orders under rule 25.—(1) Every appeal under section 23 shall be—

- (a) in the form of a memorandum signed by the appellant;
- (b) accompanied by a copy of the order appealed from and a fee of five rupees to be—
 - (i) paid by means of non-judicial stamps; or
 - (ii) deposited in Government treasury or the Reserve Bank of India in favour of the District Municipal Election Officer; or
 - (iii) paid in such other manner as may be directed by the Commission; and
- (c) presented to the District Municipal Election Officer within a period of fifteen days from the date of the order appealed from or sent by registered post so as to reach him within that period:

Provided that the District Municipal Election Officer may condone the delay in the presentation of the appeal to him, if he is satisfied that the appellant had sufficient cause for not presenting it within the time prescribed.

(2) Where the fee is deposited under sub-clause (ii) of clause (b) of sub-rule (1), the appellant shall enclose with the memorandum of appeal a Government treasury receipt in proof of the fee having been deposited.

(3) For the purposes of sub-rule (1), an appeal shall be deemed to have been presented to the District Municipal Election Officer, when the memorandum of appeal is delivered by or on behalf of the appellant to the District Municipal Election Officer himself or to any other officer appointed by him in this behalf.

27. Custody and preservation of rolls and connected papers.—(1) After the roll for a constituency has been finally published, the following papers shall be kept in the office of the Registration Officer or at such other place as the District Municipal Election Officer may by order specify until the expiration of one year after the completion of the next intensive revision of the roll:—

- (a) one complete copy of the roll;
- (b) information furnished to the Registration Officer under rule 6;
- (c) register of enumeration forms;
- (d) applications in regard to the preparation of the roll;
- (e) manuscript parts prepared by enumerating agencies and used for compiling the roll;
- (f) papers relating to claims and objections;
- (g) papers relating to appeals under rule 22; and
- (h) applications under sections 21 and 22.

(2) One complete copy of the roll for each constituency duly authenticated by the Registration Officer shall also be kept in such place as the District Municipal Election Officer may specify.

28. Inspection of electoral rolls and connected papers.—Every person shall have the right to inspect the election papers referred to in rule 27 and to get attested copies thereof on payment of such fee as may be fixed by the Commission.

29. Disposal of electoral rolls and connected papers.—(1) The papers referred to in rule 27 shall, on the expiry of the period specified therein, and subject to such general or special direction, if any, as may be given by the Commission in this behalf, be disposed of in such manner as the District Municipal Election Officer may direct.

(2) Copies of the electoral roll for any constituency in excess of the number required for deposit under rule 27 and for any other public purposes shall be disposed of at such time and in such manner as the Commission may direct and until such disposal shall be made available for sale to the public.

30. Use of old forms.—If, at any time during a period of six months from the date on which any amendment to a Form for making any claim, objection or other application to the Registration Officer under these rules takes effect, any person makes any claim, objection or, as the case may be, other application in the Form as it stood before such amendment, the Registration Officer shall deal with such claim, objection or other application, as the case may be, and may, for this purpose, require such person, by notice in writing, to furnish such additional information, being the information which would have been furnished if the amended Forms had been used, within such reasonable time as may be specified in the notice.

31. If any difficulty arises in giving effect to the provisions of the rules, the State Government, in consultation with the Commission, may, as occasion may require, by order, not inconsistent with the provision of the Act or these rules, do or cause to be done anything which, may be necessary for removing the difficulty.

FORM 1

(See rule 6)

Letter of request

Place

Date

To

The occupant of.....

Sir/Madam,

The preparation of the electoral roll for the constituency of the Municipality within the jurisdiction of which you are residing, has been taken in hand. It will greatly facilitate my work if you will kindly complete the statement below after reading the attached instructions and hand it over to my assistant who will call for it.

.....
Municipal Electoral Registrar Officer
.....Municipality

Statement

Name and particulars of adult citizens ordinarily residing in the above premises

Name of citizen	Particulars as to father or husband	Age on the qualifying date, i.e.....
-----------------	-------------------------------------	--------------------------------------

- 1.
- 2.
- 3.
- 4.
- 5.
6. etc.

Signature

Date

Instructions

1. Enter the names of all persons who have completed 18 years of age on or before the qualifying date of the year and who are ordinarily residing in the premises.
2. Only the names of those who are citizens of India should be entered.
3. Enter against Serial No. 1 in the first column, the name of the head or other senior member of the family, provided he or she has the qualifications mentioned in paragraphs 1 and 2 above.

4. "Ordinarily residing" does not mean that the person should be actually in the house when you are filling in the Form. The persons who normally live in the house should be included even though they may be *temporarily* absent, *e.g.*, on journey or on business or in hospital. On the other hand, a guest or visitor, who normally lives elsewhere but happens to be in the house at the time should not be included.

5. All ordinary residents of the house should be included, whether they are members of the family or not.

6. In the case of every male citizen, enter in the second column the name of his father preceded by the words "son of".

7. In the case of every female citizen, enter in the second column—

(i) the name of the husband preceded by the words "wife of", if she be married;

(ii) the name of the late husband preceded by the words "widow of", if she be a widow; and

(iii) the name of the father preceded by the words "daughter of", if she be unmarried.

8. In the third column, enter the age of the citizen as accurately as possible, giving only the number of complete years and ignoring the months.

FORM 2

(See rules 8 and 9)

Notice of publication of electoral roll in draft

To

The Electors of Constituency No./Nos.of..... Municipality

NOTICE is hereby given that the electoral roll has been prepared in accordance with the West Bengal Municipal Elections (Registration of Electors) Rules, 1995, and a copy thereof is available for inspection at my office, and at during office hours.

The qualifying date for the preparation of the electoral roll is

If, with reference to the above mentioned qualifying date, there be any claim for the inclusion of a name in the roll or any objection to the inclusion of a name or any objection to particulars in any entry, it should be lodged on or before the objection to the inclusion of a name or any objection to particulars in any entry, it should be lodged on or before the 19 in Forms 3, 4, or 5 as may be appropriate.

Every such claim or objection should either be presented in my office or to or sent by post to the address given below so as to reach me not later than the aforesaid date.

.....
Municipal Electoral Registration Officer

.....
Municipality

Date.....

(Address)

FORM 3

[See rules 11(1)(a) and 25(1)]

Claim application for inclusion of name

To
The Municipal Electoral Registration Officer, Municipality
Constituency No.

Sir,

I request that my name be included in the electoral roll for the Constituency No.....
of the above Municipality in Part No.

My name (in full) Sex

My *Father's/Mother's/Husband's name

Particulars of my place of residence are:—

House No.

Street/Road/Lane

Name and address of Landlord

Bariwala (if resides in bustee).....

Post Office

Police Station

District

I hereby declare that to the best of my knowledge and belief—

- (i) that I am a citizen of India;
- (ii) that my age on (qualifying date) was years and months;
- (iii) that I am ordinarily resident at the address given above;
- (iv) that I have not applied for the inclusion of my name in the electoral roll for any other Municipality or Panchayat;
- (v) that my name has not been included in the electoral roll for this or any other Municipality or Panchayat;

that my name may have been included in the electoral roll of the Municipality
or Panchayat in which I was ordinarily resident earlier at the address mentioned
below and, if so, I request that the same may be excluded from that electoral roll:—

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

Place

Date

.....
Signature or thumb impression of claimant.

I am an elector included in the electoral roll in which the claimant applied for inclusion and my name is included at Serial No. in Part No. of the roll. I support this claim and countersign it.

.....
Signature or thumb impression of elector

Name (in full)

NOTE: Any person who makes a statement or declaration which is false and which he either knows or believes to be false or does not believe to be true is punishable under section 27 of the West Bengal Municipal Elections Act, 1994.

* Strike out the word not applicable.

----- (Perforation) -----

Intimation of action taken

The application Form 3 of *Shri/Shrimati/Kumari
Address has been

- (a) accepted and his/her name has been included in the electoral roll vide Serial No.
in Part No.
- (b) rejected for the reason

Date

.....
Municipal Electoral Registration Officer
.....
Municipality

----- (Perforation) -----

Receipt for application

Received the application in Form 3 from *Shri/Shrimati/Kumari
Address †

Date

.....
Municipal Electoral Registration Officer
.....
Municipality

†To be filled in by the applicant.

*Strike out the word not applicable.

FORM 4

[See rule 11(2)(a)]

Objection to inclusion of name

To
The Municipal Electoral Registration Officer, Municipality
Constituency No.

Sir,

I object to the inclusion of the name of
at Serial No. in Part No. of the electoral roll for the following reason(s):

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

I hereby declare that the facts mentioned above are true to the best of my knowledge and belief.

My name has been included in the electoral roll for this Constituency as follows:—

Name in full Sex

*Father's/Husband's/Mother's name

Serial No.

Part No.

.....
Signature or thumb impression of objector
(Full Postal Address)

Date.....

I am an elector included in the electoral roll in which the name objected to appears and my name is enrolled at Serial No. in Part No. of the roll. I support this objection and countersign it.

.....
Signature of the elector
Name (in full)

Note: Any person who makes a statement or declaration which is false and which he either knows or believes to be false or does not believe to be true is punishable under section 27 of the West Bengal Municipal Elections Act, 1994.

*Strike out the word not applicable.

------(Perforation)-----

Intimation of action taken

The objection in Form 4 lodged by *Shri/Shrimati/Kumari
Address has been
(a) accepted and the name of *Shri/Shrimati/Kumari as
appearing at Serial No. in Part No. has been deleted.
(b) rejected for the reason

Date.....
.....
Municipal Electoral Registration Officer
.....
Municipality

------(Perforation)-----

Receipt for application

Received the application in Form 4 from *Shri/Shrimati/Kumari †
Address†

.....
Municipal Electoral Registration Officer
.....
Municipality

†To be filled in by the applicant.
*Strike out the word(s) not applicable.

FORM 5

[See rules 11(3)(a) and 25(1)]

Objection to particulars in an entry

To
The Municipal Electoral Registration Officer, Municipality
Constituency No.

Sir,

I submit that the entry relating to my self which appear at Serial No. in Part
No. of the electoral roll as “.....” is not correct. It should be corrected
to read as follows:—

“ ”

Place
Date
Signature or thumb impression of the elector

Note: Any person who makes a statement or declaration which is false and which he either knows or believes
to be false or does not believe to be true is punishable under section 27 of the West Bengal Municipal Elections
Act, 1994.

*Strike out the word(s) not applicable.

Intimation of action taken

The objection in Form 5 lodged by *Shri/Shrimati/Kumari
Address has been

(a) accepted and the relevant entry has been corrected to read as follows:

“ ”

(b) rejected for the reason

Date

.....
Municipal Electoral Registration Officer
..... *Municipality*

------(Perforation)-----

Receipt for application

Received the application in Form 5 from *Shri/Shrimati/Kumari †

Address†

Date.....

.....
Municipal Electoral Registration Officer
..... *Municipality*

†To be filled in by the applicant.

*Strike out the word(s) not applicable.

FORM 5A

[See rule 25(1)]

Application for transposition of entry in electoral roll

To

The Municipal Electoral Registration Officer, Municipality

Constituency No.

Sir,

I submit that the entry at Serial No. in Part No. of the electoral roll for the above mentioned constituency relating to (*myself, namely)*son/wife/daughter of should be transposed to Part No. of this roll, because *I have/the said elector has changed *my/his/her place of ordinary residence to which is within the same constituency of the Municipality.

I declare that I am an elector of this constituency being enrolled at Serial No. in Part No. of the roll.

Date *Signature / thumb impression of the applicant
Place (Full Postal Address)

Note: Any person who makes a statement or declaration which is false and which he either knows or believes to be false or does not believe to be true is punishable under section 27 of the West Bengal Municipal Elections Act, 1994.
*Strike out the word(s) not applicable.

------(Perforation)-----

Intimation of action taken

The application in Form 5A of:
*Shri/Shrimati/Kumari
Address has been
(a) accepted and the name of *Shri/Shrimati/Kumari
has been transposed to Part No.
(b) rejected for the reason
Date.....

.....
Municipal Electoral Registration Officer
.....*Municipality*

------(Perforation)-----

Receipt for application

Received the application in Form 5A from *Shri/Shrimati/Kumari †
Address †

.....
Municipal Electoral Registration Officer
.....*Municipality*

Date.....

†To be filled in by the applicant.
*Strike out the word(s) not applicable.

FORM 5B

[See rule 25(1)]

Application for deletion of entry in electoral roll

To
The Municipal Electoral Registration Officer,
.....Municipality
Constituency No.

Sir,

I submit that the entry at Serial No. in Part No. of the electoral roll for this Constituency/Municipality relating to

*Shri/Shrimati/Kumari
*son/wife/daughter of.....requires to be deleted as the said person *is dead/*is no longer ordinarily resident in this locality/*is not entitled to be registered in the electoral roll for the following reasons:—
.....
.....

I hereby declare that the facts mentioned above are true to the best of my knowledge and belief.

I declare that I am an elector of this constituency being enrolled at Serial No.in Part No. of the roll.

Date..... *Signature/Thumb impression of objector
Place..... (Full Postal Address).....

Note: Any person who makes a statement or declaration which is false and which he either knows or believes to be false or does not believe to be true is punishable under section 27 of the West Bengal Municipal Elections Act, 1994.
*Strike out the word(s) not applicable.

----- (Perforation) -----

Intimation of action taken

The application in Form 5B lodged by *Shri/Shrimati/Kumari
Address has been
(a) accepted and the name of *Shri/Shrimati/Kumari as
appearing at Serial No. in Part No. has been deleted.
(b) rejected for the reason

Date.....
.....
Municipal Electoral Registration Officer
.....Municipality

----- (Perforation) -----

Receipt for application

Received the application in Form 5B from *Shri/Shrimati/Kumari †

Address †

.....
Municipal Electoral Registration Officer

Date.....

.....*Municipality*

†To be filled in by the applicant.

*Strike out the word(s) not applicable.

FORM 6

[See rules 13(1)(a) and 14(a)]

List of claims

.....Municipality Constituency No.

Date of receipt	Serial number	Name of claimant	Name of father/ husband/mother	Place of residence	Date, time and place of hearing
1	2	3	4	5	6

FORM 7

[See rules 13(1)(a) and 14(a)]

List of objections to inclusion of names

.....Municipality Constituency No.

Date of receipt	Serial number	Full name of objector	Particulars of name objected to			Reasons in brief for objection	Date, time and place of hearing
			Part No.	Serial No.	Name in full		
1	2	3	4	5	6	7	8

FORM 8

[See rule 13(1)(a) and 14(a)]

List of objections to particulars in entries

Municipality			Constituency No.		
Date of receipt	Serial number	Name in full of elector objecting	Part No. & Serial No. of entry	Nature of objection	Date, time and place of hearing
1	2	3	4	5	6

Duplicate
(Office copy)

FORM 9

[See rule 17(1)(b)(i)]

Notice of hearing of a claim

To
(Full name and address of claimant).....
.....
Reference : Claim No.

Take notice that your claim for the inclusion of your name in the electoral roll will be heard at.....(place) at.....o'clock on the.....day of.....19 .
You are directed to be present at the hearing with such evidence as you may like to adduce.

Date.....
Place.....
.....
.....
Municipal Electoral Registration Officer
.....
Municipality

Original

(To be served on the claimant)

FORM 9

[See rule 17(1)(b)(i)]

Notice of hearing of a claim

To
(Full name and address of claimant).....
.....
Reference : Claim No.

Take notice that your claim for the inclusion of your name in the electoral roll will be heard at.....(place) at.....o'clock on the.....day of.....19 .
You are directed to be present at the hearing with such evidence as you may like to adduce.

Date.....
Place.....
.....
.....
Municipal Electoral Registration Officer
.....
Municipality

CERTIFICATE OF SERVICE OF NOTICE
Received notice of the date of hearing

Date..........
Claimant

Certified that the notice on the claimant has been duly served by me this.....day
of.....on.....(name) personally/by affixing on residence.

Place..........
Serving Officer
Date.....

N.B. : If this notice is served by post, attach the receipt here.

Duplicate FORM 10
(Office copy) [See rule 17(1)(b)(ii)]
Notice to the objector

To
(Full name and address of objector)

Reference : Objection No.

Take notice that your objection to the inclusion of the name of.....will
be heard at..... (place) at.....o'clock on the.....day of.....19 ..

You are directed to be present at the hearing with such evidence as you may like to adduce.

Date..........
Municipal Electoral Registration Officer
Place..........
Municipality

Original
(To be served on the objector)

Duplicate FORM 10
(Office copy) [See rule 17(1)(b)(i)]
Notice to the objector

To
(Full name and address of objector)

Reference : Objection No.

Take notice that your objection to the inclusion of the name of.....will be heard at..... (place) at.....o'clock on the.....day of.....19 .

You are directed to be present at the hearing with such evidence as you may like to adduce.

Date.....
Place..... *Municipal Electoral Registration Officer*
.....*Municipality*

CERTIFICATE OF SERVICE OF NOTICE
Received notice of the date of hearing

Date.....
.....*Objector*

Certified that the notice on the objector has been duly served by me this.....day of.....on.....(name) personally/by affixing on residence.

Place.....
Date..... *Serving Officer*

N.B. : If this notice is served by post, attach the receipt here.

Duplicate
(Office copy)

FORM 11
[See rule 17(1)(b)(ii)]

Notice to the person in respect of whom objection has been made

To
(Full name and address of person objected to)

Reference : Objection No.

Take notice that your objection to the inclusion of your name at serial No.in part No.of the electoral roll for constituency No.of the.....Municipality filed by (Full name and address of objector).....will be heard at.....(place) at.....o'clock on the.....day of.....19

You are directed to be present at the hearing with such evidence as you may like to adduce.
The grounds of objection (in brief) are—

- (a)
- (b)
- (c)

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

.....
Municipal Electoral Registration Officer
.....*Municipality*

Original

(To be served on the person objected to)

FORM 11

[See rule 17(1)(b)(ii)]

Notice to the person in respect of whom objection has been made

To

(Full name and address of person objected to)

Reference : Objection No.

Take notice that objection to the inclusion of your name at serial No.in part
No.of the electoral roll for constituency No.of the.....Municipality
filed by (full name and address of objector).....will
be heard at.....(place) at.....o'clock on the.....day of.....19 .

You are directed to be present at the hearing with such evidence as you may like to adduce.
The grounds of objections (in brief) are—

- (a)
- (b)
- (c)

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

.....
Municipal Electoral Registration Officer
.....*Municipality*

CERTIFICATE OF SERVICE OF NOTICE
Received notice of the date of hearing

Date.....

.....
Person objected to

Certified that the notice on the person the entry relating to whose name has been objected to, has been duly served by me this.....day of on.....(name) personally/by affixing on residence.

Place.....

Date.....

.....
Serving Officer

N.B. : If this notice is served by post, attach the receipt here.

Duplicate
(Office copy)

FORM 12
[See rule 17(1)(b)(iii)]

Notice of hearing of an objection to particulars in an entry

To

(Full name and address of objector)

Reference : Objection No.

Take notice that your objection to certain particulars in the entry relating to you will be heard at.....(place) at.....o'clock on the.....day of.....19 .

You are directed to be present at the hearing with such evidence as you may like to adduce.

Date.....

Place.....

.....
Municipal Electoral Registration Officer
.....*Municipality*

Original
(To be served on the objector)

FORM 12
[See rule 17(1)(b)(iii)]

Notice of hearing of an objection to Particulars in an entry

To

(Full name and address of objector)

Reference : Objection No.

Take notice that your objection to certain particulars in the entry relating to you will be heard at.....(place) at.....o'clock on the.....day of.....19 .

You are directed to be present at the hearing with such evidence as you may like to adduce.

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

.....
Municipal Electoral Registration Officer
.....
Municipality

CERTIFICATE OF SERVICE OF NOTICE

Received notice of the date of hearing

Date.....

.....
Objector

Certified that the notice on the objector has been duly served by me this.....day of.....on.....(name) personally/by affixing on residence.

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

.....
Serving Officer

N.B. : If this notice is served by post, attach the receipt here.

FORM 13

[See rule 21(1)(b)]

Notice of final publication of electoral roll

It hereby notified for public information that the list of amendments to the draft electoral roll for the constituency/constituencies of the.....Municipality has been prepared with reference to.....as the qualifying date and in accordance with the West Bengal Municipal Elections Act, 1994 (West Ben. Act XXXIV of 1994) and the West Bengal Municipal (Election Registration of Electors) Rules, 1995, made thereunder. A copy of the said roll together with the said list of amendments has been published and will be available for inspection at my office.

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

.....
Municipal Electoral Registration Officer
.....
Municipality
(Address).....

By order of the Governor, X
SMT. K. GUPTA MENON,
Secy. to the Govt. of West Bengal.

GOVERNMENT OF WEST BENGAL
DEPARTMENT OF MUNICIPAL AFFAIRS

NOTIFICATION

No. 76/C-4/M1A-38/94

Calcutta, the 22nd February, 1995

In exercise of the power conferred by section 88 of the West Bengal Municipal Elections Act, 1994 (West Ben. Act XXXIV of 1994), the Governor, after consulting the West Bengal State Election Commission, is pleased hereby to make the following rules:—

The West Bengal Municipalities (Conduct of Elections) Rules, 1995.

PART I

Preliminary.

1. **Short title and commencement.**—(1) These rules may be called the West Bengal Municipalities (Conduct of Elections) Rules, 1995.

(2) They shall come into force at once.

2. **Interpretation.**—(1) In these rules, unless the context otherwise requires,—

- (a) “Act” means the West Bengal Municipal Elections Act, 1994 (West Ben. Act XXXIV of 1994);
- (b) “ballot box” includes any box, bag or other receptacle used for the insertion of ballot paper by voters;
- (c) “Counterfoil” means the counterfoil attached to a ballot paper printed under the provisions of these rules;
- (d) “Election Commission” means the Election Commission referred to in article 324 of the Constitution of India;
- (e) “electoral roll number” of a person means—
 - (i) the serial number of the entry in the electoral roll in respect of that person;
 - (ii) the serial number of the part of the electoral roll in which such entry occurs; and
 - (iii) the name of the Municipality to which the electoral roll relates;
- (f) “Form” means a form appended to these rules, and includes a translation thereof in Bengali or in Nepali as may be directed by the Commission and also includes manuscript or a type-written copy thereof;
- (g) “marked copy of the electoral roll” means the copy of the electoral roll set apart for the purpose of marking the names of electors to whom ballot papers are issued at an election;

- (h) "polling station" means the place fixed under section 12 for taking the poll at that election;
- (i) "presiding officer" includes any polling officer performing any of the functions of a presiding officer under sub-section (2), or sub-section (3) of section 13;
- (j) "Municipal Returning Officer" includes any Assistant Municipal Returning Officer;
- (k) "section" means a section of the Act;
- (l) "voter on election duty" means any polling agent, polling officer, presiding officer, or other public servant, who is an elector in the constituency and is, by reason of his being on election duty, unable to vote in the polling station where he is entitled to vote.

(2) The expressions used in these rules and not otherwise defined shall have the meanings respectively assigned to them in the Act or in the West Bengal State Election Commission Act, 1994 (West Ben. Act VIII of 1994).

(3) For the purposes of the Act or these rules, a person who is unable to write his name shall, unless otherwise expressly provided in these rules, be deemed to have signed an instrument or other paper if—

- (a) he has placed a mark on such instrument or other paper in the presence of the Municipal Returning Officer or the presiding officer or such other officer as may be specified in this behalf by the Commission, and
- (b) such officer on being satisfied as to his identity has attested the mark as being the mark of that person.

(4) Any requirement under these rules that a notification, order, declaration, notice or list issued or made by any authority shall be published in the *Official Gazette* shall, unless otherwise expressly provided in these rules, be construed as a requirement that it shall be published in the *Official Gazette* of the State of West Bengal.

(5) The Bengal General Clauses Act, 1899 (I of 1899), shall apply for the interpretation of these rules as it applies for the interpretation of an Act of the Legislature of West Bengal.

PART II

General provisions.

3. **Public notice of intended election.**—The public notice of an intended election referred to in section 38 shall be in Form 1 and shall, subject to any directions of the Commission, be published in such manner as the Municipal Returning Officer thinks fit.

4. **Nomination paper.**—Every nomination paper presented under sub-section (1) of section 40 shall be completed in Form 2:

Provided that failure to complete, or defect in completing, the declaration as to symbols in a nomination paper in Form 2 shall not be deemed to be a defect of a substantial character within the meaning of sub-section (4) of section 43.

5. **Authentication of certificates issued by the Commission.**—A certificate issued by the Commission under sub-section (2) of section 33 shall be signed by the Secretary to the Commission and shall bear its official seal.

6. **Notice of nominations.**—The notice of nomination under section 42 shall be in Form 3.

7. **List of validly nominated candidates.**—(1) The list of validly nominated candidates referred to in sub-section (8) of section 43 shall be in Form 4.

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

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

8. **Notice of withdrawal of candidature.**—(1) A notice of withdrawal of candidature under sub-section (1) of section 44 shall be in Form 5 and shall contain the particulars set out therein; and on receipt of such notice, the Municipal Returning Officer shall note thereon the date and time at which it was delivered.

(2) The notice under sub-section (3) of section 44 shall be in Form 6.

9. **Preparation of list of contesting candidates.**—(1) The list of contesting candidates referred to in sub-section (1) of section 46 shall be in Form 7 and shall contain the particulars set out therein.

(2) If the list is prepared in more languages than one, the names of candidates therein shall be arranged alphabetically according to the script of such one of those languages as the Commission may direct.

10. **Allotment of symbols to contesting candidates.**—In every contested election under the Act, a symbol shall be allotted to a contesting candidate, and different symbols shall be allotted to different contesting candidates at an election in the same constituency.

11. **Reserved or free symbols for candidates.**—(1) Immediately after the expiry of the period within which candidatures may be withdrawn under sub-rule (1) of rule 8, the Municipal Returning Officer shall forthwith consider the allotment of symbols to the candidates who have not withdrawn their candidatures.

(2) For the purposes of these rules, symbols are either “reserved” or “free” as shown in Table I and Table II respectively in the Schedule appended to these rules. A reserved symbol which is reserved for a recognised political party for exclusive allotment to a contesting candidate or candidates set up by that party. A free symbol is a symbol other than a reserved symbol.

(3) For the purposes of these rules, a recognised political party means a political party as may be recognised by the Election Commission as a National Party or a State Party of this State as on the date of notification under section 36 of the Act, and the Table I of the Schedule may be modified from time to time by a notification of the Election Commission accordingly.

(4) (a) A candidate set up by a recognised political party shall choose, and be allotted, the symbol reserved for that party and no other symbol.

(b) A reserved symbol shall not be chosen by, or allotted to, a candidate other than a candidate set up by a recognised political party for whom such symbol has been reserved.

(5) Any candidate other than a candidate of a recognised political party shall choose and be allotted one of the symbols specified as "free symbols". If the choices come into conflict, the Municipal Returning Officer shall allot symbols in conformity, as far as possible, with the wishes of the candidate and, if necessary, by lot and his decision shall be final. If in any particular constituency, the number of contesting candidates exceeds the number of symbols specified in Table II of the Schedule, the Municipal Returning Officer shall, in allotting additional symbols required, make a combination of any two of the symbols specified in Table II as aforesaid, and his decision thereon shall be final:

Provided that the declaration as to symbols made by a candidate in the nomination paper first delivered shall only be considered for the purpose even if that nomination paper has been rejected:

Provided further that notwithstanding the foregoing provisions of this sub-rule, the Commission may issue such direction from time to time as it may consider necessary regarding allotment of "free symbol" to candidates.

(6) Each candidate or his election agent shall forthwith be informed of the symbol allotted to the candidate and shall be given a specimen thereof.

(7) A candidate shall be deemed to be set up by a recognised political party if—

- (i) the candidate has made a declaration to that effect in his nomination paper,
- (ii) a notice in writing to that effect has, not later than 3 p.m. on the last date of withdrawal of candidatures, been delivered to the Municipal Returning Officer, and
- (iii) the said notice is signed by the President, the General Secretary or the Secretary of the State Unit of the recognised political party or by any other office-bearer of such recognised political party, duly authorised by such President, Chairman, General Secretary or Secretary, as the case may be, and the name and specimen signature of such President, Chairman, General Secretary, Secretary or authorised office-bearer are sent to the Municipal Returning Officer and also to the Commission well in advance before the expiry of the last date and hour appointed for making nomination under sub-section (1) of section 40.

12. Publication of list of contesting candidates and declaration of result in uncontested election.—(1) The Municipal Returning Officer shall, immediately after its preparation, cause a copy of the list of contesting candidates to be affixed in some conspicuous place in his office and where the number of contesting candidates is equal to, or less than, the number of seats to be filled, he shall, immediately after such affixation, declare under sub-section (2) or, as the case may be, sub-section (3) of section 58 the result of the election in Form 8 and send signed copies of the declaration to the appropriate authority and the Commission.

(2) If a poll becomes necessary under sub-section (1) of section 58, the Municipal Returning Officer shall supply a copy of the list of contesting candidates to each such candidate or his election agent.

13. **Appointment of election agent.**—(1) Any appointment of an election agent under section 47 shall be made in Form 9 and the notice of such appointment shall be given by forwarding the same in duplicate to the Municipal Returning Officer who shall return one copy thereof to the election agent after affixing thereon his seal and signature in token of his approval of the appointment.

(2) The revocation of the appointment of an election agent under sub-section (1) of section 49 shall be made in Form 10.

14. **Appointment of polling agents.**—(1) The number of polling agents that may be appointed under section 51 shall be one agent and two relief agents.

(2) Every such appointment shall be made in Form 11 and shall be made over to the polling agent for production at the polling station or the place fixed for the poll, as the case may be.

(3) No polling agent shall be admitted into the polling station or the place fixed for the poll unless he has delivered to the presiding officer the instrument of his appointment under sub-rule (2) after duly completing and signing before the presiding officer the declaration contained therein.

15. **Revocation of the appointment of a polling agent.**—(1) The revocation of the appointment of a polling agent under sub-section (1) of section 53 shall be made in Form 12 and lodged with the presiding officer.

(2) In the event of any such revocation, the candidate or his election agent may, at any time before the poll is closed, make a fresh appointment in the manner specified in rule 14 and the provisions of that rule shall apply to every such agent.

16. **Publication of the hours fixed for polling.**—The hours fixed for polling under section 60 shall be published by notification in the *Official Gazette*.

17. **Voting normally to be in person.**—Save as hereinafter provided, all electors voting at an election shall do so in person at the polling station provided for them under section 12.

18. **Vote by a 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 Municipal Returning Officer concerned and make an application in Form 13 for the issue of the ballot paper in order to enable him to cast his vote.

(2) The Municipal Returning Officer shall, on being satisfied as to the identity of such voter on production of the letter of appointment in connection with the 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 with the instrument provided for the purpose.

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

(4) The Municipal Returning Officer shall keep the counterfoil of such ballot paper in a separate sealed cover and keep the cover containing the ballot paper in his safe custody.

PART III

Voting in Municipal Constituencies.

19. **Definitions.**—In this Part, unless the context otherwise requires,—

- (a) “candidate” means a contesting candidate;
- (b) “polling agent”, in relation to a polling station, means a polling agent of a candidate duly appointed under section 51 for the polling station, and includes a candidate and the election agent of a candidate when present at the polling station.

20. **Design of ballot boxes.**—Every ballot box shall be of such design as may be approved by the Commission.

21. **Form of ballot papers.**—(1) Every ballot paper shall have a counterfoil attached thereto, and the said ballot paper and the counterfoil shall be in Form 13A and shall be prepared in Nepali and English languages in the hill sub-divisions of the district of Darjeeling and in Bengali and English languages in other areas.

(2) The names of the candidates shall be arranged on the ballot paper in the same order in which they appear in the list of contesting candidates.

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

22. **Arrangements at polling stations.**—(1) Outside each polling station there shall be displayed prominently—

- (a) a notice specifying the polling area the electors of which are entitled to vote at the polling station and, when the polling area has more than one polling station, the particulars of the electors so entitled; and
- (b) a copy of the list of contesting candidates.

(2) At each polling station, there shall be set up one or more voting compartments in which electors can record their votes screened from observation.

(3) The Municipal Returning Officer shall provide at each polling station a sufficient number of ballot boxes, copies of the relevant part of the electoral roll, ballot papers, instruments for stamping the distinguishing mark on ballot papers and articles, necessary for electors to mark the ballot papers.

23. **Admission to polling stations.**—The Presiding Officer shall regulate the number of electors to be admitted at any one time inside the polling station and shall exclude therefrom all persons other than—

- (a) polling officer;
- (b) public servants on duty in connection with the election;
- (c) persons authorised by the Commission;
- (d) candidates, their election agents and subject to the provisions of rule 14, one polling agent of each candidate;
- (e) a child in arms accompanying an elector;
- (f) a person accompanying a blind or infirm elector who cannot move without help; and
- (g) such other persons as the Municipal Returning Officer or the Presiding Officer may employ under sub-rule (2) of rule 26 or sub-rule (1) of rule 27.

24. Preparation of ballot boxes for poll.—(1) Where a paper seal is used for securing a ballot box, the presiding officer shall affix his own signature on the paper seal and obtain thereon the signatures of such of the polling agents present as are desirous of affixing the same.

(2) The presiding officer shall thereafter fix the paper seal so signed in the space meant therefor in the ballot box and shall then secure and seal the box in such manner that the slit for the insertion of ballot paper thereinto remains open.

(3) The seals used for securing a ballot box shall be affixed in such manner that after the box has been closed, it is not possible to open it without breaking the seals.

(4) Where it is not necessary to use paper seals for securing the ballot boxes, the presiding officer shall secure and seal the ballot box in such manner that the slit for the insertion of ballot papers remains open and shall allow the polling agents present to affix, if they so desire, their seals.

(5) Every ballot box used at a polling station shall bear labels, both inside and outside, marked with—

(a) the number of the ward and name of the Municipality to which the ward relates;

(b) the serial number and name of the polling station;

(c) the serial number of the ballot box (to be filled in at the end of the poll on the label outside the ballot box only); and

(d) the date of poll.

(6) Immediately before the commencement of the poll, the presiding officer shall demonstrate to the polling agents and other persons present that the ballot box is empty and bears the labels referred to in sub-rule (5).

(7) The ballot box shall then be closed, sealed and secured and placed in full view of the presiding officer and the polling agents.

25. Marked copy of electoral roll.—Immediately before the commencement of the poll, the presiding officer shall also demonstrate to the polling agents and others present that the marked copy of the electoral roll to be used during the poll does not contain any entry other than that made in pursuance of rule 18.

26. Facilities for women electors.—(1) Where a polling station is for both men and women electors, the presiding officer may direct that they shall be admitted into the polling station alternately in separate batches.

(2) The Municipal Returning Officer or the presiding officer may appoint a woman to serve as an attendant at any polling station to assist women electors and also to assist the presiding officer generally in taking the poll in respect of women electors, and, in particular, to help in searching any woman elector in case it becomes necessary.

27. Identification of electors.—(1) The presiding officer may employ at the polling station such persons as he thinks fit to help in the identification of the electors or to assist him otherwise in taking the poll.

(2) As each elector enters the polling station, the presiding officer or the polling officer authorised by him in this behalf shall check the elector's name and other particulars with the relevant entry in the electoral roll and then call out the serial number, name and other particulars of the elector.

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

28. Challenging of identity.—(1) Any polling agent may challenge the identity of a person claiming to be a particular elector by first depositing a sum of two rupees in cash with the presiding officer for each such challenge.

(2) On such deposit being made, the presiding officer shall—

- (a) warn the person challenged of the penalty for personation;
- (b) read the relevant entry in the electoral roll in full and ask him whether he is the person referred to in that entry;
- (c) enter his name and address in the list of challenged votes in Form 14; and
- (d) require him to affix his signature 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 questions necessary for the purpose of establishing his identity and require him to answer them on oath; and
- (c) administer an oath to the person challenged and any other person offering to give evidence.

(4) If, after the inquiry, the presiding officer considers that the challenge has not been established, he shall allow the person challenged to vote; and if he considers that the challenge has been established, he shall debar the person challenged from voting.

(5) If the presiding officer is of the opinion that the challenge is frivolous or has not been made in good faith, he shall direct that the deposit made under sub-rule (1) be forfeited to Government, and in any other case, he shall return it to the challenger at the conclusion of the inquiry.

29. Safeguards against personation.—(1) Every elector about whose identity the presiding officer or the polling officer, as the case may be, is satisfied, shall allow his left forefinger to be inspected by the presiding officer or polling officer and an indelible ink mark to be put on it.

(2) If any elector refuses to allow his left forefinger to be inspected or marked in accordance with sub-rule (1) or has already such a mark on his left forefinger or does any act with a view to removing the ink mark, he shall not be supplied with any ballot paper or allowed to vote.

(3) Any reference in this rule to the left forefinger of an elector shall, in the case where the elector has his left forefinger missing, be construed as a reference to any other finger of his left hand and shall, in the case where all the fingers of his left hand are missing, be construed as a reference to the forefinger or any other finger of his right hand, and shall, in the case where all his fingers of both the hands are missing, be construed as a reference to such extremity of his left or right arm as he possesses.

30. Issue of ballot papers to electors.—(1) Every ballot paper before it is issued to an elector, and the counterfoil attached thereto shall be stamped on the back with such distinguishing mark as the Commission may direct, and every ballot paper, before it is issued, shall be signed in full on its back by the presiding officer.

(2) At the time of issuing a ballot paper to an elector, the polling officer shall—

- (a) record on its counterfoil the electoral roll number of the elector as entered in the marked copy of the electoral roll;
- (b) obtain the signature or thumb impression of the elector on the counterfoil; and
- (c) mark the name of the elector in the marked copy of the electoral roll to indicate that a ballot paper has been issued to him, without however recording therein the serial number of the ballot paper issued to that elector:

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

(3) Notwithstanding anything contained in sub-rule (3) of rule 2, it shall not be necessary for any presiding officer or polling officer or any other officer to attest the thumb impression of the elector on the counterfoil.

(4) No person in the polling station shall note down the serial numbers of the ballot papers issued to particular electors.

31. Maintenance of secrecy of voting by electors within polling station and voting procedure.—(1) Every elector to whom a ballot paper has been issued under rule 30 or under any other provision of these rules, shall maintain secrecy of voting within the polling station and, for that purpose, observe the voting procedure hereinafter laid down.

(2) The elector, on receiving the ballot paper, shall forthwith—

- (a) proceed to one of the voting 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; and
- (f) quit the polling station.

(3) Every elector shall vote without undue delay.

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

(5) If an elector to whom a ballot paper has been issued, refuses, after warning given by the presiding officer, to observe the procedure as laid down in sub-rule (2), the ballot paper issued to him shall, whether he has recorded his vote thereon or not, be taken back from him by the presiding officer or a polling officer under the direction of the presiding officer.

(6) After the ballot paper has been taken back, the presiding officer shall record on its back the words "Cancelled: voting procedure violated" and put his signature below those words.

(7) All the ballot papers on which the words "Cancelled: voting procedure violated" are recorded, shall be kept in a separate cover which shall bear on its face the words "Ballot papers: voting procedure violated".

(8) Without prejudice to any other penalty to which an elector, from whom a ballot paper has been taken back under sub-rule (5), may be liable, the vote, if any, recorded on such ballot paper shall not be counted.

32. Recording of votes of blind or infirm electors.—(1) If the presiding officer is satisfied that owing to blindness or other physical infirmity, an elector is unable to recognise the symbols on the ballot paper or to make a mark thereon without assistance, the presiding officer shall permit the elector to take with him a companion of not less than eighteen years of age to the voting compartment for recording the vote on the ballot paper on his behalf and in accordance with his wishes, and if necessary, for folding the ballot paper so as to conceal the vote and inserting it into the ballot box:

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

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

(2) The presiding officer shall keep a record in Form 15 of all cases under this rule.

33. Spoilt and returned ballot paper.—(1) An elector who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on returning it to the presiding officer and on satisfying him of the inadvertence, be given another ballot paper, and the ballot paper so returned and the counterfoil of such ballot paper shall be marked "Spoilt: cancelled" by the presiding officer.

(2) If an elector, after obtaining a ballot paper, 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 ballot papers cancelled under sub-rule (1) or sub-rule (2) shall be kept in a separate packet.

34. Tendered votes.—(1) If a person representing himself to be a particular elector applies for a ballot paper after another person has already voted as such elector, he shall, on satisfactorily answering such questions relating to his identity as the presiding officer may ask, be entitled, subject to the following provisions of this rule, to mark a ballot paper (hereinafter in these rules referred to as "tendered ballot paper") in the same manner as any other elector.

(2) Every such person shall, before being supplied with a tendered ballot paper, sign his name against the entry relating to him in a list in Form 16.

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

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

(b) such tendered ballot paper and its counterfoil shall be endorsed on the back with the words "tendered ballot paper" by the presiding officer in his own hand and signed by him.

(4) The elector, after marking a 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.

35. Closing of poll.—(1) The presiding officer shall close a polling station at the hour fixed in that behalf under section 60 and shall not thereafter admit any elector into the polling station:

Provided that all electors present at the polling station before it is closed shall be allowed to cast their votes.

(2) If any question arises whether an elector was present at the polling station before it was closed, it shall be decided by the presiding officer and his decision shall be final.

36. Sealing of ballot boxes after poll.—(1) As soon as practicable after the closing of the poll, the presiding officer shall close the slit of the ballot box, and where the box does not contain any mechanical device for closing the slit, he shall seal up the slit and also allow any polling agent present to affix his seal.

(2) The ballot box shall thereafter be sealed and secured.

(3) Where it becomes necessary to use a second ballot box by reason of the first ballot box getting full, the first box shall be closed, sealed and secured as, provided in sub-rules (1) and (2) before another ballot box is put into use.

37. Account of ballot papers.—(1) The presiding officer shall, at the close of the poll, prepare a ballot paper account in Form 17 and enclose it in a separate cover with the words "Ballot Paper Account" superscribed thereon.

(2) The presiding officer shall furnish to every polling agent present at the close of the poll a true copy of the entries made in the ballot paper account after obtaining a receipt from the said polling agent therefor and shall also attest it as a true copy.

38. Sealing of other packets.—(1) The presiding officer shall then make into separate packets—

- (a) the marked copy of the electoral roll;
- (b) the counterfoils of the used ballot papers;
- (c) the ballot papers signed in full by the presiding officer under sub-rule (1) of rule 30 but not issued to the voters;
- (d) any other ballot papers not issued to the voters;
- (e) the ballot papers cancelled for violation of voting procedure under rule 31;
- (f) any other cancelled ballot papers;
- (g) the cover containing the tendered ballot papers and the list in Form 16;
- (h) the list of challenged votes; and
- (i) any other papers directed by the Commission to be kept in a sealed packet.

(2) Each such packet shall be sealed with the seals of the presiding officer and with the seals, either of the candidate or of his election agent or of his polling agent who may be present at the polling station and may desire to affix his seals thereon.

39. Procedure on adjournment of poll.—(1) If the poll at any polling station is adjourned under sub-section (1) of section 61, the provisions of rules 36 to 38 shall, as far as practicable, apply as if the poll was closed at the hour fixed in that behalf under section 60.

(2) When an adjourned poll is recommenced under sub-section (2) of section 61, the electors who have already voted at the poll so adjourned shall not be allowed to vote again.

(3) The Municipal Returning Officer shall provide 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 and a new ballot box.

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

(5) The provisions of rules 19 to 38 shall apply in relation to the conduct of an adjourned poll as they apply in relation to the poll before it was so adjourned.

PART IV

Counting of Votes at the Election.

40. **Definitions.**—In this Part, unless the context otherwise requires,—

- (a) “candidate” means a contesting candidate;
- (b) “counting agent” means a counting agent duly appointed under section 52, and includes a candidate and the election agent of a candidate when present at the counting;
- (c) “polling station” means a polling station provided under section 12.

41. **Time and place for counting of votes.**—As soon as possible after the close of the poll at each polling station, votes shall be counted at the polling station by the presiding officer with the assistance of the polling officers in accordance with these rules:

Provided that if the Commission is satisfied that the counting of votes cannot conveniently be done at any polling station immediately after the close of the poll, it may direct the Municipal Returning Officer to count the votes at a centralised place. On being so directed by the Commission, the Municipal Returning Officer may require the used and sealed ballot boxes of such polling stations to be transported to such place for safe custody till counting as the Municipal Returning Officer may direct. A notice indicating the place where the polled ballot boxes shall be stored for safe custody till counting of votes, shall be published by the Municipal Returning Officer in his office and shall also be sent at least seven days before the date of the poll to each contesting candidate who shall be at liberty to affix his seal by himself or through his election agent on the lock at the entry door of the place where the said boxes are stored.

42. **Appointment of counting agents and revocation of such appointment.**—

(1) The number of counting agents that a candidate may appoint under section 52 shall, subject to such general or special direction as the Commission may issue in this behalf, not exceed one at the place or each of the places fixed for counting under rule 41.

(2) Every such appointment shall be made in Form 18 in duplicate, one copy of which shall be forwarded to the presiding officer while the other copy shall be made over to the counting agent for production before the presiding officer not later than one hour before the time fixed for counting under rule 41.

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

(4) The revocation of appointment of a counting agent under sub-section (2) of section 53 shall be made in Form 19 and lodged with the presiding officer.

(5) In the event of any such revocation before the commencement of the counting of votes, the candidate or his election agent may make a fresh appointment in accordance with sub-rule (2).

43. Admission to the place for counting.—(1) The presiding officer shall exclude from the place of counting of votes all persons other than—

- (a) the polling officers who are to assist the presiding officer in the counting;
- (b) public servants on duty in connection with the election or authorised by the Municipal Returning Officer; and
- (c) candidates, their election agents and counting agents.

(2) The presiding officer shall make the seating arrangement of the counting agents for their watching the counting of votes on the table and shall also maintain order and discipline in the counting place.

(3) Any person, who during the counting of votes, misconducts himself or fails to obey the lawful directions of the presiding officer, may be removed from the place of counting by the presiding officer or by any police officer on duty or any person authorised in this behalf by the presiding officer.

44. Explaining the counting procedure.—The presiding officer shall, before the commencement of the counting, briefly explain the counting procedure to all those allowed admission in the counting place under sub-rule (1) of rule 43 and caution them as to the maintenance of secrecy, the violation of which shall be an electoral offence under section 81.

45. Opening of ballot boxes.—(1) The presiding officer shall thereafter in the presence of the persons allowed in the counting place, open at the table the used ballot box at the polling station or, if more than one ballot box was used, all such ballot boxes simultaneously, mix their contents, and proceed with the counting of the ballot papers found in such box or boxes.

(2) Before any ballot box is opened at the counting table, the candidates or their agents present shall be allowed to inspect the seal which might have been affixed thereon to satisfy themselves that it is intact.

46. Scrutiny of ballot papers and counting.—(1) The ballot papers taken out of the ballot box or boxes shall first be arranged in convenient bundles of 50 or 100, and the total number of ballot papers found in such box or boxes shall be ascertained. Thereafter, the ballot papers taken out of all such boxes shall be scrutinised by the presiding officer with the help of the polling officers.

(2) The presiding officer shall reject a ballot paper—

- (a) if it bears any mark or writing by which the elector can be identified, or
- (b) if it bears no mark on the front or it bears a mark made otherwise than with the instrument supplied for the purpose, or
- (c) if there are marks on it in favour of more candidates than one, or
- (d) if the mark is so placed as to render it doubtful as to which candidate the vote has been given, or
- (e) if it is a suprious ballot paper, or
- (f) if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established:

Provided that—

- (i) where the presiding officer is satisfied that any defect has been caused by any mistake or failure on the part of the presiding officer himself or the polling officer, the ballot paper shall not be rejected on the ground of such defect;
- (ii) a ballot paper shall not be rejected merely on the ground that the mark indicating the vote is indistinct or made more than once, if the intention that the vote shall be for a particular candidate clearly appears from the way the paper is marked.

(3) Before rejecting any ballot paper under sub-rule (2), the presiding officer shall allow the candidate or his election agent and each counting agent present a reasonable opportunity to inspect the ballot paper but shall not allow him to handle it or any other ballot paper.

(4) The presiding officer shall endorse on every ballot paper which he rejects the letter "R" and the grounds for rejection in abbreviated form either in his own hand or by means of a rubber stamp and shall initial his endorsement; and his decision shall be final.

(5) All ballot papers rejected under this rule shall be counted and bundled together.

(6) Every ballot paper which is not rejected under this rule shall be counted as one valid vote:

Provided that no cover containing tendered ballot papers shall be opened and no such paper shall be counted.

47. Sorting of ballot papers etc.—The valid ballot papers shall be sorted candidate-wise and counted to ascertain the total number of votes secured by each candidate.

48. Counting of votes to be continuous.—The presiding officer shall, as far as practicable, proceed continuously with the counting of votes and shall, during any interval when the counting has to be suspended, keep the ballot papers, packets and other papers relating to the election sealed with his own seal and the seal of such candidate or election agent or counting agent as may desire to affix their seals, and shall cause adequate precautions to be taken for their safety during such interval.

49. Announcement of votes by the presiding officer.—(1) After the completion of the counting the presiding officer shall record the details in the counting sheet in Form 20 and announce the total number of votes secured by each candidate at the polling station.

(2) After such announcement has been made, a candidate, his election agent or his counting agent may apply in writing to the presiding officer for a re-count of the votes either wholly or in part stating the grounds on which he demands such re-count.

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

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

(5) If the presiding officer decides under sub-rule (3) to allow a re-count of the votes either wholly or in part, he shall—

- (a) do the re-counting accordingly;
- (b) amend the counting sheet in Form 20 to the extent necessary after such re-count; and
- (c) announce the amendments so made by him.

(6) After the number of votes polled by each candidate has been announced under sub-rule (1) or sub-rule (5), as the case may be, the presiding officer shall complete and sign the counting sheet in Form 20 and no application for a re-count shall be entertained thereafter:

Provided that no step under this sub-rule shall be taken upon an announcement until the candidates or their election agents or their counting agents present have been given a reasonable opportunity to exercise the right conferred by sub-rule (2).

50. Sealing and packing.—(1) The presiding officer shall make separate packets of the—

- (a) valid ballot papers received at the counting;
- (b) rejected ballot papers received at the counting; and
- (c) counting sheet in Form 20, showing the votes secured by the candidates at the polling station.

(2) Each such packet shall be sealed with the seal of the presiding officer and the seal or seals of candidates or their election agents or counting agents who may be present at the counting place and may desire to affix their seals thereon.

51. Transmission of the sealed packets and ballot boxes, etc.—(1) The presiding officer shall, as early as possible, deliver or cause to be delivered to the Municipal Returning Officer at such place as the Municipal Returning Officer may direct—

- (a) the ballot boxes;
- (b) the sealed packets referred to in rule 50;
- (c) the sealed packets referred to in rule 38;
- (d) the ballot paper account in Form 17;
- (e) all other papers and materials used at the poll.

(2) The Municipal Returning Officer shall make necessary arrangement for safe transport by the presiding officer of the sealed packets and ballot boxes, etc. and for their reception and custody.

52. **Used and sealed ballot boxes stored under rule 41.**—The Municipal Returning Officer shall fix the time and place of counting if any used and sealed ballot box is received by him under the proviso to rule 41 and shall also send a notice thereof to the contesting candidates at least 7 days before the date of such counting and shall publish the notice in his office as well. The procedure laid down in rules 42 to 50 shall apply *mutatis mutandis* to such counting and all references in the said rules to the presiding officer shall be deemed to be references to the Municipal Returning Officer. After such counting is over, the compilation and declaration of the results shall be taken up in the manner hereinafter provided.

53. **Time and place.**—The Municipal Returning Officer shall fix the time and place at which the result of the election shall be declared after compilation of the results of counting received from all the polling stations in the constituency and after taking into account the votes cast by voters on election duty and he shall give notice thereof in Form 21 to all the candidates and their election agents not less than three days before the date so fixed and publish the notice in his office as well.

54. **Admission to the place of declaration.**—(1) The Municipal Returning Officer shall exclude from the place of declaration of results all persons except—

- (a) the Assistant Municipal Returning Officer or other officers;
- (b) such persons as the Municipal Returning Officer may appoint to assist him in the counting of votes of persons on election duty and in compiling the results received from the different polling stations;
- (c) public servants on duty in connection with the election;
- (d) candidates and their election agents; and
- (e) any other persons authorised by the Municipal Returning Officer.

(2) No person who has been employed by or on behalf of, or has been working for, a candidate shall be appointed under clause (b) of sub-rule (1).

(3) Any person who misconducts himself or fails to obey the lawful directions of the Municipal Returning Officer may be removed from the place by the Municipal Returning Officer or by any police officer on duty or by any person authorised in this behalf by the Municipal Returning Officer.

55. **Counting of votes cast by voters on election duty.**—(1) On the day and at the time and place appointed under rule 53 the Municipal Returning Officer shall first open the covers containing the ballot papers recording the votes of persons on election duty, which were received by him under rule 18 and scrutinise the ballot papers in accordance with the provisions of rule 46 and count them and record their number and other details in Form 22.

(2) The Municipal Returning Officer shall thereafter make separate packets of—

- (a) all valid ballot papers, and
- (b) all rejected ballot papers as found by him at the scrutiny and counting under sub-rule (1) seal both the packets with his seal and the seals of the candidates or their election agents if they wish to affix their seals thereon, and note on the packets the number of constituency; the date of counting and a description of the contents.

56. **Compilation of results of different polling stations.**—The Municipal Returning Officer shall thereafter compile the results of the counting received from the polling station(s) of a constituency, add to them the number of the valid votes as counted under sub-rule (1) of rule 55, and record the results finally in Form 23.

57. **Declaration of result.**—(1) The Municipal Returning Officer shall, after completion of the procedure in rules 55 and 56, forthwith declare to be elected the candidate to whom the largest number of valid votes has been given.

(2) Where an equality of votes is found to exist between any candidates and the addition of one vote will entitle any of the candidates to be declared elected, the determination of the person to whom such additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Municipal Returning Officer and the candidates or their representatives who may be present and in such manner as he may determine.

58. **Preparation of return of election and issue of certificate of election.**—The Municipal Returning Officer shall then prepare and certify a return of election showing the results in Form 24 and shall also issue a certificate of election to the returned candidate in Form 25.

59. **Sending of return of election.**—The Municipal Returning Officer shall without any delay send the return of election in Form 24 to the Commission for immediate publication of the names of the elected candidates in the *Official Gazette*.

60. **Preservation of sealed packets.**—The Municipal Returning Officer shall keep in his safe custody all other sealed packets received by him from the presiding officer under rule 51 and the sealed packets made by him under sub-rule (2) of rule 55.

61. **Compilation and declaration of result in cases of adjourned poll and fresh poll.**—(1) The compilation of the result of counting of votes for a constituency in the case of adjourned or fresh poll shall be taken up by the Municipal Returning Officer only after such adjourned or fresh poll at any polling station, as the case may be, has been held and the counting of votes has been made in accordance with the procedure in these rules by the presiding officer of the polling station concerned.

(2) The provisions of rules 53 to 60 shall apply to such cases in the matter of compilation and declaration of results.

PART V

Miscellaneous.

62. **Report by the District Municipal Election Officer as to the lodging of the account of election expenses and the decision of the Commission thereon.**—(1) As soon as may be after the expiration of the time specified in section 73 for the lodging of the accounts of the election expenses at any election, the District Municipal Election Officer shall report to the Commission—

- (a) the name of each contesting candidate;
- (b) whether such candidate has lodged his account of election expenses and, if so, the date on which such account has been lodged; and

- (c) whether, in his opinion, such account has been lodged within the time and in the manner required by the Act and these rules.

63. Custody of ballot boxes and papers relating to election.—(1) All ballot boxes used at an election shall be kept in such custody as the Commission may direct.

(2) The Municipal Returning Officer shall keep in his safe custody—

- (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 the marked copy of the electoral roll;
- (e) the packets of the declarations by electors and the attestation of their signatures; and
- (f) all other papers relating to the election.

64. Production and inspection of election papers.—(1) While in the custody of the Municipal 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 the marked copy of the electoral roll;
- (e) the packets of the declarations by electors and the attestation of their signatures; and
- (f) the packets of all other papers relating to the election

shall not be opened and their contents shall not be inspected by, or produced before, any person or authority except under the order of a competent court.

(2) Subject to such conditions and to the payment of such fee as the Commission may direct,—

- (a) all other papers relating to the election shall be open to public inspection; and
- (b) copies thereof shall, on application, be furnished.

(3) Copies of the returns by the Municipal Returning Officer forwarded under rule 59 shall be furnished by the Municipal Returning Officer, District Municipal Election Officer, or the Commission on payment of a fee of two rupees for each copy.

65. Disposal of election papers.—Subject to any direction to the contrary given by the Commission or by a competent court or tribunal,—

- (a) the packets of unused ballot papers shall be retained for a period of six months and shall thereafter be destroyed in such manner as the Commission may direct;
- (b) the other packets referred to in sub-rule (1) of rule 64 shall be retained for a period of one year and shall thereafter be destroyed:

Provided that packets containing the counterfoils of used ballot papers shall not be destroyed except with the previous approval of the Commission;

- (c) all other papers relating to the election shall be retained for such period as the Commission may direct.

66. Manner of serving the order of requisition of premises, vehicles, etc.—An order of requisition under section 87 shall be served,—

- (a) where the person to whom such order is addressed is a corporation or firm, in the manner provided for the service of summons in rule 2 of Order XXIX or rule 3 of Order XXX, as the case may be, in the First Schedule to the Code of Civil Procedure, 1908 (5 of 1908); and
- (b) where the person to whom such order is addressed is an individual,—
 - (i) personally by delivering or tendering the order, or
 - (ii) by registered post, or
 - (iii) if the person cannot be found, by leaving an authentic copy of the order with any adult member of his family or by affixing such copy to some conspicuous part of the premises in which he is known to have resided or carried on business or personally worked for gain.

67. Return of election expenses.—(1) Every candidate at an election shall, either by himself or through his election agent, keep a separate and correct account of all expenditure in connexion with the election incurred or authorised by him or by his election agent, supported by proper bills and vouchers as far as practicable.

(2) The return of the election expenses to be lodged by every candidate or his election agent under section 73 shall be in Form 26.

(3) The return referred to in sub-rule (2) shall be lodged with the District Municipal Election Officer within the time and in the manner specified in section 73.

68. Persons entitled to inspect and to have attested copy of the return of election expenses.—Any person shall, on payment of such fee as may be determined by the Commission, be entitled to inspect, and to have an attested copy of, the return of election expenses as lodged by a candidate or his election agent.

69. Issue of general or special directions.—The State Government may issue such general or special directions, not inconsistent with the provisions of the Act or these rules, as may, in its opinion, be necessary for the purpose of giving effect to these rules or holding any election under the Act.

FORM 1

(See rule 3)

Notice of Election

Notice is hereby given that:

- (1) an election is to be held of a member to Ward No. of the
..... Municipality;
- (2) nomination papers may be delivered by a candidate or his proposer to the Municipal
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 on
at
- (5) notice of withdrawal of candidature may be delivered by a candidate or his proposer
or his election agent (who has been authorised in writing by the candidate to deliver
it) to the officer 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

Place

Date

Municipal Returning Officer

FORM 2

(See rule 4)

Nomination Paper

I nominate as a candidate for election to the Municipality
from Ward No. of the said Municipality.

Candidate's name

*Father's/Husband's name

Full postal address

His name is entered at Serial No. in Part No. of the
electoral roll for the Municipality.

My name is and it is entered at Serial No. in Part No. of the electoral roll for the Municipality.

Date (Signature of Proposer)

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

(a) that I have completed years of age;

* (b) that I am set up at this election by the party;

(c) that the symbols I have chosen are, in order of preference,—

(i), (ii) and (iii)

(d) that my name and my *father's/husband's name have been correctly spelt out above in (name of the language);

(e) that to the best of my knowledge and belief, I am qualified and not also disqualified for being chosen to fill the seat in the Municipality.

*I further declare that I am a member of the caste/tribe which is a scheduled *caste/tribe of the State of West Bengal.

Date (Signature of Candidate)

*Score out the word(s)/paragraph, if not applicable.

(To be filled by the Municipal 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 Municipal Returning Officer

Decision of Municipal Returning Officer Accepting or Rejecting the Nomination Paper.

I have examined this nomination paper in accordance with section 43 of the West Bengal Municipal Elections Act, 1994, and decide as follows:

Date Municipal Returning Officer

*Strike 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 from Ward No. of the Municipality was delivered to me at my office at (hour) on (date) by the *candidate/ proposer. All nomination paper will be taken up for scrutiny at (hour) on (date) at (place).

Municipal Returning Officer

*Strike out the word not applicable.

FORM 3

(See rule 6)

Notice of Nomination

Election to Ward No. of the Municipality.

Notice is hereby given that the following nominations in respect of the above election have been received up to 3 P.M. to day:

Serial number of nomination paper	Name of candidate	Name of *father/ husband	Age of candi- date	Address	Party affiliat- ion	Particulars of castes or tribes for candidates belonging to Scheduled Castes or Scheduled Tribes	Electoral roll number of candi- date	Name of proposer	Electoral roll number of proposer
1	2	3	4	5	6	7	8	9	10

Place

Municipal Returning Officer

Date

*Strike out the word not applicable.

FORM 4

(See rule 7)

List of Validly Nominated Candidates

Election to Ward No. of the Municipality.

Serial number	Name of candidate	Name of *father/ husband	Address of candidate	Party affiliation
---------------	-------------------	-----------------------------	----------------------	-------------------

Place

Date

Municipal Returning Officer

*Strike out the word not applicable.

FORM 5

[See rule 8(1)]

Notice of Withdrawal of Candidature

Election to Ward No. of the Municipality.

The Municipal Returning Officer,

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

Place

Date

Signature of validly nominated candidate

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

Date

Municipal Returning Officer

Receipt for Notice of Withdrawal

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

The notice of withdrawal of candidature by a validly nominated candidate at the election to Ward No. of the Municipality was delivered to me by the ** at my officer at (hour) on (date).

Municipal Returning Officer

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

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

FORM 6

[See rule 8(2)]

Notice of Withdrawal of Candidatures

Election to Ward No. of the Municipality.

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

Name of validly nominated candidate	Address of validly nominated candidate	Remarks
1.		
2.		
3.		
etc.		

Date

Municipal Returning Officer

*Strike out the word(s) not applicable.

FORM 7

[See rule 9(1)]

List of Contesting Candidates

Election to Ward No. of the Municipality.

Serial number	Name of candidate	Address of candidate	Party affiliation	Symbol allotted
1	2	3	4	5
1.				
2.				
3.				
4.				
5.				
etc.				

Place

Date

Municipal Returning Officer

FORM 8

[See rule 12(1)]

Declaration of the Result of Election when seat is uncontested

Declaration of the result of Election under sub-section (2)* / sub-section (3)* of section 58 of the West Bengal Municipal Elections Act, 1994.

Election to Ward No. of the Municipality.

In pursuance of the provisions contained in sub-section (2)* / sub-section (3)* of section 58 of the West Bengal Municipal Elections Act, 1994, read with sub-rule (1) of rule 12 of the West Bengal Municipalities (Conduct of Elections) Rules, 1995, I declare that—

..... (Name)

..... (Address)

Sponsored by
(Name of the recognised/registered political party)

has been duly elected to fill the seat in that Municipality from the above ward.

Place

Date

Signature
Municipal Returning Officer

*Strike out the word(s) not applicable.

FORM 9

[See rule 13(1)]

Appointment of Election Agent

Election to Ward No. of the Municipality.

To
The Municipal Returning Officer,

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

Place

Date

Signature of candidate

I accept the above appointment.

Signature of election agent
approved:

Place

Date

*Signature and Seal of the
Municipal Returning Officer*

FORM 10

[See rule 13(2)]

Revocation of Appointment of Election Agent

Election to Ward No. of the Municipality.

To
The Municipal Returning Officer,

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

Place

Date

Signature of candidate

FORM 11

[See rule 14(2)]

†Appointment of Polling Agent

Election to Ward No. of the Municipality.

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

Place

Date

Signature of candidate/election agent

I agree to act as such polling agent.

Place

Date

Signature of Polling agent

Declaration of polling agent to be signed before the Presiding Officer

I hereby declare that at the above election I will not do anything which may attract the provisions of section 81 of the West Bengal Municipal Elections Act, 1994, read with ** section 128 of the Representation of the People Act, 1951, which I have read/has been read over to me.

Date

Signature of Polling agent

Signed before me.

Date

Presiding Officer

*Strike out the word(s) not applicable.

†To be handed over to the polling agent for production at the polling station

**Section 128 of Representation of the People Act, 1951:—

“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 authorised by or under any law) communicate to any person any information calculated to violate such secrecy.

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to three months or with fine or with both.”

FORM 12

[See rule 15(1)]

Revocation of Appointment of Polling Agent

Election to Ward No. of the Municipality.

To
The Presiding Officer,

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

Place

Date

Signature of person revoking

*Strike out the word(s) not applicable.

FORM 13

[See rule 18(1)]

Application for Casting Vote by a Voter on Election Duty

To
The Municipal Returning Officer,

Ward No. of the Municipality.

Sir,

I intend to cast my vote at the ensuing election to the Municipality
in Ward No. to be taken at polling station No.

My name is entered at Serial No. in Part No. of
Ward No. of the Electoral Roll of the Municipality.

I have been appointed to perform election duty and I produce herewith my letter of
appointment.

I request that a ballot paper may be issued to me so that I may cast my vote.

Yours faithfully,

Place

Date

.....

Signature

FORM 13A
[See rule 21(1)]

BALLOT PAPER FOR
GENERAL/BYE ELECTION, 19

COUNTERFOIL

The Municipality

Ward No.

Electoral Roll Part No.

Serial No. of Voter

Signature or Thumb Impression of Voter

----- (Perforation) -----

BALLOT PAPER FOR
GENERAL/BYE ELECTION, 19

The Municipality

Ward No.

Name of Candidates	Symbol

Note: Serial number of the ballot paper and its counterfoil shall be printed on the left hand side on the back of the ballot paper.

FORM 14

[See rule 28(2)(c)]

List of Challenged Votes

Election to Ward No. of the Municipality.

Polling station number and name of polling station

Serial Number of entry	Name of elector	Serial Number of Part of roll	Signature or thumb impression of the person challenged	Address of the person challenged	Name of Identifier, if any	Name of challenger	Order of presiding officer	Signature of challenger on receiving refund of deposit	
1	2	3	4	5	6	7	8	9	10

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.
- etc.

Date

Signature of Presiding Officer.

FORM 15

[See rule 32(2)]

List of Illiterate, Blind and Infirm Voters

Election to Ward No. of the Municipality.

Number and name of polling station

Part No. & serial No. of elector	Full name of elector	Full name of Companion	Address of Companion	Signature of Companion
-------------------------------------	-------------------------	---------------------------	-------------------------	---------------------------

Date

Signature of Presiding Officer

FORM 16

[See rules 34(2) and 38(1)(g)]

List of Tendered Votes

Election to Ward No. of the Municipality.

Number and name of polling station

Part number, serial number and name of elector	Address of elector	Serial number of tendered ballot paper	Serial number of ballot paper issued to the person who has already voted	Signature or thumb impression of person tende- ring vote
1	2	3	4	5

Date

Signature of Presiding Officer

FORM 17

[See rule 37(1) and 51(1)(d)]

Ballot Paper Account

Election to Ward No. of the Municipality.

No. and name of polling station

	Serial Nos.		Total No.
	From	To	
1. Ballot papers received			
2. Ballot papers unused (i.e., not issued to voters):			
(a) With the signature of the presiding officer			
(b) Without the signature of the presiding officer			
			*Total : (a+b)
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:			
(a) Ballot papers cancelled for violation of voting procedure under rule 31			
(b) Ballot papers cancelled for other reasons			
(c) Ballot papers used as tendered ballot papers			
			*Total : (a+b+c)
5. *Ballot papers to be found in the ballot box (3-4 = 5)			

*Serial numbers need not be given.

Date

Signature of Presiding Officer

FORM 18

[See rule 42(2)]

†Appointment of Counting Agents

Election to Ward No. of the Municipality.

I,, *a candidate/the election agent of who is a candidate at the above election, do hereby appoint the following person(s) as my counting agent(s) to attend the counting of votes at

Name of the counting agent(s)	Address of the counting agent(s)
1.	
2.	
3.	
4.	
etc.	<i>Signature of candidate/election agent</i>

*I/We agree to act as such counting agent(s).

1.	
2.	
3.	
etc.	<i>Signature of counting agent(s)</i>

Place

Date

Declaration of Counting Agents
(To be signed before the Presiding Officer)

*I/We hereby declare that at the above election *I/we will not do anything forbidden by section 81 of the West Bengal Municipal Elections Act, 1994, read with **section 128 of the Representation of the People Act, 1951 which *I/we have read/has been read over to *me/us.

1.	
2.	
3.	
etc.	<i>Signature of polling agent</i>

Date

Signed before me.

Presiding Officer

Date

*To be handed over to the counting agent for production at the polling station or at the place fixed for counting of votes.

*Strike out the words not applicable.

**Section 128 of the Representation of the People Act, 1951:—

“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 authorised by or under any law) communicate to any person any information calculated to violate such secrecy.

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to three months or with fine or with both.”

FORM 19

[See rule 42(4)]

Revocation of Appointment of Counting Agent

Election to Ward No. of the Municipality.

I,, *the election agent of
a candidate at the above election hereby revoke the appointment of *my/
his counting agent appointed earlier to attend the counting of votes at

Place

Date

Signature of person revoking

*Strike out the words not applicable.

FORM 20

[See rules 49(1), 49(5)(b), 49(6) and 50(1)(c)]

Counting Sheet for Presiding Officer

Election to the Municipality.

Ward No.

Polling Station No.

Date of Poll

Number of ballot papers found in the ballot box(es)	Number of valid ballot papers	Number of rejected ballot papers	Discrepancy, if any, with reference to the ballot papers account
1	2	3	4

Votes secured by each of the candidates.

Serial No.	Name of the candidate	Valid votes secured by each of the candidates
5	6	7
1.		
2.		
3.		
etc.		

Place

Date

Signature of Presiding Officer

FORM 21
(See rule 53)

Notice

Election to the Municipality.

Ward No.

Date of Poll

Notice to the candidates and their election agents regarding the date, time and place for compilation and declaration of the result of election.

In pursuance of rule 53 of the West Bengal Municipalities (Conduct of Elections) Rules, 1995, the compilation of the results of counting of votes received from all the polling stations in the ward and the taking of account of the votes cast by voters on election duty and declaration of result of the election will take place at a.m./p.m. on the day of (month) 19 at (place).

Candidates and their election agents may remain present.

Place

Date

Signature of the Municipal Returning Officer

FORM 22
(See rule 55)

Counting Sheet for Municipal Returning Officer

Election to the Municipality.

Ward No.

Date of Poll

Votes cast by persons on election duty

Total number of sealed covers	Total number of valid ballot papers	Total number of rejected ballot papers
1	2	3

Serial No.	Name of the candidates	Valid votes secured by each candidate
4	5	6
1.		
2.		
3.		
4.		
etc.		

Place

Date

Signature of the Municipal Returning Officer

FORM 23

(See rule 56)

Final Result Sheet

Election to the Municipality.

Ward No.

Date of Poll

Name of the candidate	Record of votes at Polling Station No. (valid)						Record of votes given by person on election duty (Valid)	Total of votes polled by the candidate
	1	2	3	4	5	6 etc.		
A								
B								
C								
D								
E								
etc.								
			(Rejected)			(Rejected)		

Total No. of valid votes:

Total No. of rejected votes:

Grand Total of votes:

(Valid and rejected)

Place

Date

Signature of the Municipal Returning Officer

FORM 24
(See rules 58 and 59)
Return of Election

Election to the Municipality.

Ward No.

Date of Poll

Serial No.	Name of candidates	Number of votes recorded in favour of each of the candidates
1	2	3
1.		
2.		
3.		
4.		
etc.		

Total number or valid votes

Total number of invalid votes

Total number of tendered votes

In pursuance of the provisions contained in rule 58 of the West Bengal Municipalities (Conduct of Elections) Rules, 1995, I declare that the candidate, Shri/Shrimati of (address), to whom the largest number of votes has been given, has been duly elected to fill the seat as a Member to the Municipality from the ward No.

Place

Date

Signature of the Municipal Returning Officer

FORM 25
(See rule 58)
Certificate of Election

Election to the Municipality.

Ward No.

I, Municipal Returning Officer for the Ward No. of the Municipality do hereby certify that I have on this the day of 19,, declared Shri/Shrimati of (address), to have been duly elected by the said ward to be a Member of the Municipality.

Place

Date

Signature of the Municipal Returning Officer

FORM 26

[See rule 67(2)]

Return of Election Expenses.

Election to the Municipality.

Ward No.

1. Under the head of receipts there shall be shown the name and description of every person (including the candidate), club, society or association from whom any money, security or equivalent of money was received in respect of expenses incurred on account of, or in connection with, or incidental to, the election, and the amount received from each person, club, society or association separately.

2. Under the head of expenditure, there shall be shown—

- (a) the personal expenditure of the candidate incurred or paid by him or his election agent, including travelling and all other personal expenses incurred in connection with his candidature;
- (b) the name and the rate and total amount of the pay of each person employed as an agent (including the election agent), clerk or messenger;
- (c) the travelling expenses and any other expenses incurred by the candidate or his election agent on account of persons employed as agent (including the election agent), clerk or messenger;
- (d) the travelling expenses of persons, acting on behalf of the candidate, whether in receipt of salary or not, incurred in connection with the candidature, whether paid or incurred by the candidate, his election agent or the person so travelling;
- (e) the cost whether paid or incurred on account of—
 - (i) printing;
 - (ii) advertising;
 - (iii) stationery;
 - (iv) postage and telegram;
 - (v) holding election meetings;
 - (vi) rooms hired either for public meetings or as committee-rooms;
 - (vii) any other miscellaneous expenses whether paid or incurred.

Affidavit

I,, being the appointed election agent for
..... a candidate for election in Ward No.
or I, being a candidate for election in Ward No.,
do hereby solemnly affirm that the above return of election expenses is true to the best of
my knowledge and belief, and that except the expenses herein set forth, no expenses of any
nature whatsoever have to my knowledge and belief been incurred in connection with and
for the purpose of 's candidature/my candidature.

Place

Date

.....
Election agent or candidate

Solemnly affirmed before me.

Magistrate

(Seal)

THE SCHEDULE

(See rule 11)

List of Symbols for allotment to candidates at election.

Table I

Reserved Symbols

Recognised Political Parties	Symbols Reserved
1. Communist Party of India	Ears of Corn and Sickle
2. Communist Party of India (Marxist)	Hammer, Sickle and Star
3. Janata Party	Haldhar within Wheel (Chakra Haldhar)
4. Indian National Congress	Hand
5. Janata Dal	Chakra (Wheel)
6. Bharatiya Janata Party	Lotus
7. Samata Party	Flaming Torch
8. All India Forward Bloc	Plough
9. Revolutionary Socialist Party	Spade and Stoker

Table II

Free Symbols

1. AEROPLANE	12. CART	22. JEEP
2. APPLE	13. CAR	23. KETTLE
3. AXE	14. CHAIR	24. LADDER
4. ALMIRAH	15. CLOCK	25. LOCK AND KEY
5. BICYCLE	16. COCONUT TREE BEARING FRUITS	26. LETTER BOX
6. BOW AND ARROW	17. CULTIVATOR WINNOWING GRAIN	27. RISING SUN
7. BOAT	18. DRUM	28. RAILWAY ENGINE
8. BUCKET	19. HURRICANE LAMP	29. SHIP
9. BASKET CONTAINING VEGETABLES	20. HAND PUMP	30. SEWING MACHINE
10. BRICK	21. JUG	31. SPECTACLES
11. BOY AND GIRL		32. TWO LEAVES

(List is liable to be amended on the order of the Election Commission from time to time.)

By order of the Governor,

SMT. K. GUPTA MENON,
Secy. to the Govt. of West Bengal.