

# The Maharashtra Zilla Parishads And Panchayat Samitis Act, 1961

## S. 2. Definitions.-

In this Act, unless the context requires otherwise,-

(2) “Backward Class of citizens” means such classes or parts of or groups within such classes as are declared, from time to time, by the State Government to be Other Backward Classes and *Vimukta Jatis and Nomadic Tribes*;

(2A) “Ballot Box” or ballot paper” includes an electronic voting machine used at an election for giving or recording of votes;

(3) “Block” means such local area in a District as the State Government may constitute to be a Block under section 5;

(11) “District” means a District as constituted under section 4;

(15) “election” means an election to a *Zilla Parishad or Panchayat Samiti*, as the case may be, and includes a by-election;

(17) “list of voters” means a list of voters provided for, and maintained, under section 13;

(18) “member” means a member of any *Panchayat Samiti* or Committee constituted under this Act;

(19) “*Panchayat*” means a Village Panchayat established or deemed to be established under the Bombay Village Panchayats Act, 1958 (Bom. III of 1959);

(20) “*Panchayat Samiti*” or “*Samiti*” means a *Panchayat Samiti* constituted for every block under section 57;

(20A) “population” means the population as ascertained at the latest preceding census of which the relevant figures have provisionally or finally been published;

**[Explanation.-** Having regard to the information furnished by the census authority that districtwise and villagewise figures of populations of Scheduled Castes or Scheduled Tribes have not been determined and notified under section 5 of the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976 (108 of 1976), and such figures of population are not available, the population of the Scheduled Castes and Scheduled Tribes for the reservation of seats of Scheduled Castes and Scheduled Tribes on the *Zilla Parishads* and *Panchayat Samitis* or for election of the Chairman and Deputy Chairman of a *Panchayat Samiti*, the percentage of the population of Scheduled Tribes in the Tribal Development Block, shall for the purposes of sections 12, 58 and 64, be the population of Scheduled Castes and Scheduled Tribes as originally ascertained in the 1971 census only:]

(22) “President” means the President of a *Zilla Parishad*;

(23) “Presiding authority” means the President or the Chairman of a *Panchayat Samiti* or Standing Committee or Subjects Committee or any other Committee appointed by the *Zilla Parishad* and includes a Vice-President, and a Deputy Chairman of a *Panchayat Samiti* and any person chosen to preside at the meeting of a *Zilla Parishad*, *Panchayat Samiti*, or as the case may be, a Standing Committee or subjects Committee;

(26A) “Scheduled Areas” means the Scheduled Areas referred to in clause (1) of article 244 of the Constitution of India;

(29) “Scheduled Castes” means such castes, races or tribes or parts of, or groups within, such castes, races, or tribes as are deemed to be Scheduled Castes in relation to the State of Maharashtra under article 341 of the Constitution of India;

(30) “Scheduled Tribes ” means such tribes or tribal communities or parts of, or groups within, such tribes or tribal communities as are deemed

to be Scheduled Tribes in relation to the State of Maharashtra under article 342 of the Constitution of India;

(31A) “State Election Commission” means the State Election Commission consisting of State Election Commissioner appointed in accordance with the provisions of clause (1) of article 243K of the Constitution of India;

(35) “Zilla Parishad” or “Parishad” means a Zilla Parishad constituted under section 9;

## CHAPTER II

### ***CONSTITUTION OF ZILLA PARISHADS***

#### **S.6. Establishment of Zilla Parishads.-**

(1) For every District, there shall be established a *Zilla Parishad* consisting of a President and Councillors; and the *Zilla Parishad* shall have all such powers and discharge all such functions as are vested in it by or under this Act, or otherwise.

(2) A *Zilla Parishad* shall have authority for the purposes of this Act over the area for which it is established; and also over such additional area and for such purpose or purposes as the State Government may, by notification in the *Official Gazette*, specify in this behalf.

#### **S.9. Constitution of Zilla Parishads.-**

(1) The *Zilla Parishad* shall consists of –

(a) Coucillors chosen by direct election from electoral divisions in the District being not more than seventy-five and not less than fifty in number as may, by notification in the *Official Gazette*, be determined by the State Election Commission so however that ratio between the population of the territorial area of the *Zilla Parishad* and the number of

seats in such *Zilla Parishad* to be filled by election shall, so far as practicable, be the same throughout the State;

(b) the Chairman of all *Panchayat Samitis* in the District;

[ \* ]

(2) (a) In a general election, on the election of two-thirds or more of the number of Councillors falling under clause (a) of sub-section (1), the names of those Councillors together with their permanent addresses shall be published by the State Election Commission at such time, and in such manner, as may be prescribed by the State Government and upon such publication, the *Zilla Parishad* shall be deemed to be duly constituted; In determining two-thirds of the number of Councillors a fraction shall be ignored;

Provided that, such publication shall not be deemed –

(i) to preclude the completion of the election in any election in any electoral division and the publication likewise by the State Election Commission of the names and permanent addresses of the elected Councillors, as and when they are available; or

(ii) to affect the term of office of the Councillors under the Act;

(b) The names of Councillors falling under clause (b) of sub-section (1) (together with their permanent addresses) may also thereafter be likewise published by the State Election Commission.

(3) The Deputy Chief Executive Officer and where more than one Deputy Chief Executive Officer have been appointed, such one of them as may be nominated by the

Chief Executive Officer shall be the Secretary *ex-officio*, of the *Zilla Parishad*.

### **S. 9A. State Election Commission.-**

(1) The Superintendence, direction and control of the preparation of the electoral rolls for, and the conduct of, all elections to the *Zilla Parishads* and *Panchayat Samitis* shall vest in the State Election Commission.

(2) The State Election Commission may, by order, delegate any of its powers and functions to any officer of the State Election Commission or any officer of the State Government not below the rank of *Tahsildar*.

(3) All the officers and members of the staff appointed or deployed for preparation of electoral rolls, electoral divisions, electoral colleges and conduct of elections of *Zilla Parishads* and *Panchayat Samitis* under this Act or the Rules shall function under the superintendence, direction and control of the State Election Commissioner.

(4) Notwithstanding anything contained in this Act and the rules, the Commission may issue such special or general orders or directions which may not be inconsistent with the provisions of the Act and rules for fair and free elections.

### ***Election of Councillors***

### **S. 10. Election and term of office of Councillors etc.-**

(1) The Councillors shall be elected in the manner provided by or under this Act.

(2) The term of office of Councillors shall, except as otherwise provided in this Act be five years.

Provided that, persons who are Councillors by virtue of their being Chairman of a *Panchayat Samiti* [ \* \* ], shall hold office so long only as they continue to hold the office of such Chairman.

[ \* \* \* ]

(3) The Councillors of a *Zilla Parishad* constituted upon its dissolution before the expiration of its duration under sub-section (2) shall continue only for the remainder of the period for which the councillors of the dissolved *Zilla Parishad* would have continued under sub-section (2) and it has not been so dissolved.

### **S.10-A. Manner of voting.-**

The voting at an election of the Councillors shall be by ballot or by electronic voting machine and no votes shall be received by proxy.

### **S. 11. Commencement of term of office of Councillors.-**

(1) The term of office of Councillors elected at a general election shall be deemed to commence on the date of the first meeting of the *Zilla Parishad*.

(2) The first meeting of a *Zilla Parishad* shall be held by the Collector, as soon as may be after the publication of the names of the elected members under sub-section (2) of section 9; and such date shall not –

(i) in the case of first meeting after general election, be later than the day immediately following the day of expiry of the term of the out-going Councillors; and

(ii) in the case of election held after the dissolution of the *Zilla Parishad*, be later than the date of expiry of the

period of six months from the date of dissolution of the *Zilla Parishad*.

## **S. 12. Division of District into electoral division.-**

(1) The State Election Commission shall, for the purposes of election of Councillors divide every District, into electoral divisions (the territorial extent of any such division not being outside the limits of the same Block), each returning one Councillor, and there shall be a separate election for each election division :

Provided that, such electoral division shall be divided in such a manner that the ratio between the population of each electoral division and the total number of Councillors to be elected for the *Zilla Parishad* shall, so far as practicable, be the same throughout the *Zilla Parishad* area :

Provided further that, while distributing such electoral divisions among the Panchayat Samitis, not less than two electoral divisions shall be allotted to each Panchayat Samiti.

(2) (a) In the seats to be filled in by election in a *Zilla Parishad* there shall be seats reserved for persons belonging to the Scheduled Castes, Scheduled Tribes, Backward Class of citizens and women, as may be determined by the State Election Commission in the prescribed manner.

(b) the seats to be reserved for the persons belonging to the Scheduled Castes and the Scheduled Tribes in a *Zilla Parishad* shall bear, as nearly as may be, the same proportion to the total number of seats to be filled in by direct election in that *Zilla Parishad* as the population of the Scheduled Castes or, as the case may be, the Scheduled Tribes, in that *Zilla Parishad* area bears to the total population of that area and

such seats shall be allotted by rotation to different electoral divisions in a *Zilla Parishad* :

Provided that, in a *Zilla Parishad* comprising entirely the Scheduled areas, the seats to be reserved for the Scheduled Tribes shall not be less than one half of the total number of seats in the *Zilla Parishad* :

Provided further that, the reservation for the Scheduled Tribes in a *Zilla Parishad* falling only partially in the Scheduled areas shall be in accordance with the provisions of clause (b) :

Provided also that **one-half of the total number of seats** so reserved shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes;

(c) the seats to be reserved for persons belonging to the category of Backward Class of citizens shall be 27 percent of the total number of seats to be filled in by election in a *Zilla Parishad* and such seats shall be allotted by rotation to different electoral divisions in a *Zilla Parishad* :

Provided that, in a *Zilla Parishad* comprising entirely the Scheduled areas, the seats to be reserved for the persons belonging to the Backward Class of Citizens shall be 27 percent of the seats remaining (if any), after reservation of the seats for the Scheduled Tribes and the Scheduled Castes :

Provided further that, the reservation for the persons belonging to the Backward Class of Citizens in a *Zilla Parishad* falling only partially in the Scheduled areas shall be in accordance with the provisions of clause (c) :

Provided also that, **one-half of the total number of seats** so reserved shall be reserved for women belonging to the category of Backward Class of Citizens.



(d) **One-half** (including the number of seats reserved for women belonging to the Scheduled Castes, Scheduled Tribes and the category of Backward Class of Citizens) of the total number of seats to be filled in by direct election in a *Zilla Parishad* shall be reserved for women and such seats shall be allotted by rotation to different electoral divisions in a *Zilla Parishad*.

(3) The reservation of seats (other than the reservation for women) under sub-section (2) shall cease to have effect on the expiration of the period specified in article 334 of the Constitution of India.

**S. 12-A. Person contesting election for reserved seat to submit Caste Certificate and Validity Certificate.—**

Every person desirous of contesting election to a seat reserved for Scheduled Castes, Scheduled Tribes or, as the case may be, Backward Class of Citizens, shall be required to submit, alongwith the nomination paper, Caste Certificate issued by the Competent Authority and the Validity Certificate issued by the Competent Authority and the Validity Certificate issued by the Scrutiny Committee in accordance with the provisions of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of ) Caste Certificate Act,2000 (Mah. XXIII of 2001) :

[\* \* ]

### **S.13. List of Voters.-**

(1) The electoral roll of the Maharashtra Legislative Assembly including the last part thereof as is referred to in sub-rule (2) of rule 5 of the Registration of Election Rules, 1960 made under the Representation of the People Act, 1950 (XLIII of 1950), prepared under the provisions of the Representation of the People Act, 1950 (XLIII of 1950), and in force on such day as the State Election Commission may by general or special order notify in this behalf for such part of the constituency of the Assembly as is included in an electoral division, shall be the list of voters, for such electoral division.

(1A) Notwithstanding anything in this Act, or in any other law for the time being in force, in respect of a presiding authority who by reason of his office is provided with residential accommodation or house-rent in lieu thereof by or under the provisions of this Act and who ceases to be ordinarily resident during his term of office in any electoral divisions in the District by reason of his absence therefrom in connection with his duties as such authority, but is ordinarily resident in any place outside the District of the *Zilla Parishad* in respect of which he is such authority and in, consequence whereof his name is not in the list of voters for any electoral division in the District, then, in such case the State Election Commission shall amend the list of voter so as to enable such presiding authority to be registered in the electoral division in which but for holding such office he would have been ordinarily resident. The manner in which the list of voters shall be amended for the purposes aforesaid, and all matters supplementary, consequential and incidental thereto shall be as are provided by rules made in this behalf.

(2) The office designated by the State Election Commission in this behalf shall maintain a list of voters for each electoral division.

#### **S.14. Date of election.-**

(1) An election to constitute a *Zilla Parishad* shall be completed –

(a) before the expiry of its duration specified in sub-section (2) section 10 on such date or dates as the State Election Commission may appoint in this behalf;

(b) in the case of dissolved *Zilla Parishad*, before the expiration of a period of six months from the date of dissolution;

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

(c) in the case of fresh election, if required to be held, under sub-section (2) of section 27, on such date, as soon as may be practicable, as may be fixed by the State Election Commission.

(2) The State Government shall make rules for the conduct of such elections including the provision for deposits to be made by candidates and for their return or forfeiture, and for an appeal to the District Court against the decision of a returning officer, accepting or rejecting the nomination paper and the finality of his decision, and subject to the provisions of sub-section (1) and of section 15, 17 and 18, the election shall be conducted in accordance with those rules.

## **S. 15. Persons qualified to be elected.-**

Every person who is not less than twenty-one years of age on the last date fixed for making nominations for every general election or bye-election and whose name is in the list of voters of any electoral division in a District, shall, unless disqualified under this Act or under any other law for the time being in force, be qualified to be elected, and every person who is not of twenty-one years of age as aforesaid and whose name is not in such list shall not be qualified to be elected from any electoral divisions of that District.

### **S.15-A. Vacation of seats.-**

If a person is elected to more than one seat in a Zilla Parishad, then, unless within the prescribed time he resigns all but one of the seats by writing under his hand addressed to the State Election Commission or any officer authorised by him in this behalf, all the seats shall become vacant.

### **S. 15-B. Disqualification by State Election Commission.—**

(1) If the State 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 the State Election Commission, and

(b) has no good reason or justification for such failure,

the State Election Commission may, by an order published in the *Official Gazette*, declare him to be disqualified and such person shall be disqualified for being a Councillor or for contesting an election for being a Councillor for a period of five years from the date of the order.

(2) The State Election Commission may, for reasons to be recorded, remove any disqualification under sub-section (1) or reduce the period of any such disqualifications.

### **S.16. Disqualifications.-**

(1) Subject to the provisions of sub-section (2), a person shall be disqualified for being chosen as, and for being, a Councillor,-

(a) if, whether before or after the commencement of this Act, he has been convicted or has, in proceeding for questioning the validity or regularity of an election, been found to have been guilty of –

(i) any corrupt practice under section 27 or section 28 entailing disqualification for membership of a *Zilla Parishad* or a *Panchayat Samiti*, unless such period as is mentioned in the decision of the Judge under section 27 or as provided by section 28 has elapsed :

[(ii) \* \* ]

(iii) any corrupt practice entailing disqualification for membership of any local authority constituted or established, by or under any law for the time being in force, unless the period of disqualification has elapsed or the disqualification is removed under such law;

(a-1) if he has been disqualified by or under any law for the time being in force for the purposes of elections to the Legislature of the State :

Provided that, no person shall be disqualified on the ground that he is less than 25 years of age, if he has attained the age of 21 years.

(b) if, whether before or after the commencement of this Act, he has been convicted by a court in India of any offence and sentenced to imprisonment for not less than one year, unless a period of five years, or such lesser period as the

---

\* \* In clause (a), sub-clause (ii) was deleted by Mah. 21 of 1994, s.41(1)

State Government may allow in any particular case, has elapsed since his release; or

(c) if, having held any office under any Government or local authority, he has, whether before or after the commencement of this Act, been dismissed for misconduct unless a period of five years has elapsed since his dismissal; or

(d) if, he has been removed from office under section 39 and a period of five years, or such lesser period as the State Government may notify in any particular case, has not elapsed from the date of such removal; or

(e) if he is of unsound mind and stands so declared by a competent court; or

(f) if he is an undischarged insolvent; or

(g) if he is a deaf-mute; or

(h) if he holds any office of profit under a *Panchayat* or *Zilla Parishad* or under or in the gift of the Government; or

(i) if he has directly or indirectly by himself or by his partner any share or interest in any work done by order of the

*Zilla Parishad* or in any contract with, by or on behalf of, the *Zilla Parishad*; or

(j) if he has directly or indirectly by himself or by his partner any share or interest in any transaction of loan of money advanced to, or borrowed from the *Zilla Parishad*; or

(k) if he has failed to pay any tax or fee due to any *Panchayat* in the District or to the *Zilla Parishad* within six months from the date on which the amount of such tax or fee is demanded, and a bill for the purpose is duly served on him, or

(l) if he is not a citizen of India, or has voluntarily acquired the citizenship of a foreign State, or is under any acknowledgement of allegiance or adherence to a foreign State; or

(m) if he is a Member of the State Legislature or of Parliament or of any Municipal Corporation, Municipal Council or Cantonment Board constituted or established by or under any law for the time being in force; or

[ \* \* ]

(n) if he has more than two children;

(o) if he has been disqualified by the State Election Commission under Section 15B.

(p) he has failed to submit a certificate of the concerned *panchayat*, alongwith a resolution of the *Gram Sabha* certifying that,--

(i) he resides in a house owned by him and has a toilet in such house and he regularly uses such toilet; or

(ii) he resides in a house not owned by him and has a toilet in such house and he regularly uses it or he has no such toilet but regularly uses the public toilet :

Provided that, no Certificate shall be disqualified under this clause, if he submits such certificate to the Chief Executive Officer, within a period of one year from the 10<sup>th</sup> January, 2011, being the date of commencement of the Bombay Village Panchayats and Maharashtra Zilla Parishads and Panchayat Samitis (Second Amendment) Act, 2010 (Mah. XXXIII of 2010).

Provided further that, nothing contained in this clause shall affect the Councillor holding office on the 10<sup>th</sup> January, 2011, who has not submitted the certificate within a period of ninety days from the said date, as required under the provisions of this Act, as amended by the Bombay Village Panchayats and Maharashtra Zilla Parishads and Panchayat Samitis (Second Amendment) Act, 2010 (Mah. XXXIII of 2010); and he shall not be deemed to be disqualified and shall continue to hold his office for a period of one year from the said date, unless he is disqualified under any other provisions of this Act or any other law for the time being in force.

***Explanation.-*** For the purpose of clause (k) of this subsection failure to pay any tax or fee due to any *Panchayat* in the District or to the *Zilla Parishad* by a member of an undivided Hindu family, or by a person belonging to a group or unit, the members of which are by custom joint in estate or residence shall be deemed to disqualify all the members of such undivided Hindu family, or, as the case may be, all the members of such group or unit.

(1A) A person who at any time during the term of his office is disqualified under the Maharashtra Local Authority Member's Disqualification Act, 1986 (Mah. XX of 1987) for



being a Councillor shall cease to hold office as such councillor.

(2) Notwithstanding anything contained in sub-section (1) –

(a) a disqualification under clause (a) or clause (b) of that sub-section shall not, in the case of a person who becomes so disqualified by virtue of a declaration of conviction and sentence and is at the date of the disqualification a Councillor, take effect until three months have elapsed from the date of such disqualification, or if within these three months an appeal or petition for revision is brought in respect of the conviction or sentence, until that appeal or petition is disposed of.

(aa) a person shall not be disqualified under clause (h) of that sub-section by reason only of such person holding the office of Chairman or member of the committee of any co-operative society (which is registered or deemed to be registered under any law for time being in force relating to the registration of co-operative societies) to which appointment is made by the State Government, or the office of liquidator or joint liquidator to which appointment is made by the Registrar of Co-operative Societies, or the office of nominee of the Registrar whether appointed individually or to a board of nominees;

(b) a person shall not be disqualified under clause (i) of that sub-section by reason only of such person,-

(i) having share in any joint stock company or a share or interest in any co-operative society which may contract with or be employed by or on behalf of the *Zilla Parishad*; or

(ii) having a share or interest in any newspaper in which any advertisement relating to the affairs of the *Zilla Parishad* may be inserted; or

(iii) holding a debenture or being otherwise concerned in any loan raised by or on behalf of the *Zilla Parishad*; or

(iv) being professionally engaged on behalf of the *Zilla Parishad* as a legal practitioner; or

(v) having any share or interest in any lease for a period not exceeding fifty years, of any immovable property or in any agreement for the same; and before such lease or agreement is executed, the Collector certifies that no other suitable premises were available to the *Zilla Parishad* on lease; or

(vi) having a share or interest in the occasional sale to the *Zilla Parishad* of any article in which he regularly trades, or in the purchase from the *Zilla Parishad* of any article for an amount not exceeding in any financial year fifty rupees; or

(vii) having a share or interest in the occasional letting out on hire to the *Zilla Parishad* or in the hiring from the *Zilla Parishad* of any article for an amount not exceeding in any financial year fifty rupees or such higher amount not exceeding five hundred rupees as the *Zilla Parishad* with the sanction of the State Government may fix in this behalf;

(c) a person shall not be disqualified under clause (i) or (j) of that sub-section by reason only of such person having a share or interest in any transaction of loan given, or grant made, by or on behalf of the *Zilla Parishad* (such share or

interest being acquired, while he holds the office of a Councillor, in accordance with the rules prescribed by the State Government);

(d) a person shall not be disqualified under clause (k) of sub-section (1) for being chosen as a Councillor if on the date of filling of his nomination paper, on a demand being made in that behalf he is not in arrears of any tax or fee due to any *Panchayat* in the District or to the *Zilla Parishad*;

(e) a person shall not disqualified under clause (n) of sub-section (1) for being chosen as, or for being, a Councillor, if he is having more than two children on the date of commencement of the Bombay Village Panchayats Act and the Maharashtra Zilla Parishad and Panchayat Samitis (Amendment) Act, 1995 (hereinafter in this clause referred to as “the date of such commencement”), so long as the number of children he had on the date of such commencement does not increase:

Provided that, a child or more than one child born in a single delivery within the period of one year from the date of such commencement shall not be taken into consideration for the purpose of disqualification mentioned in clause (n) of sub-section (1).

**Explanation.-** For the purpose of clause (n) of sub-section (1) and clause (e) of this sub-section,-

(i) where a couple has only one child on or after the date of commencement, any number of children born out of a single subsequent delivery shall be deemed to be one entity;

(ii) “child” does not include an adopted child or children.

(3) For the purpose of sub-section (1), a person shall not be deemed to hold an office of profit under any Government or local authority, by reason only that he receives compensatory allowance.

**Explanation.-** In sub-section (3), compensatory allowance shall mean such sum of money payable to the holder of an office of a Councillor by way of travelling allowance, daily allowance and such other allowance for the purpose of enabling him to recoup any expenditure incurred by him in performing the functions of that office.

### **S.17. Right to vote.-**

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

(2) No person shall vote at an election in any electoral division, if he is subject to any disqualification referred to in clauses (e) and (d) of sub-section (1) of section 16.

(3) No person shall vote at any election in more than one electoral division, and if a person does so vote, his votes in all such electoral division shall be void.

(4) No person shall at any election vote in the same electoral division more than once, notwithstanding that his name may have been entered in the list of voters for that electoral division more than once; and if he does so vote, all his votes in that electoral division 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 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.

**S.18. List of voters to be conclusive evidence for determining right to vote or to be elected.-**

Subject to any disqualification incurred by a person, the list of voters, shall be conclusive evidence for the purpose of determining under sections 15 and 17 whether any person is qualified or is not qualified to vote, or as the case may be, is qualified or is not qualified to be elected, at any election.

*Elections and Election Disputes*

**S. 19. Requisitioning of premises, vehicles, etc., for election purposes.-**

(1) If it appears to an officer authorised by the State Election Commission for conduct of elections under this Act (hereinafter referred to as “the requisitioning authority”) that in connection with an election under this Act –

(a) any premises needed or are likely to be needed for the purpose of being used as a polling station, or for the storage of ballot boxes after a poll has been taken, or

(b) any vehicle, vessel or animal is needed or is likely to be needed for the purpose of transport of ballot boxes to or from any polling station or transport of members of the police force for maintaining order during the conduct of such election, or transport of any officer or other person for performance of any duties in connection with such election,

the requisitioning authority may by order in writing requisition such premises, or as the case may be, such vehicle, vessel or animal and may make such further orders as may appear to it be necessary or expedient in connection with the requisitioning:

Provided that, no vehicle, vessel or animal which is being lawfully used by a candidate or his agent for any purpose connected with the election of such candidate shall be requisitioned under this sub-section, until the completion of the poll at such election.

(2) The requisitioning shall be effected by an order in writing addressed to the person deemed by the requisitioning authority to be the owner or person in possession of the property, and such order shall be served in the manner prescribed by rules made by the State Government on the person to whom it is addressed.

(3) Whether any property is requisitioned under sub-section (1), the period of such requisitioning shall not extend beyond the period for which such property is required for any of the purposes mentioned in that sub-section.

(4) In this section –

(a) “premises” means any land, building or part of a building and includes a hut, shed or other structure or any part thereof ;

(b) “vehicle” means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise.

## **S. 20. Payment of compensation.-**

(1) Whenever in pursuance of section 19 the requisitioning authority requisitions any premises, the requisitioning authority shall pay to the person interested compensation the amount of which shall be determined by the requisitioning authority by taking into consideration the following factors, that is to say –

(i) the rent payable in respect of the premises, or if no rent is so payable, the rent payable for similar premises in the locality ;

(ii) if in consequence of the requisitioning of premises, the person interested is compelled to change his residence or place of business, the reasonable expenses (if any) incidental to such change :

Provided that, where any person interested being aggrieved by the amount of compensation so determined makes an application to the requisitioning authority within the time prescribed by rules made by the State Government for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the requisitioning authority may determine :

Provided further that, where there is any dispute as to the title to receive the compensation or as to the apportionment of the amount of compensation, it shall be referred by the requisitioning authority to an arbitrator appointed in this behalf by the requisitioning authority for determination, and shall be determined in accordance with the decision of such arbitrator.

***Explanation.-*** In this sub-section the expression, “person interested” means the person who was in actual possession of the

premises requisitioned under section 19 immediately before the requisitioning or where no person was in such actual possession, the owner of such premises.

(2) Whenever in pursuance of section 19, the requisitioning authority requisitions any vehicle, vessel or animal, the requisitioning authority shall pay to the owner thereof compensation the amount of which shall be determined by the requisitioning authority on the basis of fares or rates prevailing in the locality for the hire of such vehicle, vessel or animal :

Provided that, where the owner of such vehicle, vessel or animal being aggrieved by the amount of compensation so determined makes an application within the time prescribed by rules made by the State Government to the requisitioning authority for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the requisitioning authority may determine :

Provided further that, where immediately before the requisitioning, the vehicle or vessel was by virtue of a hire-purchase agreement in the possession of a person other than the owner, the amount determined under this sub-section as the total compensation payable in respect of the requisition shall be apportioned between that person and the owner in such manner as they may agree upon, and in default of agreement, in such manner as an arbitrator appointed by the requisitioning authority in this behalf may decide.

## **S. 21. Power to obtain information.-**

The requisitioning authority may, with a view to requisitioning any property under section 19 or determining the



compensation payable under section 20 by order, require any person to furnish to such authority as may be specified in the order such information in his possession relating to such property as may be so specified.

## **S. 22. Power of entry into and inspection of premises, etc.-**

(1) Any person authorised in this behalf by the requisitioning authority may enter into any premises and inspect such premises and any vehicle, vessel, or animal therein for the purpose of determining whether, and if so, in what manner, an order under section 19 should be made in relation to such premises, vehicle, vessel or animal, or with a view to securing compliance with any order made under that section.

(2) In this section the expressions 'premises' and 'vehicle' have the same meaning as in section 19.

## **S. 23. Eviction from requisitioned premises.-**

(1) Any person remaining in possession of any requisitioned premises in contravention of any order made under section 19 may be summarily evicted from the premises by any officer empowered by the requisitioning authority in this behalf.

(2) Any officer so empowered may, after giving to any woman not appearing in public reasonable warning and facility to withdraw, remove or open any lock or bolt or break open any door of any building or do any other act necessary for effecting such eviction.

## **S. 24. Release of premises for requisitioning.-**

(1) When any premises requisitioned under section 19 are to be released from requisitioning the possession thereof shall be

delivered to the person from whom possession was taken at the time when the premises were requisitioned, or if there were no such person, to the person deemed by the requisitioning authority to be the owner of such premises and such delivery of possession shall be a full discharge of the requisitioning authority from all liabilities in respect of such delivery, but shall not prejudice any rights in respect of the premises which any other person may be entitled by due process of law to enforce against the person to whom possession of the premises is so delivered.

(2) Where the person to whom possession of any premises requisitioned under section 19 is to be given under sub-section (1) cannot be found or is not readily ascertainable or has no agent or any other person empowered to accept delivery on his behalf, the requisitioning authority shall cause a notice declaring that such premises are released from requisitioning to be affixed on some conspicuous part of such premises and on the notice board of the office of the *Mamlatdar, Mahalkari, Tahsildar* or as the case may be, the *Naib Tahsildar*.

(3) When a notice is affixed on the notice board as provided in sub-section (2) the premises specified in such notice shall cease to be subject to requisitioning on and from the date of such affixing of the notice and be deemed to have been delivered to the persons entitled to possession thereof ; and the requisitioning authority or the *Zilla Parishads* shall not be liable for any compensation or other claim in respect of such premises for any period after the said date.

**S. 25. Penalty for contravention of any order regarding requisition.-**

If Any person contravenes any order made under section 19 or section 21, he shall, on conviction, be punished with imprisonment for a term which may extend to one year or with fine, or with both.

**S. 26. Power to declare persons elected in certain contingencies.-**

If at any election after the counting of 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, such officer as the State Election Commission may empower in this behalf shall forthwith decide between those candidates by lot, and proceed as if the candidate on whom the lot falls had received as additional vote.

**S. 27. Determination of validity of elections; enquiry by Judge; Procedure.-**

(1) If the validity of any election of a Councillor or the legality of any order made or proceedings held under section 26 is brought in question by any candidate at such election or by any person qualified to vote at the election to which such question refers such candidate or person may, at any time within fifteen days after the date of declaration of the result of the election or the date of the order or proceeding apply to the District Judge of the district within which the election has been held, for the determination of such question.

(2) An enquiry shall thereupon be held by a Judge, not below the rank of an Assistant Judge, appointed by the State Government either specially for the case, or for such cases generally; and such

Judge may, after such enquiry as he deems necessary, pass an order confirming or amending the declared result of the election or the order of the officer empowered by the State Election Commission in that behalf under section 26, or setting the election aside. For the purpose of the said enquiry, the Judge may exercise any of the powers of a civil court, and his decision shall be conclusive. If the election is set aside, a date for holding a fresh election shall forthwith be fixed under section 14.

(3) All applications received under sub-section (1) –

(a) in which the validity of the election of Councillors to represent the same electoral division is in question, shall be heard by the same Judge; and

(b) in which the validity of the election of the same Councillor elected to represent the same electoral division is in question shall be heard together.

(4) Notwithstanding anything contained in the Code of Civil Procedure, 1908 (V of 1908), the Judge shall not permit –

(a) any application to be compromised or withdrawn, or

(b) any person to alter or amend any pleading.

unless he is satisfied that such application for compromise or withdrawal or application for such alteration or amendment is *bonafide*, and not collusive.

(5) (a) If on holding such enquiry the Judge finds that a candidate has, for the purpose of election, committed a corrupt practice within the meaning of sub-section (6) or submitted a false claim or a false Caste Certificate, he shall declare the candidate disqualified for the purpose of that election and of such fresh election as may be held under

sub-section (2) and shall set aside the election of such candidate if he has been elected.

(a) If in any case to which clause (a) does not apply, the validity of an election is in dispute between two or more candidates, the Judge, after a scrutiny and computation of the votes recorded in favour of each candidate, is of opinion that in fact any candidate in whose favour the declaration is sought has received the highest number of the valid votes, the Judge shall after declaring the election of the returned candidate to be void declare the candidate in whose favour the declaration is sought, to have been duly elected :

Provided that, for the purpose of such computation no vote shall be reckoned as valid if the Judge finds that any corrupt practice was committed by any person, known or unknown, in giving or obtaining it :

Provided further that, after such computation if any equality of votes is found to exist between any candidate and the addition of one vote will entitle any candidate to be declared elected, one additional vote shall be added to the total number of valid votes found to have been received in favour of such candidates selected by lot drawn in the presence of the Judge in such manner as he may determine.

(6) Any of the corrupt practices specified in section 123 of the Representation of the People Act, 1951 (43 of 1951), shall be deemed to be corrupt practices for the purpose of this section subject to the following modifications in the said section 123, that is to say –

(a) in clause (1), in sub-clause (B), in the *Explanation* the words and figures “and duly entered in the account of election expenses referred to in section 78” shall be deleted;

(b) in clause (5), for the words, figures and brackets “provided under section 25 or a place fixed under sub-section (1) of section 29 for the poll” the words “or any place fixed for poll in accordance with the provisions of rules made by the State Government in that behalf ” shall be substituted;

(c) clause (6) shall be deleted;

(b) in clause (7), for the words “any person in the service of the Government” the words, brackets, letters and figures, “any person in any District Service referred to in clause (b) of section 239 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (V of 1962) or from any person in the service of the Government shall be substituted, and in item (g), for the word “prescribed” the words “prescribed by rules made by the State Government in this behalf” shall be substituted.

(7) If the validity of any election is brought in question only on the ground of an error made by the officer charged with carrying out the rules made in this behalf under sub-section (2) of section 12 or of section 14, or of an irregularity or informality not corruptly caused, the Judge shall not set aside the election.

(8) If the Judge sets aside an election under clause (a) of sub-section (5) he may, if he thinks fit, declare any person by whom any corrupt practice has been committed within the meaning of this section to be disqualified from being a member of any *Zilla*

*Parishad* for a term of years not exceeding five and the decision of the Judge shall be conclusive :

Provided that, no such declaration shall be made unless such person has been given a reasonable opportunity to be heard.

### **S. 27-A. Bar to interference by courts in electoral matters.-**

No election to any *Zilla Parishad* shall be called in question except in accordance with the provisions of section 27; and no court other than the Judge referred to in that section shall entertain any dispute in respect of such election.

### **S. 28. Disqualification arising out of conviction and corrupt practice.-**

If any person –

(a) is convicted of an offence punishable with imprisonment under section 153-A, or section 171-E or section 171-F or sub-section (2) or sub-section (3) of section 505 of the Indian Penal Code, or of an offence punishable under section 28-A or section 35 or clause (a) of sub-section (2) of section 36 of this Act, or

(b) is, upon the trial of an election petition under section 27, found guilty of any corrupt practice,

he shall, for a period of six years from the date of the conviction or from the date on which a declaration that the candidate is disqualified is made under sub-section (5) of section 27, be disqualified from being elected, or from voting, at any election to a *Zilla Parishad* or *Panchayat Samiti*.

### **S. 28-A. Promoting enmity between different 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 citizens of India shall, on conviction, be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

### **S. 28-B. Prohibition of public meetings one day before or on day of election.-**

(1) No person shall convene, hold or attend any public meeting within any electoral division within twenty-four hours before the date of commencement of the poll or on the date or dates on which a poll is taken for an election in that electoral division.

(2) Any person who contravenes the provisions of sub-section (1) shall, on conviction, be punished with fine which may extend to two hundred and fifty rupees.

### **S. 28-C. Disturbances at election meeting.-**

(1) Any person who at a public meeting to which this section applies acts, or incites others to act, in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called together, shall, on conviction, be punished with fine which may extend to two hundred and fifty rupees.

(2) This section applies to any public meeting of a political character held in any electoral division between the date of the



issue of a notification under this Act calling upon the electoral division to elect a Councillor or Councillors and the date on which such election is held.

(3) If any police officer reasonably suspects any person of committing an offence under sub-section (1), he may, if requested to do so by the chairman of the meeting, require that person to declare to him immediately his name and address, or 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.

#### **S. 28-D. Restriction on 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 the names and addresses of the printer and the publisher hereof.

(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 Greater Bombay to the Commissioner of Police, Greater Bombay; 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 printing 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, on conviction, be punished with fine which may extend to five hundred rupees.

## **S. 29. Prohibition of canvassing in or near polling station.-**

(1) No person shall, on the date or dates on which a poll is taken at any polling station, commit any of the following acts within the polling station or in any public or private place within a distance of one hundred yards of the polling station, namely :-

(a) canvassing for votes; or

(b) soliciting the vote of any voter; or

(c) persuading any voter not to vote for any particular candidate; or

(d) persuading any voter 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, on conviction, be punished with fine which may extend to two hundred and fifty rupees.

(3) An offence punishable under this section shall be cognizable.

### **S. 30. 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 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, on conviction, be punished with fine which may extend to two hundred and fifty rupees.

(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 officer 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.

### **S. 31. Penalty for misconduct at polling stations.-**

(1) Any person who during the hours fixed for the poll at any polling station misconduct 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 authorised in this behalf by such presiding officer.

(2) The powers conferred by sub-section (1) shall not be exercised so as to prevent any voter 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, on conviction, be punished with fine which may extend to two hundred and fifty rupees.

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

### **S. 32. 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 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, on conviction, be punished with imprisonment for a term which may extend to three months or with fine or with both.

### **S. 33. Officers, etc., at elections not to act for candidate or influence voting.-**

(1) No person who is a 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 his vote) for the furtherance of the prospects of the election of a candidate.

(2) No such person as aforesaid and no member of a police force shall endeavour –

(a) to persuade any person to give his vote at an election, or

(b) to dissuade any person from giving his vote at an election, or

(c) to influence the voting of any person at an election in any manner.

(3) Any person who contravenes, the provisions of sub-section (1) or sub-section (2) shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine or with both.

### **S. 33-A. Penalty for illegal hiring or procuring of conveyances at elections.-**

If any person is guilty of any corrupt practice which is deemed to be a corrupt practice under sub-section (6) of section 27 and specified in sub-section (5) of section 123 of the Representation of the People Act, 1951 (43 of 1951), at or in connection with an election, he shall be punished with fine which may extend to two hundred and fifty rupees.

### **S. 34. 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, on conviction, be punished with fine which may extend to five hundred rupees.

(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 returning officers, presiding officers, polling officers and other persons appointed to perform any duty in connection with the maintenance of list of voters, the receipt of a 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.

**S. 35. Removal of ballot papers from polling station to be offence.-**

(1) Any person who at any election fraudulently 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, on conviction, be punished 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 women with strict regard to decency.

(3) Any ballot paper found upon the person arrested on search shall be made over for safe custody to a police officer by the presiding officer, or when the search is made by a police officer, shall be kept by such officer in safe custody.

(4) An offence punishable under sub-section (1) shall be cognizable.

### **S. 36. Other offences and penalties therefor.-**

(1) A person shall be guilty of an 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 a returning officer; or

(c) fraudulently defaces or fraudulently destroys any ballot paper or the official mark on any ballot paper; or

(d) without due authority supplies any ballot paper to any person; or

(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 offence under this section, shall –

(a) if he is a 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, on conviction, be punished with imprisonment or a term which may extend to two years or with fine or with both;



(b) if he is any other person, on conviction, be punished 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.

(4) An offence punishable under clause (d) of sub-section (2) shall be cognizable.

### **S. 37. Prosecution regarding certain offences.-**

(1) If the State Election Commission has reason to believe that any offence punishable under section 33 or under section 34 or under clause (a) of sub-section (2) of section 36 has been committed in reference to any election to a *Zilla Parishad* within the District, it will be the duty of the State Election Commission to cause such inquiries to be made, and such prosecution to be instituted, as the circumstances of the case may appear to him to require.

(2) No court shall take cognizance of any offence punishable under any of the aforesaid provisions unless there is a complaint made by order of, or under authority from, the State Election Commission.

***Resignation, Removal, Casual Vacancies  
of Councillors, etc.***

**S. 38. Resignation of Councillors.-**

Any Councillor who is elected may resign his office by writing under his hand addressed to the President, and the President may resign his office of Councillor by giving similar notice to the Commissioner; and the office of the Councillor shall thereupon become vacant. The notice shall be delivered in the manner prescribed.

**S. 39. Removal of Councillor for misconduct, etc.-**

The State Government may, if it thinks fit, in the recommendation of the *Zilla Parishad* supported by not less than two-thirds of the number of Councillors present and voting, remove any Councillor if he has been guilty of misconduct in the discharge of his duties, or of any disgraceful conduct, or has become incapable of performing his duties as a Councillor :

Provided that, no such Councillor shall be removed from office unless he has been given reasonable opportunity to furnish his explanation.

**S. 40. Disqualification of Councillor during term of office.-**

(1) Subject to the provisions of sub-section (2) of section 62, if any Councillor during the term of his office –

(a) becomes disqualified under sub-section (1)

or (4) of section 16, or

(b) is, for a period of six consecutive months (excluding in the case of the presiding authority the period of leave duly sanctioned) without the permission of the *Zilla Parishad*, absent from meetings thereof or is absent from such meetings for a period of twelve consecutive months.

the office of such Councillor shall, notwithstanding anything contained in clause (c) of sub-section (1) of section 8, become vacant.

[ \* \* ]

(2) If any question whether a vacancy has occurred under this section is raised either by the Commissioner *suo motu* or on an application made to him by any person in that behalf, the Commissioner shall decide the question as far as possible within ninety days from the date of receipt of such application; and his decision thereon shall be final. Until the Commissioner decides that the vacancy has occurred, the Councillor shall not be disabled from continuing to be a Councillor :

Provided that, no decision shall be given against any Councillor without giving him a reasonable opportunity of being heard.

#### **S. 41. Casual vacancies, how to be filled up.-**

In the event of a vacancy occurring on account of death, resignation, disqualification or removal of a Councillor or through a Councillor becoming incapable of acting previous to the expiry of his term of office or otherwise, the Deputy Chief Executive Officer shall forthwith communicate the occurrence to the State Election Commission and the vacancy shall be filled as soon as conveniently

may be, by the election [ \* \* ] of a person, thereto, who shall hold office so long only as the Councillor in whose place he is elected [ \* \* ] would have held it, if the vacancy had not occurred :

Provided that, notwithstanding anything contained in section 9, if the vacancy occurs within six months preceeding the date on which the term of office of the Councillor expires, the vacancy shall not be filled.

### **CHAPTER III**

#### **CONSTITUTION OF Panchayat Samitis**

#### **S. 56. Establishment of Panchayat Samitis.-**

For every Block, there shall be a *Panchayat Samiti*; and the *Panchayat Samiti* shall have all such functions as are functions as are vested in it by this Act or otherwise.

#### **S. 57. Constitution of Panchayat Samitis.-**

(1) Every *Panchayat Samiti* shall consist of members elected by direct election one each from each electoral college in accordance with the provisions contained in section 58 and the rules in that behalf.

Provided that, the ratio between the population of the territorial area of a *Panchayat Samiti* and the number of seats in such *Panchayat Samiti* to be filled in by election shall, as far as practicable, be the same throughout the State.

[ \* \* \* ]

(3) (a) In a general election, on the election of two-thirds or more of the number of members falling under [ \* ] sub-section

(1), the names of these members together with their permanent addresses shall be published by the State Election Commission at such time and in such manner as may be prescribed by the State Government; and upon such publication the *Panchayat Samiti* shall be deemed to be duly constituted. In determining two-thirds of the number of members, a fraction shall be ignored.

Provided that, such publication shall not be deemed,-

(i) to preclude the completion of the election in any Block and the publication likewise by the State Election Commission of the names and permanent addresses of the elected members as and when they are available; or

(ii) to affect the term of office of the members of the *Panchayat Samiti* under the Act.

[(b) \* \* \*]

[(4) \* \* \*]

(5) The Block Development Officer shall be the Secretary, ex-officio, of the *Panchayat Samiti*.

### **S. 58. Provisions regarding electoral colleges, disqualifications, elections, and election disputes.-**

(1) For the purposes of holding election under sub-section (1) of Section 57, -

(a) each electoral division in the Block shall be divided into two electoral colleges by the State Election Commission, so however, that such electoral colleges shall be divided in such manner that the ratio between the population of each electoral college and the total number of members to be elected for the *Panchayat Samiti* shall, as far as practicable, be the same throughout the *Panchayat Samiti* area;

[ \* ]

(1A) the list of voters for each such electoral division referred to in sub-section (1) of section 13 and in force on such date as the State Election Commission may, by general or special order notify in this behalf, for such part of the electoral division as is included in an electoral college, shall be the list of voters for such electoral college. An officer designated by the State Election Commission shall maintain the list of voters for each electoral college.

(1B) (a) In the seats to be filled in by election in a *Panchayat Samiti*, there shall be seats reserved for persons belonging to the Scheduled Castes, Scheduled Tribes, Backward Class of citizens and women, as may be determined by the State Election Commission in the prescribed manner;

(b) The seats to be reserved for the persons belonging to the Scheduled Castes and the Scheduled Tribes in a *Panchayat Samiti* shall bear, as nearly as may be, the same proportion, to the total number of seats to be filled in by direct election in that *Panchayat Samiti* as the population of the Scheduled Castes or, as the case may be, the Scheduled Tribes, in that *Panchayat Samiti* area bears to the total population of that area and such seats shall be allotted by rotation to different electoral colleges in a *Panchayat Samiti*;

Provided that, in a *Panchayat Samiti* comprising entirely the Scheduled areas, the seats to be reserved for the Scheduled Tribes shall not be less than one-half of the total number of seats in the *Panchayat Samiti* :

Provided further that, the reservation for Scheduled Tribes in the *Panchayat Samiti* falling only partially in the Scheduled areas shall be in accordance with the provisions of clause (b) :

Provided also that, **one-half of the total number of seats** so reserved shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes;

(c) the seats to be reserved for persons belonging to the category of Backward Class of citizens shall be 27 per cent. of the total number of seats to be filled in by election in a *Panchayat Samiti* and such seats shall be allotted by rotation to different electoral colleges in a *Panchayat Samiti* :

Provided that, in a *Panchayat Samiti* comprising entirely the Scheduled areas, the seats to be reserved for the persons belonging to the Backward Class of Citizens shall be 27 per cent of the seats remaining (if any), after reservation of seats for the Scheduled Tribes and Scheduled Castes :

Provided further that, the reservation for the persons belonging to the Backward Class of Citizens in the *Panchayat Samiti* falling only partially in the Scheduled areas, shall be in accordance with the provisions of clause (c) :

Provided also that **one-half of the total number of seats** so reserved shall be reserved for women belong to the category of Backward Class of Citizens;

(d) **one-half** (including the number of seats reserved for women belonging to the Scheduled Castes, Scheduled Tribes and the category of Backward Class of Citizens) of the total number of seats to be filled in by direct election in a *Panchayat Samiti* shall be reserved for women and such seats

shall be allotted by rotation to different electoral colleges in a *Panchayat Samiti*.

(1C) The reservation of seats (other than the reservation for women) under sub-section (1B) shall cease to have effect on the expiration of the period specified in article 334 of the Constitution of India.

(1D) An election to constitute a *Panchayat Samiti* shall be completed –

(a) before the expiry of its duration specified in sub-section (1) of Section 59.

(b) in the case of dissolved *Panchayat Samiti* before the expiration of a period of six months from the date of dissolution:

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

(c) in the case of fresh election, if required to be held, under sub-section (2) of section 27 read with sub-section (2) of section 58, on such date, as soon as may be practicable, as may be fixed by the State Election Commission.

(1E) The provisions of sections 14, 15, 15A, 16, 17 and 18 relating to the date of election, qualifications for being elected and disqualifications and the right to vote in the elections of Councillors of a *Zilla Parishad* shall apply in relation to the



member of a *Panchayat Samiti* as they apply in relation to the Councillors of a *Zilla Parishad*, with the modification that –

(a) in section 15, for the words “electoral division” the words “electoral college”, and for the word “District” the word “Block” shall be substituted;

(b) in section 16 in clause (d) of sub-section (1), for the figures “39” and figures “61” shall be substituted;

(c) in section 17, for the words “electoral division” wherever they occur, the words “electoral college” and in sub-section (3) for the words “electoral divisions”, the words “electoral colleges” shall be substituted.

(2) The provisions of section 12-A, 19 to 27, 27A and 28 (both inclusive) and 28A to 28D (both inclusive), 29 to 33 (both inclusive), 33A and 34 to 37 (both inclusive) relating to elections and election disputes and any rules made thereunder shall apply *mutatis mutandis* in relation to election of members under sub-section (1) of section 57.

### **S. 58A . Manner of voting.-**

The voting at an election of the members shall be by ballot or by electronic voting machine and no votes shall be received by proxy.

### **S.59. Term of office of members of Panchayat Samiti.-**

(1) The term of office of members of a *Panchayat Samiti* shall, except as otherwise provided in this Act, be five years commencing on the date of the first meeting of the *Panchayat Samiti*.

[ \* \* \* ]

(2) The members of a *Panchayat Samiti* constituted upon its dissolution before the expiration of its duration under sub-section (1), shall continue only for the remainder of the period for which the members of the *Panchayat Samiti* would have continued under sub-section (1) had it not been so dissolved.

(3) The first meeting of a *Panchayat Samiti* shall be held on such date as may be fixed by the Collector or by an Officer, authorised by the Collector in this behalf by general or special order, as soon as may be, after the publication of the names of the members under sub-section (3) of Section 57; and such date shall not –

(a) in the case of first meeting after general election, be later than the day immediately following the date of expiry of the term of the outgoing members;

(b) in the case of election held after the dissolution of the *Panchayat Samiti* be later than the date of expiry of the period of six months from the date of dissolution of the *Panchayat Samiti*.

#### **S. 60. Resignation of office as member of *Panchayat Samiti*.**

Any member of a *Panchayat Samiti* may resign his office by writing under his hand addressed to the Chairman and the Chairman may resign his office as member of the *Panchayat Samiti* by writing under his hand addressed to the President; and the office of the member shall thereupon become vacant. The notice of resignation shall be delivered in the manner prescribed.

## **S. 61. Removal of members for misconduct.-**

The State Government may, if it thinks fit on the recommendation of the *Panchayat Samiti* supported by not less than two-third of the number of members present and voting, remove any member thereof [ \* \* ] if he has been guilty of misconduct in the discharge of his duties or any disgraceful conduct or has become incapable of performing his duties as a member of the *Panchayat Samiti* :

Provided that.-

[(a) \* \* \*]

(b) no such member shall be removed from office unless he has been given a reasonable opportunity to furnish his explanation.

## **S. 62. Disqualification of members of *Panchayat Samiti*.-**

(1) If any member of a *Panchayat Samiti* during the term of his office –

(a) becomes disqualified under section 58; or

(b) is for a period of three consecutive months (excluding in the case of its Chairman and Deputy Chairman any period of leave duly sanctioned) without the permission of the *Panchayat Samiti* absent from meetings thereof or is absent from such meetings for a period of six consecutive months, the office of such member shall become vacant.

[(2) \* \* ]

(3) If any question whether a vacancy has occurred in the office of member under this section is raised either by the Commissioner *suo motu* or on an application made to him by any person the Commissioner shall decide the question as far as possible within ninety days from the date of receipt of such application and his decision thereon shall be final. Until the

Commissioner decides the question, the member shall not be disabled from continuing to be a member of the *Panchayat Samiti* :

Provided that, no order shall be passed under this sub-section by the Commissioner against any member without giving him a reasonable opportunity of being heard.

**S. 62-A. Disqualification by State Election Commission.-**

(1) If the State 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 the State Election Commission, and

(b) has no good reason or justification for such failure,

the State Election Commission may, by an order published in the *Official Gazette*, declare him to be disqualified and such person shall be disqualified for being a member or for contesting an election for being a member for a period of five years from the date of the order.

(2) The State Election Commission may, for reasons to be recorded, remove any disqualification under sub-section (1) or reduce the period of any such disqualification.

**S. 63. Casual vacancies how to be filled up.-**

In the event of any vacancy occurring on account of death, resignation, disqualification or removal of a member of a *Panchayat Samiti* or through a member becoming incapable of acting previous to the expiry of his term of office or otherwise the Block Development Officer shall forthwith communicate the occurrence to the State Election Commission, and the vacancy shall

be filled in, as soon as conveniently may be, by election of a person, thereto who shall hold office so long only as the member in whose place he is elected, would have held it if the vacancy had not occurred :

Provided that, notwithstanding anything contained in section 57 if the vacancy occurs within six months preceding the date on which the term of office of members expires, the vacancy shall not be filled.

[ \* \* ]

## CHAPTER XV

### ALTERATION OF BOUNDARIES OF DISTRICT AND BLOCKS

#### **S. 254. Power of State Government to alter boundaries of District.-**

(1) The State Government may, on the recommendation of any *Zilla Parishad* or *suo motu* by notification in the *Official Gazette* at any time,-

(a) include within, or exclude from, any District, any local area or amalgamate two or more Districts into one District or divide any District or Districts into two or more Districts or otherwise alter the limits of any District; or

(b) declare that any local area which is a District shall cease to be a District and thereupon, the local area shall be so included or excluded or the Districts shall be so amalgamated or divided or the limits of the District so altered, or as the case may be, the local area shall cease to be a District.

(2) A notification issued by the State Government as aforesaid shall be laid before each House of the State Legislature as soon as possible after it is issued.

**S. 255. Power of State Government to make suitable provision by order when a District is altered.-**

(1) In this section, unless the context otherwise requires –

(a) “existing local authority”, in relation to any local area, means the Municipal Council or, where there is no Municipal Council, the *Zilla Parishad* having jurisdiction over such area immediately before the specified day;

(b) “Municipal Council” means a Municipal Council constituted or deemed to be constituted under the Maharashtra Municipalities Act, 1965 (Mah. XL of 1965);

(c) “specified day” means the day from which the boundaries of a District are altered under section 254;

(d) “successor local authority”, in relation to any local area, means the Municipal Council or where there is no Municipal Council, the *Zilla Parishad* having jurisdiction over such area from the specified day.

(2) Where during the term of office of the Councillors of any *Zilla Parishad*,-

(a) any local area is included within a District;

(b) any local area is excluded from a District;

(c) two or more District are amalgamated into one District; or

(d) a District is split up into two or more Districts;

the State Government may, notwithstanding anything contained in this Act or any other law for the time being in force, by an order published in the *Official Gazette* provide for all or any of the following matters, namely :-

(i) in a case falling under clause (a), the interim increase in the number of Councillors, by appointment of additional Councillors by the State Government until the normal term of the existing Councillors expires;

(ii) in a case falling under clause (b), the removal of the Councillors, who in the opinion of the State Government, represent the area excluded from the District and the continuance of the remaining Councillors until the normal term of such Councillors expires;

(iii) in a case falling under clause (c), the constitution of an interim *Zilla Parishad* consisting of such number of Councillors appointed by the State Government as the State Government may determine, until the successor *Zilla Parishad* is in due course constituted under this Act.

(iv) in a case falling under clause (i), the appointment of Administrators to exercise the powers and to perform the duties and the functions of the successor *Zilla Parishad* including those of the *Panchayat Samitis*, the Standing Committees or Subjects Committees or other Committees appointed, if any, until the *Zilla Parishads* are in due course constituted under this Act;

(v) the term for which the Councillors appointed under clause (iii) or the administrators appointed under clause (iv) shall hold office, and the manner of holding elections and filling casual vacancies;

(vi) the transfer, in whole or in part, of the assets, rights and liabilities of an existing local authority (including the rights and liabilities under any agreement or contract made by it) to any successor local authorities or the State Government, and the terms and conditions for such transfer;

(vii) the substitution of any such transferee for an existing local authority on the addition of any such transferee as a party to any legal proceeding to which an existing local authority is a party; and the transfer of any proceedings pending before the existing local authority or any authority or officer subordinate to it to any such transferee or any authority or officer subordinate to it;

[(viii) \* \* \*];

(ix) the continuance within the area of an existing local authority of all or any appointments, notifications, notices, taxes, orders, schemes, licences, permissions, rules, bye-laws regulations or forms made, issued, imposed, or granted by, or in respect of, such existing local authority and in force within its area immediately before the specified day, until superseded or modified under this Act;

(x) the extension and commencement of all or any appointment, notifications notices, taxes, orders, schemes, licences, permissions, rules, bye-laws, regulations or forms made issued, imposed or granted

---

\* \* Clause (viii) was deleted by Mah.26 of 1982,s 2(a)



under this Act by, or in respect of, any existing *Zilla Parishad* and in force within its area immediately before the specified day, to, and in, all or any of the other areas of the successor *Zilla Parishad* in supersession of corresponding appointments, notifications, notices, taxes, orders, schemes, licences, permissions, rules, bye-laws, regulations or forms (if any) in force in such other areas immediately before the specified day, until the matters so extended and brought into force are further superseded or modified under this Act;

(xi) the continuance within the area of an existing local authority of all or any budget estimates, assessments, assessment list, valuations, measurements or divisions made or authenticated by, or in respect of, such existing local authority and in force within its area immediately before the specified day, until superseded or modified under the relevant law;

(xii) the removal of any difficulty which may arise on account of any change referred to in clause (a) to (d).

(2A) (a) when an order is made under this section, the State Government may by general or special order, published in such manner as it deems fit, provide for the transfer or re-employment of any employees of any existing local authority to, or by, any such transferee or the termination of services of any employees of an existing local authority and the terms

and conditions applicable to such employees transfer or re-employment or termination.

(b) The State Government may, on an application or *suo motu*, amend, or add to, or rescind any order made in this behalf under this section or any part of such order, whether made before or after the commencement of the Maharashtra Zilla Parishads and Panchayat Samitis (Third Amendment) Act, 1982 (Mah.XXVI of 1982), if in its opinion, it is necessary to do so on the ground that the order made is causing or is likely to cause, undue hardship or greater hardship to any such employee or employees or on the overriding ground of administrative convenience.

(c) Where an order made in this behalf under this section is amended, added to or rescinded by the State Government at any time before the commencement of the said Act, the said amendment, addition or recession, as the case may be, shall, notwithstanding anything contained in this section be deemed to have been validly made and shall not be called in question in any Court or before any other authority.

(3) Where an order is made under this section transferring the assets, rights and liabilities of an existing local authority, then, by virtue of that order, such assets, rights and liabilities of the existing local authority shall vest in and be the assets, rights and liabilities of the transferee.

(4) (a) Where an order is made under this section, the State Government shall before the expiry of the term of the Councillors or administrator appointed under paragraph (iii) or (iv) of sub-section (2), take steps in accordance with section 9 of this Act for the purpose of determining the

number of Councillors of, and for holding election for the new *Zilla Parishad* or *Parishads*, as the case may be.

(b) the Councillors of the interim *Zilla Parishad* or of the *Zilla Parishad* in whose case there is an interim increase or reduction in their number of the administrator or administrators appointed under such order, as the case may be, shall, notwithstanding the expiry of the term for which they may have been appointed, continue in office for the area concerned, until immediately before the first meeting of the new *Zilla Parishad* or *Parishads*, as the case may be;

(c) Save and otherwise provided by or under this section, the provisions of this Act shall *mutatis mutandis* apply to any *such Parishad*, its Councillors or administrator.

### **S. 255-A. Abolition of District.-**

When the whole of the local area comprising a District ceases to be a District with effect from the day on which such local areas ceases to be a District –

(i) the *Zilla Parishad* constituted for such District shall cease to exist or function:

(ii) the Councillors of the *Zilla Parishads*, shall vacate office;

(iii) the State Government may, notwithstanding anything contained in this Act or any other law for the time being in force, by an order published in the *Official Gazette*, provide in respect of such area for all or any of the matters specified in paragraphs (vi) to (xii) (both inclusive) or sub-

section (2) of section 255 and the provisions of sub-section (3) of that section shall apply to such order.

### **S. 256. Power of State Government to alter boundary of Block.-**

(1) The State Government may, by notification in the *Official Gazette*,-

(a) include in any Block, any area in the vicinity thereof; or

(b) exclude from any Block, any local area comprised therein; or

(c) amalgamate two or more Blocks, and constitute one Block in its or their place; or

(d) divide a Block or Blocks, and constitute two or more Blocks in its or their place; or

(e) otherwise alter or revise the limits of a Block.

(2) Every such notification shall **difine** the limits of the local area which is intended to be included in, or excluded from, a Block, or of the areas of the Blocks intended to be amalgamated into one, or of the area of each of the Blocks intended to be constituted after splitting up an existing Block, as the case may be.

(3) A notification issued by the State Government as aforesaid shall be laid before each House of the State Legislature as soon as possible after it is issued.

### **S. 257. Power of State Government to make suitable provision by order when Block is altered.-**

When during the term of office of members of any *Panchayat Samiti*, a notification under sub-section (1) of section 256 is issued altering in any manner the boundaries of any Block,

the State Government shall, by order published in *Official gazette*, provide for all any of the following matters, that is to say –

(i) in a case where any area is included within any Block, the interim increase in the number of members by appointment of additional members by the State Government until the normal term of the existing members expires;

(ii) in a case where any area is excluded from any Block, the removal of members, who is in the opinion of the State Government represent the area excluded from the Block;

(iii) in a case where two or more Blocks are amalgamated into one Block, the constitution of an interim *Panchayat Samiti* consisting of such number of members appointed by the State Government as the State Government may determine, until the successor *Panchayat Samiti* is in due course constituted under this Act;

(iv) in a case where any Block or Blocks are divided into two or more Blocks, the appointment of an administrator or administrators to exercise powers and to perform the duties and the functions of the successor *Panchayat Samitis* until such *Panchayat Samitis* are in due course constituted under the Act;

(v) the area in respect of which the reconstituted *Panchayat Samitis* shall function and operate;

(vi) the transfer in whole or in part of the rights and liabilities of the existing *Panchayat Samitis* to any successor *Panchayat Samitis* or the State Government and the terms and conditions of such transfer.

(vii) such incidental, consequential and supplementary matters as may be necessary to give effect to any notification issued under section 256.

**S. 257-A. Division of Block or Blocks and its consequences.-**

(1) Where during the term of office of the members of any existing *Panchayat Samiti*, a notification is issued by the State Government under clause (d) of sub-section (1) of section 256 read with section 5, dividing a Block or Blocks and constituting two or more Blocks in its or their place, and consequent upon constitution of such new Block or Blocks, as the case may be, as provided under clause (ii) of section 257, the members of the existing *Panchayat Samiti* or *Samitis* representing the excluded area or areas are required to be removed, and a new *Panchayat Samiti* or *Samitis*, as the case may be, as provided under section 56, are required to be constituted, in such a case, notwithstanding anything contained in section 257 or any other provisions of this Act,-

(a) the area or areas so, excluded by notification under clause (d) of sub-section (1) of section 256, from the existing Block or Blocks, as the case may be, and notified as constituting a new Block or Blocks, shall be deemed to have been constituted as a new *Panchayat Samiti* or *Samitis*, for such Block or Blocks, under section 56.

(b) the members so removed under clause (ii) of section 257 representing the area or areas excluded from the existing Block or Blocks shall be deemed to be the elected members of such newly constituted *Panchayat Samiti* or *Samitis*, as the case may be, and such members shall, from amongst themselves elect its Chairman and Deputy Chairman

as provided under sections 67 and 68, respectively, of this Act;

(c) on constitution of the new *Panchayat Samiti* or *Samitis* under clause (a), the State Government shall, by order published in the *Official Gazette*, provide for the transfer, in whole or in part, of the rights and liabilities of the existing *Panchayat Samiti* or *Samitis*, to the newly constituted successor *Panchayat Samiti* or *Samitis*, as the case may be, and the terms and conditions of such transfer; and such other incidental, consequential and supplementary matters as may be necessary to give effect to the notification issued under section 256; and

(d) all the relevant provisions of this Act in respect of the *Panchayat Samitis* shall apply to such newly constituted *Panchayat Samiti* or *Samitis*.

(2) The term of the newly constituted *Panchayat Samiti* and its members shall be co-terminus with that of the existing *Panchayat Samiti* by the division of which the new *Panchayat Samiti* has been constituted.

### **S.260. Power of State Government to dissolve *Zilla Parishad* and consequential provisions.-**

(1) If, in the opinion of the State Government, a *Zilla Parishad* exceeds or abuses its powers, or is not competent to perform or makes persistent default in the performance of, the duties imposed on it by or under this Act or under any other law for the time being in force, or willfully disregards any instructions given or directions issued by the State Government under subsection (1) of section 261 or any instructions issued by competent

authorities arising out of audit of accounts under the Bombay Local Audit Act, 1930 (Bom. XXV of 1930) or inspection of the office and work thereof, the State Government may, after giving the *Zilla Parishad* an opportunity of rendering an explanation, by order published with the reasons therefor, in the *Official Gazette*,-

(i) dissolve such *Zilla Parishad*;

[ \* \* ]

(2) When a *Zilla Parishad* is so dissolved the following consequences shall ensue, that is to say-

(a) all Councillors and members of *Panchayat Samitis*, the Standing Committee, subjects Committees or other Committees, if any, shall, in case of dissolution, as from the date specified in the order of dissolution, vacate their offices as such Councillors or members;

(b) all powers and duties of the *Zilla Parishad*, the *Panchayat Samiti*, the Standing Committee or subjects Committees or other Committees shall, during the period of dissolution, be exercised and performed by such person or persons as the State Government from time to time, appoints in that behalf;

(c) all property vested in the *Zilla Parishad* shall, during the period of dissolution, vest in the State Government;

(d) the person or persons appointed under clause (b) may delegate his or their powers and duties to an individual or to a committee or sub-committee;

(e) when more than one person are appointed under cl.(b), they may sue or be sued by any one of them who has



been duly authorised to sue and be sued on behalf of the rest by a resolution duly passed by them in this behalf.

(3) On the issue of an order of dissolution under sub-section (1), elections of Councillors shall, be held under the provisions of this Act or the rules made thereunder.

[ \* \* \* ]

(6) Every order issued under sub-section (1) shall be laid for not less than thirty days before each House of the State Legislature as soon as possible after it is issued.

**S. 269. Power of State Government to dissolve *Panchayat Samiti* for incompetency, default or abuse of power.**

(1) If, in the opinion of the State Government, a *Panchayat Samiti* exceeds or abuses its powers or is not competent to perform, or makes persistent defaults in the performance of, the duties imposed on it by or under this Act, or otherwise by law or wilfully disregards any instructions given or directions issued by the State Government under sub-section (1) of section 261 or any instructions issued by competent authority arising out of the audit of accounts of the *Panchayat Samiti* or inspection of the office and work thereof the State Government may, after giving the *Panchayat Samiti* an opportunity to render explanation, by an order published, with the reason therefor, in the *Official Gazette* –

(i) dissolve such *Panchayat Samiti*,

[ \* ]

---

\* \* \* Sub-sections (4) and (5) were deleted, *ibid*, s76(4)

(2) When the *Panchayat Samiti* is so dissolved the following consequences shall ensue, that is to say :-

(a) all members of the *Panchayat Samiti* in case of dissolution, as from the date specified in the order of dissolution, vacate their office as such members;

(b) all powers and duties of the *Panchayat Samiti* during the period of dissolution or supersession, be exercised and performed by such person or persons as the State Government from time to time appoints in this behalf;

(c) all property in the possession of the *Panchayat Samiti* shall, during the period of dissolution, be held by the State Government;

(d) the person or persons appointed under clause (b) may delegate his or their powers and duties to an individual or to a committee or sub-committee.

(3) On the issue of an order of dissolution under sub-section (1), elections of the members shall be held under the provisions of this Act or the rules made thereunder,

[ \* \* \* ]

(6) Every order made under sub-section (1) shall be laid for not less than thirty days before each House of the State Legislature as soon as possible after it is made.

---

\* \* \* Sub-sections (4) and (5) deleted, *ibid*, s. 77(4)

**CHAPTER XVII**  
**RULES, REGULATIONS AND BYE-LAWS**

**S. 274. Rules.-**

(1) The State Government may make rules not inconsistent with the provisions of this Act, for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision, the State Government may make rules for all or any of the following matters –

(i) under sub-section (2) of section 9, prescribing the time at which and the manner in which the names of Councillors shall be published;

(ii) under section 12, prescribing the seats to be reserved for representation of the Scheduled Castes, Scheduled Tribes, Backward Class of Citizens and women in any electoral division and the manner and rotation of such reservation;

(ii-a) under sub-section (1A) of section 13, rules to provide for the manner in which the list of voters shall be amended, and for all matters supplemental, consequential and incidental thereto;

(iii) under sub-section (2) of section 14, the manner in which election of persons to a *Zilla Parishad* shall be conducted and other matters specified therein;

(iv) under clause (c) of sub-section (2) of section 16, prescribing rules for the purpose of that clause;

(v) under sub-section (2) of section 19, the manner in which an order of requisitioning may be served;

(vi) under section 20, the time within which an application may be made;

# **The Maharashtra Zilla Parishads (Electoral Divisions and Conduct of Election) Rules, 1962.**

## **CHAPTER –I PRELIMINARY**

### **1. *Short title.-***

These rule may be called the Maharashtra Zilla Parishads (Electoral Divisions and Conduct of Election) Rules, 1962.

### **2. *Definitions.-***

In these rules, unless the context requires otherwise-

(a) “Act” means the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961.

(a-1) “counterfoil” means the counterfoil attached to a ballot paper printed under the provisions of these rules;

(b) “electoral division” means an electoral division of a District determined under section 12;

(c) “Form” means a form appended to these rules and includes a translation thereof in Marathi;

(c-1) “public holiday” means any day which is declared to be a public holiday under the Explanation to section 25 of the Negotiable Instruments Act, 1881 (26 of 1881), or any day which is notified by the State Government to be a holiday for Government Offices in the State;

(c-2) “list of voters” means the list of voters notified by the [State Election Commission] under sub-section (1) of section 13;

(c-3) “marked copy of the list of voters” means the copy of the list of voters set apart for the purpose of marking the names of voters to whom ballot papers are issued at an election;

(d) “reserved seat” means a seat reserved for the representation of Scheduled Castes [Scheduled Tribes, Backward Class of citizens and women] under sub-section (2) of Section 12.

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

(e-1) “State Election Commission” means the State Election Commission consisting of a State Election Commissioner appointed in accordance with the provisions of clause (1) of article 243-K of the Constitution of India;

(f) “Voter on election duty” means any polling agent, any polling officer, presiding officer or other public servant, who is an elector in the electoral division and is by reason of his being on election duty unable to vote at the polling station where he is entitled to vote.

***2A. Determination of number of Councillors to be chosen by direct election from electoral divisions in the District.-***

(1) The Councillors to be chosen by direct election from the electoral divisions in the District shall be not more than seventy-five and not less than fifty in number.

(2) The State Election Commission shall determine the number of Councillors to be chosen by direct election from electoral divisions in the district, so however that the ratio between the population of the territorial area of a Zilla Parishad and the number of seats in such Zilla Parishad to be filled in by election shall, so far as practicable, be the same throughout the State.

(3) Minimum number of fifty electoral divisions shall be allotted to the District having the lowest population amongst the District in the State.

(4) Having regard to the population of each district, there shall be an additional electoral division for every population arrived at by adopting the following formula, namely :-

$$\frac{X - Y}{25}$$

‘X’ means the highest population in the district in the State.

‘Y’ means the lowest population in the district in the State.

While determining the number of additional electoral divisions in each district on the basis of population formula as aforesaid, if the fraction of population is half or more of the population arrived at for each additional electoral division it shall be reckoned as one electoral division, and if it is less than half it shall be ignored.

The total number of electoral divisions shall in no case exceed 75 electoral divisions as laid down in clause (a) of sub-section (1) of section 9.

***Explanation.-*** For the purpose of this rule, it is hereby declared that, having regard to the provisions of clause (1) of article 243-M of the Constitution of India and the absence of any law made by the Parliament as envisaged under sub-clause (b) of clause (4) of the said article of the Constitution, the Scheduled Areas and the population in those Areas in a District shall be excluded.

## **CHAPTER II ADMINISTRATIVE MACHINERY FOR THE CONDUCT OF ELECTIONS**

### ***3. Appointment of Returning Officer.-***

The Collector shall appoint [a Returning Officer (who shall be an officer of Government or of a local authority)] [or of a Government Corporation, by whatever name called ] for one or more electoral divisions.

**4. *Appointment of Assistant Returning Officer.-***

(1) The Collector may also appoint one or more persons to assist any Returning Officer in the performance of his functions:

[Provided that, every such person shall be an officer of Government or of a local authority] [or of a Government Corporation, by whatever name called.]

(2) Every Assistant Returning Officer shall, subject to the control of the Returning Officer, be competent to perform all or any of the functions of the Returning Officer:

Provided that no Assistant Returning Officer shall perform any of the functions of the Returning Officer which relate to the scrutiny of nomination papers unless the Returning Officer is unavoidably prevented from performing the said function.

**5. *Returning Officer to include Assistant Returning Officer performing functions of Returning Officer.-***

Subject to the provisions of rule 4, reference in these rules to the Returning Officer shall, unless the context otherwise requires, be deemed to include an Assistant Returning Officer.

**6. *General duty of Returning Officer.-***

It shall be the general duty of the Returning Officer at any election to do all such acts and things as may be necessary for effectually conducting the election in the manner provided by these rules.

**7. *Pooling Stations.-***

The Returning Officer shall provide a sufficient number of polling stations for each electoral division for which election is to be held and shall, not later than seven days before the date of poll, publish a list showing the polling stations and the areas for which they will be set up (hereinafter referred to as the “polling area”).

## **8. *Appointment of Presiding and Polling Officers.-***

(1) The Returning Officer shall appoint a Presiding Officer for each polling station and such polling officer or officers to assist the Presiding Officer as he thinks necessary, but shall not appoint any person who has been employed by or on behalf of, or has been otherwise working for, a candidate in or about the election:

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

(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 Returning Officer to perform such functions during any such absence.

(4) References in these rules to the Presiding Officer shall, unless the context otherwise requires, be deemed to include any person performing any function which he is authorised to perform under sub-rule (2), or as the case may be, under sub-rule (3)

## **9. *General Duty of Presiding Officer.-***

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.

## **10. *Control.-***

The Returning Officer, Assistant Returning Officer, Presiding Officers, polling officers and all other persons appointed in any matter connected with



these rules shall work under the general guidance, superintendence and control of the [State Election Commission].

## **CHAPTER III CONDUCT OF ELECTIONS**

### ***11. Notice and fixation of various stages of election.-***

(1) When the fixing the date for holding an election under section 14, the [State Election Commission shall, by order,] appoint-

(a) the last date for making nominations which shall not be later than fifteen days before the date fixed for the poll; or, if that day is a public holiday, the next succeeding day which is not a public holiday and the time and place for making nomination;

(b) the date for the scrutiny of nominations, which shall be the day immediately following the last date appointed for making nominations or, if that day is a public holiday, the next succeeding day which is not a public holiday, and the time and place for the scrutiny of nominations on that day;

(c) the date on which, and the time during which, the poll shall be taken, and

(d) the date or dates (not being a date or dates falling on a public holiday or holidays) and the time and place for the counting of votes on such date or dates:

[Provided that, the State Election Commission may authorise the Collector to supply or alter the place for the counting of votes.]

[(1A) Thereupon the Collector shall publish in Form-I, the election programme fixed under sub-rule (1).]

[(2) Except with the previous sanction of the [State Election Commission], the dates fixed under sub-rule (1) shall not be changed within seven days of the date fixed of the poll.

(2A) Notwithstanding anything contained in sub-rule (2), where the Collector is of the opinion that it is necessary in the public interest so to do, he may, and during any period which is declared by Government to be a period of National or State Mourning, he shall, subject to such general or special instructions as [the State Election Commissioner may issue] in this behalf, by order, change any dates fixed as aforesaid. In cases falling in the former category, he shall record in the order the reasons in relation to the public purpose for which the date has been changed.

In either cases the Collector shall forthwith send a copy of the order to the [the State Election Commission] and give publicity regarding the change of date in the manner provided in clause (a), (b), and (c) of sub-rule (1) of rule 12.]

(3) Nothing contained [in sub-rules (1) and (2) of the rule] shall apply when a fresh poll is taken under rule 55.

## ***12. Manner of publication of order under rule 11.-***

(1) Not later than twenty days before the date fixed for the poll, the order made under sub-rule (1) of rule 11,-

(a) [shall be caused by the Collector to be posted] up in some conspicuous place in the office of the Zilla Parishad and the Panchayat Samiti and in the office of the Office of the Mamlatdar, Tahsildar or Mahalkari or Naib Tahsildar of the Taluka or Mahal or Tahsil in which the election to be held.

(b) [shall be caused by the Collector to be published] at least in one daily or weekly newspaper in Marathi if any, published in the district or taluka, as the case may be; and

(c) [may be caused by the Collector to be posted] in the chavdi or the office of the panchayat or such other public building as the Collector may select in every village in the electoral division for which the election is to be held.

(2) The Collector may also cause the said order to be published in such other manner as he deems fit.

### ***13. Nomination of Candidates.-***

(1) Any person may be nominated as a candidate for election to fill a seat if he is qualified to be chosen to fill that seat under the provisions of the Act.

(2) Every nomination paper presented under the rule 14 shall be completed in form II:

Provided that, a failure to complete or defect in completing, the declaration as to symbols shall not be deemed to be a defect of a substantial character within the meaning of sub-rule (4) of rule 19.

(3) A nomination paper shall be supplied by the Returning Officer to any voter on demand.

### ***14. Presentation of nomination paper and requirements for valid nominations.-***

(1) On or before the date appointed under clause (a) of sub-rule (1) of rule 11, each candidate shall either in person or by his proposer deliver to the Returning Officer during the time and at the place specified in the order made under rule 11, a nomination paper completed as provided by rule 13 and signed by the candidate and by a voter of the electoral division as proposer.

(2) Any person who is not subject to any disqualification as a voter under the Act and whose name is entered in the list of voters for the electoral division for which the candidate is nominated, may subscribe as proposer.

(3) In an electoral division where there is a reserved seat 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 Scheduled Caste, [Scheduled Tribe or the category of Backward Class of citizens] of which he is a member.

[(3A) In addition to a declaration to be made by a candidate contesting election to a reserved seat, that he belongs to the Scheduled Caste, the Scheduled Tribe or the Backward Class of citizens, as the case may be, the nomination paper shall be accompanied by a true copy of the Caste Certificate issued by the competent authority [as prescribed by the State Government for the purpose of issuing a Caste Certificate]].

[(3B) The contesting candidate or any person authorised by him shall produce an original Caste Certificate, for verification at the time of scrutiny of the nomination papers.]

(4) On the presentation of a nomination paper, the Returning Officer shall satisfy himself that the names and the numbers of the candidate and his proposer as entered in the nomination paper are the same as those entered in the list of voters referred to in section 13. If a nomination paper is rejected under this sub-rule, the Returning Officer shall record thereon his reasons for rejecting the same, and in that case, the candidate may deliver a fresh nomination paper subject, however, to all the provisions of this rule:

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

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

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

Provided that not more than four nomination papers shall be presented by or on behalf of any candidate or accepted by the Returning Officer for election in the same electoral division.

***15. Right to be nominated in two or more electoral divisions.-***

When elections for two or more electoral divisions in a District are to be held, one and the same person may, if he is otherwise duly qualified, be nominated as a candidate for each of such electoral divisions.

***15A. Communication of authorised persons and notice as to the names of candidates, set up by political party Aghadi / Front.-***

The political party Aghadi/Front setting up candidates at any election to Zilla Parishad shall communicate in Form II-A the names of the authorised persons who shall give notice of intimation of names of candidates in Form II-B.

***16. Symbols for elections.-***

(1) The State Election Commission shall by notification in the Official Gazette specify the symbols that may be chosen by candidates at an election in any electoral division and the restrictions to which their choice shall be subject :

Provided that, the Collector may, if in his opinion it is necessary so to do, add any symbols to the list of symbols notified by the State Election Commission and he shall forthwith inform the State Election Commission of such addition.

(2) Where at any such election, more nomination papers than one are delivered by or on behalf of a candidate, the declarations as to symbols made in the nomination paper first delivered and no other declarations as to symbols shall be taken into consideration under rule 22 even if that nomination paper has been rejected.

### ***17. Deposits.-***

A candidate shall not be deemed to be duly nominated for election from an electoral division unless he deposits or causes to be deposited with the Returning Officer, [a sum of [rupees one thousand]] in cash and where the candidate is a member of Scheduled Castes [Scheduled Tribes or Backward Class of citizens] [a sum of rupees five hundred]].

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

### ***18. Notice of nomination and time and place for the scrutiny.-***

The Returning Officer shall, on receiving the nomination paper under sub-rule (1) of rule 14, inform the person or persons delivering the same of the day, time and place fixed for the scrutiny of nominations and shall enter on the nomination paper its serial number and shall sign thereon a certificate stating the date on which and the hour at which the nomination paper has been delivered to him; and shall as soon as may be there after 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.

### ***19. Scrutiny of nomination.-***

(1) On the date fixed for the scrutiny of nomination under rule 11, 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 the time and place appointed in this behalf under rule 11 and the Returning Officer shall give them all reasonable facilities for examining the nomination papers of all candidates which have been delivered as required by sub-rule (1) of rule 14.

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

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

(b) that the proposer is disqualified from subscribing a nomination paper;

(c) that there has been a failure to comply with any of the provisions of rule 14 or 17;

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

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

(5) The Returning Officer shall hold the scrutiny on the date appointed in this behalf under clause (b) of rule 11 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 of any objection is raised by the Returning Officer or is made by any other person, the candidate concerned may be allowed time to rebut it not later than the next day, and the Returning Officer shall record his decision on the date to which the proceedings have been adjourned.

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

(7) For the purposes of this rule, the production of a certified copy of an entry made in the list of voters of the relevant electoral division shall be conclusive evidence of the right of any voter named in that entry to stand for election, unless it is proved that the candidate is disqualified.

(8) Immediately after all the nomination papers have been scrutinised and decision accepting or rejecting the same have been recorded, the Returning Officer shall, subject to the provisions of rule 20, prepare a list of candidates whose nominations have been accepted. Immediately after the scrutiny is over, the Returning Officer shall affix the list on his notice board and shall record the date on which, and the time at which, the list was so affixed.

## **20. Appeal.-**

(1) Any candidate, aggrieved by a decision of the Returning Officer accepting or rejecting a nomination paper, may present an appeal therefrom to the District Court of the district in which the area of the Zilla Parishad is situated within a period of three days from the date on which the notice, containing the names of the candidates accepted by the Returning Officer is



affixed on the notice board under sub-rule (8) of rule 19 and shall ordinarily furnish on the same day to the Returning Officer a copy of the petition of appeal together with as many copies of the petition as there are candidates whose nomination papers have been accepted (excluding himself).

(2) The Returning Officer shall, on receipt of copies of appeal under sub-rule (1) forthwith-

(a) publish a notice in Form III by affixing it to his notice board together with a statement that the hearing of the appeal will commence before the District Court on the third day after the date of such publication of the notice or if that day is a public holiday, the next succeeding day which is not a public holiday and that the copy of the petition of appeal is available with the Returning Officer.

(b) send to the District Court a copy of each of the nomination papers of the candidates submitted to him together with a copy of the decision recorded by him thereon and such other relevant documents as the Returning Officer deems fit.

(3) The Returning Officer shall, on application made by or on behalf of a candidate supply forthwith to the applicant a copy of the decision accepting or rejecting a nomination paper together with the statement of reasons, recorded by him.

(4) In every appeal under this rule, the appellant shall join as respondent all the candidates (other than himself) whose nominations have been accepted by the Returning Officer.

(5) The notice affixed to the notice board of the Returning Officer under clause (a) of sub-rule (2) shall be deemed to be sufficient notice, both of the presentation of an appeal under this rule and of the date on which the hearing thereof shall commence before the District Court and it shall not be

necessary to give any other notice to the appellant or the respondent and the appeal shall be deemed to have been fixed for pre-emptory hearing on the said date.

(6) For the purpose of the appeal the District Court may, except as provided in this rule, exercise any of the powers of a Civil Court.

(7) Every appeal under this rule shall be heard *de die in diem* and disposed of by the District Court as expeditiously as possible, and his decision shall be communicated forthwith to the Returning Officer.

(8) The decision of the District Court on appeal under this rule and subject only to such decision, the decision of the Returning Officer accepting or rejecting the nomination of a candidate shall be final and conclusive and shall not be called in question in any court or before a judge referred to in sub-section (2) of section 27.

## ***21. Withdrawal of Candidature :-***

(1) Any candidate may withdraw his candidature by notice in writing subscribed by him and delivered to the Returning Officer-

[(a) where no appeal is presented under rule 20, on the second day after the expiry of the period referred to in sub-rule (1) of rule 20, or if that day is a public holiday, the next succeeding day which is not a public holiday, and

(b) where such appeal is made on the second day after the day on which the decision of the District Court is given, or if such second day is a public holiday, the next succeeding day which is not a public holiday].

(2) The notice shall be delivered to the Returning Officer before 3 O'clock in the afternoon on the day fixed under sub-rule (1) for withdrawal of candidature.

(3) The notice may be given either by the candidate in person or by his proposer or election agent who has been authorised in this behalf in writing by the candidate.

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

(5) The Returning Officer shall, on being satisfied as to the genuineness of a notice of withdrawal and the identity of person delivering it under sub-rule (1), cause notice to be affixed on the notice board in his office.

## ***22. Preparation of list of contesting candidates.-***

(1) Immediately after the expiry of the period within which candidatures may be withdrawn under sub-rule (1) of rule 21, the Returning Officer shall prepare and publish in Form IV a list of contesting candidates, that is to say, candidates whose nomination papers have been finally accepted and who have not withdrawn their candidature within the said period.

(2) The said list shall, subject to the provisions of sub-rule (3) contain the names in alphabetical order and the address of the contesting candidates as given in the nomination papers.

(3) The list of contesting candidates referred to in sub-rule (1) shall contain the particulars set out in Form IV and shall be prepared in such language or languages as the Returning Officer may direct.

(4) The alphabetical order referred to in sub-rule (2) shall be determined with reference to the surnames of the candidates having surnames, and the names proper, of other candidates.

(5) 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 Returning Officer may direct.

(6) Where a poll becomes necessary, the Returning Officer shall consider the choice of symbols expressed by the contesting candidates in their nomination papers and shall, subject to any general or special directions issued in this behalf by the [State Election Commission]-

(a) allot a different symbol to each contesting candidate in conformity, as far as practicable, with his choice; and

(b) if more contesting candidates than one have indicated their preference for the same symbol, decide by lot to which of such candidates the symbol will be allotted.

(7) The allotment by the Returning Officer of any symbol to a candidate shall be final except where it is inconsistent with any directions issued by the State Election Commission in this behalf, in which case the Collector may revise the allotment in such manner as he thinks fit.

(8) Every candidate or his election agent shall forthwith be informed of the symbol allotted to the candidate and be supplied with a specimen thereof by the Returning Officer.

### ***23. Publication of list of contesting candidate.-***

The Returning Officer shall, immediately after its preparation, cause a copy of the list of contesting candidates to be affixed on the notice board in his office and shall also supply a copy thereof to each of the contesting candidates and, on demand, to his election agent.

## **CHAPTER IV CANDIDATES AND THEIR AGENTS**

### ***24. Appointment of election agent or revocation of such appointment.-***

(1) If a candidate desires to appoint an election agent such appointment shall, subject to the provisions of sub-rule (3), be made in Form V either at the time of delivering the nomination paper or at any time before the election.

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

(3) No person, who is for the time being disqualified under section 28 from being elected or from voting, at any election to a Zilla Parishad, shall, so long as the disqualification subsists, be appointed as an election agent.

### ***25. Appointment of Polling Agent.-***

(1) At an election at which a poll is to be taken, any contesting candidate, or his election agent, may appoint one agent and two relief agents to act as polling agents of such candidate at each polling section. Such appointment shall be made by a letter in writing in Form VI signed by the candidate or his election agent.

(2) The candidate or his election agent shall deliver the letter of appointment to the polling agent who shall, on the date fixed for the poll, present it to, and sign the declaration contained therein, before the Presiding Officer. The Presiding Officer [shall retain the letter ] presented to him in his

custody. No polling agent shall be allowed to perform any duty at the polling station unless he has complied with the provision of this sub-rule.

## ***26. Appointment of Counting Agent.-***

(1) Each contesting candidate or his election agent may appoint not more than [eight] agents to act as counting agents of such candidate by letter in writing in duplicate in Form VI signed by the candidate or his election agent.

(2) Before the commencement of the counting of votes, the candidate or his election agent shall give notice of the appointment of such counting agents to the Returning Officer by forwarding to such officer the letter of appointment referred to in sub-rule (1).

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

## ***27. Revocation of the appointment of death of polling Agents.-***

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

(2) Such declaration shall-

(a) in the case where the appointment is revoked not less than seven days before the commencement of the poll, be lodged with the Returning Officer.

(b) in any other case, be lodged with the Returning Officer or the Presiding Officer of the polling station where the polling agent was appointed for duty.

(3) If the polling agent of a candidate dies before the close of the poll, the candidate or his election agent shall forthwith report in writing the fact of such death-

(a) in the case where the death takes place not less than seven days before the commencement of the poll, to Returning Officer, and

(b) in any other case, to the Returning Officer or the Presiding Officer of the polling stations where the polling agent was appointed for duty.

(4) Wherever the Returning Officer receives any declaration or report made under sub-rule (1) or (2) he shall forthwith communicate such declaration or report, as the case may be, to the Presiding Officer of the polling station where such polling agent was appointed for duty.

(5) Where the appointment of a polling agent is revoked under sub-rule (1) or where the polling agent dies before the close of the poll, the candidate or his election agent may, at any time before poll is closed, appoint a new polling agent in accordance with the provisions of sub-rule (1) of rule 25 :

Provided that the letter of appointment of a new polling agent shall-

(a) in the case where such appointment is made not less than seven days before the commencement of the poll, be given to the Returning Officer, and

(b) in any other case be given to the Returning Officer or the Presiding Officer of the polling station where the new polling agent is appointed.

(6) The provisions of sub-rule (2) of rule 25 shall apply in relation to a polling agent appointed under sub-rule (5) as they apply in relation to a polling agent appointed under sub-rule (1) of rule 25.

### **28. *Revocation of the appointment of the Counting Agent.-***

(1) The appointment of the counting agent may be revoked by the candidate at any time before the commencement of the counting of votes by a declaration in writing signed by him. Such declaration shall be lodged with the Returning Officer.

(2) If the counting agent of a candidate dies before the completion of the counting of votes, the candidate or his election agent shall forthwith report the death in writing to the Returning Officer.

(3) Where the appointment of a counting agent is revoked under sub-rule (1) or where the counting agent dies before the completion of the counting of votes, the candidate or his election agent may appoint a new counting agent in the manner laid down in sub-rule (1) of rule 26.

(4) The provisions of sub-rules (2) and (3) of rule 26 shall apply in relation to a counting agent appointed under sub-rule (3) as they apply in relation to a counting agent appointed under sub-rule (1) of rule 26.

## **CHAPTER V GENERAL PROCEDURE OF ELECTION**

### **29. *Death of candidate before poll.-***

If a contesting candidate dies and a report of his death is received by the Returning Officer before the commencement of the poll, the Returning Officer shall, upon being satisfied of the fact of the death of the candidate, countermand the poll and report the fact to the [ State Election Commission and the Collector] and all proceedings with reference to the election shall be commenced a new in all respects as if for a new election :



Provided that –

(i) 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; and

(ii) no person who has given a notice of withdrawal of his candidature under sub-rule (1) of rule 21 before the countermanding of the poll, shall be ineligible for being nominated as a candidate for the election after such countermanding.

**30. *Uncontested election.-***

If, after the expiry of the period within which candidatures may be withdrawn under sub-rule (1) of rule 21, there is only one candidate in an electoral division whose nomination has been accepted, the Returning Officer shall forthwith declare him to be duly elected to fill the seat; and shall complete and certify the declaration in Form VI-A and send signed copies thereof to the [State Election Commission and the Collector] as soon as possible.

**31. *Contested elections.-***

In cases other than those covered by rule 30 a poll shall be taken.

**32. *Eligibility of members of Scheduled Castes [Scheduled Tribes or of the category of Backward Class of Citizens] to hold seats not reserved for those [Castes, Tribes or Classes]:-***

For the avoidance of doubt it is hereby declared that a member of the Scheduled Castes, [the Scheduled Tribes or of the category of Backward Class of citizens] shall not be disqualified to hold a seat not reserved for members those [Castes, Tribes and Classes] if he is otherwise qualified to hold such seat under the Act.

## **CHAPTER VI**

### **POLL AND VOTING AT ELECTORAL DIVISIONS**

#### **33. *Manner of voting at elections.-***

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

#### **33A. *Intimation by voters on election duty.-***

Where a voter, on election duty in the electoral division of which he is an elector, wishes to vote in person at an election in an electoral division and not by post he shall send an application in Form VI-B to the Returning Officer so as to reach him atleast four days, or such shorter period as the Returning Officer may allow, before the date of poll; and if the Returning Officer is satisfied that the applicant is such public servant and voter on Election duty in the electoral division, he shall,-

(a) issue to the applicant an Election Duty Certificate in Form VI-C;

(b) mark "EDC" against his name in the marked copy of the list of voters to indicate that an election duty certificate has been issued to him; and

(c) ensure that he is not allowed to vote at the polling station where he would otherwise have been entitled to vote.

#### **34. *Ballot Box.-***

Every ballot box shall, subject to general or special orders of the State Election Commission, be of such design as may be approved by the Collector.

#### **35. *Form of Ballot paper.-***

(1) Every ballot paper shall have a counterfoil attached thereto, and the said ballot paper and the counterfoil shall be printed in FORM VII.

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

### **36. Arrangement at polling stations.-**

(1) Outside each polling station there shall be displayed prominently-

(a) a notice, specifying the polling area the voters of which are entitled to vote at the polling station and, where the polling station has more than one polling booth, at each one of such booths, the [particulars] of the voters allotted to such booths, 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 voters can record their screened from observation.

(3) The Returning Officer shall provide at each polling station a sufficient number of ballot boxes, ballot papers [copies of the relevant part of the list of voters] in respect of the polling area or areas the voters of which are entitled to vote at such polling station, instruments for stamping the distinguishing mark on ballot papers and articles necessary for voters to mark the ballot paper. The Returning Officer shall also provide at each polling station such other equipment and [(accessories) as may be required for taking the poll at such polling station].

### **37. Admission to polling station.-**

The presiding officer shall regulate the number of voters to be admitted at any time inside the polling station and shall exclude therefrom all persons other than-

(a) polling officers;

(b) public servants on duty in connection with the election;

(c) persons authorised by the Collector or the Returning Officer;

(d) candidates, their election agents and subject to the provisions of rule 25, one polling agent of each candidate;

(e) a child in arms accompanying a voter;

(f) a person accompanying a blind or infirm voter who cannot move without help; and

(g) such other persons as the Returning Officer or the Presiding Officer may appoint under sub-rule (2) of rule 39 or the Presiding Officer may employ under sub-rule (1) of the rule 40.

### ***38. Preparation of ballot boxes for poll.-***

(1) Where a paper seal is used for securing a ballot box the Presiding Officer shall affix his own signature on the paper seal and obtain thereon the signatures of such of the polling agents present as are desirous of affixing the same.

(2) The Presiding Officer shall thereafter fix the paper seal so signed in the space meant therefor in the ballot box and shall then secure and seal the box in such manner that the slit for the insertion of ballot paper there into remains open.

(3) The seals used for securing a ballot box shall be affixed in such manner that after the box has been closed, it is not possible to open it without breaking the seals.

(4) Where it is not necessary to use paper seals for securing the ballot box, 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 serial number, if any, and the name of the electoral division;

(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 agents and other persons present that the ballot box is empty and bears the labels referred in sub-rule (5).

(7) The ballot box shall be closed, sealed and secured and placed in full view of the Presiding Officer and the polling agents.

### ***39. Facilities for women voters.-***

(1) Where a polling station is for both men and women voters, the Presiding Officer may direct that they shall be admitted into the polling station alternately in separate batches.

(2) The Returning Officer or the Presiding Officer may appoint a women to serve as an assistant at a polling station to assist women voters and also to assist the Presiding Officer generally in taking the poll in respect of women voters, and in particular, to help in searching any woman voter in case it becomes necessary.

### ***40. Identification of voters.-***

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

(2) As each voter enters the polling station the Presiding Officer or the Polling Officer authorised by him in this behalf shall check the voters name

and other particulars with the relevant entry in the list of voters and then call out the serial number, name and other particulars of the voter.

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

#### ***40A. Facilities for public servants on election duty.-***

(1) The provisions of rule 40 shall not apply to any person who produces at the polling station an election duty certificate in Form VI-C and asks for the issue of a ballot paper to him although the polling station is different from the one where he is entitled to vote.

(2) On production of such certificate the presiding officer shall-

(a) obtain there on the signature of the persons producing it;

(b) have the person's name and list of voters number as mentioned in the certificate entered at the end of the marked copy of the list of voters; and

(c) issue to him a ballot paper and permit him to vote, in the same manner as for an elector entitled to vote at that polling station.

#### ***41. Challenging of identity.-***

(1) Any polling agent may challenge the identity of a person claiming to be a particular voter by first depositing a sum of Rs. 2 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 list of voters in full and ask him whether he is the person referred to in that entry;

(c) enter his name and address in the list of challenged voters in Form VIII; 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** in proof of his identity;

(b) put to the person challenged any question necessary for the purpose of establishing his identity and require him to answer them on oath; and

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

(4) If, after the inquiry, the Presiding Officer considers that the challenge has not been established, he shall allow the person challenged to vote; and if he considers that the challenge has been established, he shall debar the person challenged from voting.

(5) If the Presiding Officer is of the opinion that the challenge is frivolous or has not been made in good faith he shall direct that the deposit made under sub-rule (1) be forfeited to the State Government, and in any other case, he shall return it to the challenger at the conclusion of the inquiry.

#### ***42. Safeguards against personation.-***

(1) With a view to preventing personation of voters, every voter about whose identity the Presiding Officer or the Polling Officer, as the case may be, is satisfied, shall allow his left forefinger to be inspected by the Presiding Officer or the Polling Officer and an indelible ink mark to be put on it.

(2) If any voter refuse to allow his left forefinger to be inspected or marked in accordance with sub-rule (1) or has already such a mark on his left forefinger or does any act with a view to removing the ink mark, he shall not be supplied with any ballot paper or allowed to vote.

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

### ***43. Issue of ballot paper.-***

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

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

(3) Every ballot paper, before it is issued to a voter, and the counterfoil attached to such ballot paper, shall be stamped on the back with such distinguishing mark as the Collector may direct, and every ballot paper, before such issue shall be signed in full on its back by the Presiding Officer.

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

(a) record on its counterfoil the serial number of the voter as entered in the marked copy of the list of voters;

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

(c) mark the name of the voter in the marked copy of the list of voters 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 voter; provided that no ballot paper shall be delivered to a voter unless he has put his signature or thumb impression on the counterfoil of the ballot paper.

(5) No person in the polling station shall note down the serial number of the ballot paper issued to a particular voter.

#### **44. *Voting Procedure.-***

(1) The voter on receiving the ballot paper shall forthwith-

(a) proceed to one of the voting compartment;

(b) there make a mark 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 in to the ballot box; and

(f) quit the polling station.

(2) Every voter shall vote without undue delay.

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

(4) If the voter to whom a ballot paper has been issued, refuses after warning given by the presiding officer, to observe the procedure as laid down in sub-rule (1) the ballot paper issued to him shall whether he has recorded his vote thereon or not, be taken back from him by the Presiding Officer or the Polling Officer under the direction of the Presiding Officer.

(5) 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.

(6) All the ballot papers on which the word “cancelled-voting procedure violated” are recorded shall be kept in a separate cover which shall bear on its face the word “Ballot papers voting procedure violated.”

(7) Without prejudice to any other penalty to which the voter, from whom a ballot paper has been taken back under sub-rule (4), may be liable, the vote if any recorded on such ballot paper shall not be counted.

#### ***45. Recording of vote of blind or infirm voter.-***

(1) If the Presiding Officer is satisfied that owing to blindness or other physical infirmity, a voter is unable to recognise the symbols on the ballot paper or to be make a mark thereon without assistance, the Presiding Officer shall permit the voter to take with him a companion of not less than twenty-one 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 voter at any polling station on the same day :

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

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

#### ***46. Spoilt and returned ballot papers.-***

(1) A voter who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on returning it to the Presiding Officer and on satisfying him of the inadvertence, be given

another ballot paper, and the ballot paper so returned shall be marked “Spoilt-cancelled” by the Presiding Officer.

(2) If a voter after obtaining a ballot paper decides not to use it, he shall return it to the Presiding Officer, and the ballot papers so returned 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.

#### **47. *Tendered votes.-***

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

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

(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 ballot paper and its counterfoil shall be endorsed on the back with the words “tendered ballot paper” by the Presiding Officer in his own hand and signed by him.

(4) The voter, after making 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 in a cover specially kept for the purpose.

#### **48. Closing of poll.-**

(1) The Presiding Officer shall close a polling station at the hour fixed in that behalf under rule 11 and shall not there after admit any voter into the polling station :

Provided that, all voters present at the polling station before it is closed shall be allowed to cast their votes.

(2) If any question arises whether a voter was present at the polling station before it was closed, it shall be decided by the Presiding Officer and his decision shall be final.

#### **49. Sealing of ballot boxes after poll.-**

(1) As soon as practicable after the closing of the poll, the Presiding Officer shall, in the presence of any candidates or their election or polling agents, close the slit of the ballot box and where the ballot 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 box getting full, the first box shall be closed, sealed and secured as provided in sub-rule (1) and (2) before another ballot box is put into use.

#### **50. Account of ballot papers.-**

(1) The Presiding Officer shall at the close of the poll prepare a ballot paper account in Form X and enclose it in a separate cover with the words "Ballot Paper Account" superscribed thereon.

(2) The Presiding Officer shall permit a polling agent who so desires to take true copy of the entries made in the ballot paper account and shall attest it as true copy.

**51. *Sealing of other packets.-***

(1) The Presiding Officer shall then make into separate packets-

(a) the marked copy of the list of voters;

[(aa) the counterfoils of the used ballot papers

[(b) the ballot papers signed in full by the Presiding Officer under sub-rule (3) of rule 43 but not issued to the voters;

(bb) any other ballot papers not issued to the voters;]

(c) the cancelled ballot papers;

(d) the cover containing the tendered ballot papers and the list of tendered ballot papers;

(e) the list of challenged votes; and

(f) any other papers directed by the Returning Officer to be kept in a sealed packed.

(2) Each such packet shall be sealed with the seals of the Presiding Officer and of those polling agents present who may desire to affix their seals thereon.

**52. *Transmission of ballot boxes, packets, etc. to the Returning Officer.-***

(1) The Presiding Officer shall then deliver or cause to be delivered to the Returning Officer at such place as the Returning Officer may direct-

(a) the ballot boxes;

(b) the ballot paper account;

(c) the sealed packets referred to in rule 51; and

(d) all other papers used at the poll.

(2) The Returning Officer shall make adequate arrangements for the safe transport of all ballot boxes, packets and other papers and for their safe custody until the commencement of the counting of votes.

**53. *Adjournment of poll in emergencies.-***

(1) If at an election, the proceedings at any polling station for the poll are interrupted or obstructed by any riot or open violence, or if at an election it is not possible to take the poll at any polling station on account of any natural calamity, or any other sufficient cause, the Returning Officer or the Presiding Officer for such polling station shall announce an adjournment of the poll to a date to be fixed later and where the poll is so adjourned by the Presiding Officer he shall forthwith inform the Returning Officer concerned.

(2) Whenever a poll is adjourned under sub-rule (1), the Returning Officer shall immediately report the circumstances to the [State Election Commission and the Collector; and thereupon subject to the directions, if any, of the State Election Commission, the Collector shall] who shall, as soon as may be fix the day on which the poll shall recommence and fix the polling station at which and the hours during which, the poll shall be taken. The Returning Officer shall not count the votes at such election until such adjourned poll shall have been completed.

(3) In every such case as aforesaid, the Collector shall publish the date, place and hours of the poll fixed under sub-rule (2) in the manner laid down in rule 12 and the provisions of these rules governing the original poll shall *mutatis mutandis* apply to the fresh poll taken under this rule.

**54. *Procedure on adjournment of poll.-***

(1) If the poll at any polling station is adjourned under rule 43, the provisions of rules 49 to 52 (both inclusive) shall, as far as practicable, apply as if the poll was closed at the hour fixed in that behalf under rule 11.

(2) When an adjourned poll is recommended under sub-rule (2) of rule 53, the voters who have already voted at the poll so adjourned shall not be allowed to vote again.

(3) The Returning Officer shall provide the Presiding Officer of the polling station at which adjourned poll is held, with the sealed packet containing the marked copy of the list of voters 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 list of voters [for making the names of the voters to whom the ballot papers are issued at the adjourned poll, without however recording therein the serial number thereof.

(5) The provisions of rule 33 to 52 (both inclusive) shall apply in relation to the conduct of an adjourned poll as they apply in relation to the poll before it was so adjourned.

**55. *Fresh poll in case of destruction, etc. of ballot boxes.-***

(1) If at any election –

(a) any ballot box used at a polling station is unlawfully taken out of the custody of the Presiding Officer or the Returning Officer, or is accidentally or intentionally destroyed or lost or is damaged or tampered with to such an extent, that the result of the poll at that polling station cannot be ascertained, or

(b) any such error or irregularity in procedure as is likely to vitiate the poll is committed at a polling station.

The Returning Officer shall forthwith report the matter to the State Election Commission and the Collector.

(2) Thereupon, [subject to the directions, if any, of the State Election Commission] the Collector shall, after taking all material circumstances into account, either-

(a) declare the poll at that polling station to be void appoint a day, and fix, the hours, for taking a fresh poll at that polling station and notify, the day so appointed and the hours so fixed in such manner as he may deem fit, or

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

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

-----

## **CHAPTER VII**

### **COUNTING OF VOTES**

#### ***56. Supervision over counting of voters.-***

At every election where a poll is taken, votes shall be counted by or under the supervision and direction of the Returning Officer, and each contesting candidate, his election agent and his counting agents shall have a right to be present at the time of counting.

#### ***57. Admission to the place fixed for counting.-***

(1) The Returning Officer shall exclude from the place fixed for counting of votes all persons except-

- (a) such person to be known as counting Supervisors and counting assistants as he may appoint to assist him in the counting;
- (b) person authorised by the Collector;
- (c) public servants on duty in connection with the election, and
- (d) candidates, their election agents and counting agents.



(2) No person who has been employed by or on behalf of or has been otherwise working for a candidate or about the election shall be appointed under clause (a) of sub-rule (1).

(3) The Returning Officer shall decide which counting agent or agents shall watch the counting at any particular counting table or group of counting tables.

(4) Any person who during the counting of votes misconducts himself or fails to obey the lawful directions of the Returning Officer may be removed from the place where the votes are being counted by the Returning Officer or by any police officer on duty or by any person authorised in this behalf by the Returning Officer.

#### ***58. Maintenance of secrecy of voting.-***

The Returning Officer shall, before he commences the counting read out the provisions of section 32 to such persons as may be present.

#### ***59. Scrutiny and opening of ballot boxes.-***

(1) The Returning Officer may have the ballot box or boxes used at more than one polling station opened and the ballot papers found in such box or boxes counted simultaneously.

(2) Before, any ballot box is opened at a counting table, the counting agents present at that table shall be allowed to inspect the paper seal or such other seal as might have been affixed thereon and to satisfy themselves that it is intact.

(3) The Returning Officer shall satisfy himself that none of the ballot boxes has in fact been tampered with.

(4) If the Returning Officer is satisfied that any ballot box has in fact been tampered with he shall not count the ballot papers contained in that box

and shall follow the procedure laid down in rule 55 in respect of that polling station.

**60. Counting of votes.-**

(1) The ballot papers taken out of each ballot box shall be arranged in convenient bundles and scrutinized.

(2) The Returning Officer, shall reject a ballot paper-

(a) if it bears any mark or writing by which the voter can be identified; or

(b) if it bears no mark at all or, to indicate the vote, it bears a mark elsewhere on or near the symbol of one of the candidates on the face of the ballot paper or, it bears a mark made otherwise than with the instrument supplied for the purpose; or

(c) if votes are given on it in favour of more than one candidate; or

(d) if the mark indicating the vote thereon is placed in such manner as to make it doubtful to which candidate the vote has been given; or

(e) if it is a spurious ballot paper; or

(f) if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established; or

(g) if it bears a serial number, or is of a design, different from the serial numbers or as the case may be design of the ballot paper authorised for use at the polling station; or

(h) if it does not bear both the distinguishing mark and the signature which it should have borne under the provisions of sub-rule (3) of rule 43.

Provided that :-

(i) where a Returning Officer is satisfied that any such defect as is mentioned in clause (g) or (h) has been caused by any mistake or

failure on the part of the Presiding Officer or the Polling officer, the ballot paper shall not be rejected merely 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 Returning Officer shall allow 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 Returning Officer shall endorse on every ballot paper which he rejects the words "Rejected" and the grounds of rejection in abbreviated form either in his own hand or by means of a rubber stamp and shall initial such endorsement.

(5) All ballot papers rejected under this rule shall be bundled together.

(6) Every ballot paper which is not rejected under this rule shall be counted as one valid vote :

Provided that, no cover containing tendered ballot papers shall be opened and no such paper shall be counted.

(7) After the counting of all ballot papers contained in all the ballot boxes used at a polling station has been completed-

(a) the counting supervisor shall fill in and sign part II-result of counting in Form X which shall also be signed by the Returning Officer; and

(b) the Returning Officer shall make the entries in a result sheet in Form XI and announce the particulars.

**61. *Sealing of used ballot papers.-***

The valid ballot papers of each candidate and the rejected ballot papers shall thereafter be bundled separately and the several bundles made up into a separate packet which shall be sealed with the seals of the Returning Officer and of such of the candidates, their election agents or counting agents may desire to affix their seals thereon; and on the packets so sealed shall be recorded the following particulars, namely:-

- (a) the name of the electoral division; and
- (b) the date of counting.

**62. *Counting to be continuous.-***

The Returning Officer shall as far as practicable proceed continuously with the counting of votes and shall, during any intervals 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 seals of such candidates or election or counting agents as may desire to affix their seals and shall cause adequate precautions to be taken for their safe custody during such intervals.

**63. *Re-commencing of counting after fresh poll.-***

(1) If a fresh poll is held under rule 55, the Returning Officer shall, after completion of that poll, re-commence the counting of votes on the date and at the time and place which have been fixed by him in that behalf and of which notice has been previously given to the candidates and their election agents.

(2) The provisions of rules 60 and 61 shall apply so far as may be to such further counting.

#### **64. Recount of votes.-**

(1) After the completion of the counting, the Returning Officer shall record in the result sheet in Form XI the total number of votes polled by each candidate and announce the same.

(2) After such announcement has been made, a candidate or, in his absence, his election agent may apply in writing to the Returning Officer for a recount of all or any election agent may apply in writing to the Returning Officer for a recount of all or any of the ballot papers already counted stating the grounds on which he demands such re-count.

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

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

(5) If the Returning Officer decides under sub-rule (3) to allow an application either in whole or in part, he shall,-

- (a) count the ballot papers again in accordance with his decision;
- (b) amend the result sheet in Form XI to the extent necessary after such recount; and
- (c) announce the amendments so made by him.

(6) After the total number of votes polled by each candidate has announced under sub-rule (1) or sub-rule (5), the Returning Officer shall complete and sign the result sheet in Form XI and no application for a re-count shall be entertained there after :

Provided that, no steps under this sub-rule shall be taken on the completion of the counting until the candidates and election agents present at

the completion thereof have been given a reasonable opportunity to exercise the right conferred by sub-rule (2).

**65. Declaration of result.-**

The Returning Officer shall then subject to the provisions of section 26, if and so far as they apply to the particular case, and if he has been so empowered by the State Election Commission thereunder declare to be elected the candidate to whom the highest number of valid votes has been given, complete and certify the return of election in Form XII and send signed copies thereof to the State Election Commission as soon as possible.

---

**CHAPTER VIII**  
**MISCELLANEOUS**

**66. Publication of names of Councillors.-**

(1) [On receipt of the declaration under rule 30 or of the election returns under rule 65,] the Collector shall, [subject to the provisions of the proviso to clause (a) of sub-section (2) of section 9 and of sub-rule (3) publish the names of all elected Councillors] [by causing a list of such names (together with their permanent addresses and the names of the electoral divisions from which they are elected) to be posted on the notice board or at any prominent place in his office](and the date of such publication shall be deemed to be the date of publication for the purposes of sub-section (2) of section 11).

[(2)\* \* ]

(3) [After the publication of the names of Councillors under sub-rule (1), the Collector] may also cause the names of the elected councillors [(together with their permanent address and the names of electoral divisions from which they are elected)] to be published [in the *Official Gazette* and] in

some conspicuous place in the office of the *Zilla Parishads*, the *Panchayat Samitis*, the Mamlatdar's or Tahsildar's or Mahalkari's office or Naib-Tahsildar's office in the district.

**67. Election to more than one seat in Zilla Parishad.-**

(1) If a person is elected to more than one seat in a *Zilla Parishad*, then, unless within the time prescribed, under sub-rule (2), he resigns all but one of the seats by writing under his hand addressed to the Collector, all the seats shall be vacant.

(2) The time within which a person may resign all but one of the seats in *Zilla Parishad* shall be-

(a) seven days from the date of the declaration of the result of election made by the Returning Officer under rule 65; or

(b) where the dates of his elections are different in respect of different seat, seven days from the date of the declaration of the result in respect of the later election.

(3) [ \* \* ]

**68. Return of forfeiture of candidates deposit.-**

(1) The deposit made under rule 17, shall be either be returned to the person making it or his legal representative or be forfeited to the State Government in accordance with the provisions of the rule.

(2) Except in cases hereafter mentioned in this rule, 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-rule (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-eighth of the total number of valid votes polled by all the candidates.

**69. *Custody of papers relating to election.-***

The Returning Officer shall keep in custody the packets referred to in rule 51 and all other papers relating to the election.

**70. *Production and inspection of election papers.-***

(1) While in the custody of the Returning Officer-

(a) the packets of unused ballot papers with counterfoils attached thereto;

(b) the packets of used ballot papers whether valid, tendered or rejected;

(bb) the packets of the counterfoils of used ballot papers;

(c) the packets of marked copies of the list of voters,

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 or authority.

(2) All other papers relating to the election shall be open to public inspection.

**71. *Disposal of election papers.-***

(1) The packets referred to in sub-rule (1) of rule 70 shall be retained for a period of one year and shall thereafter be destroyed subject to any direction to the contrary given by the State Election Commission or by a competent court or authority.

(2) All other papers relating to the election shall be retained until the termination of the next general election for the electoral division to which they relate and shall thereafter be destroyed subject to any direction to the



contrary given by the State Election Commission or a Competent court or authority.

**72. *Casual vacancies in Zilla Parishads.-***

When the seat of [Councillor of] a Zilla Parishad becomes vacant or is declared vacant or his election to the Zilla Parishad is set aside, the [State Election Commission] shall fix a date as soon as conveniently may be, for holding bye-election to fill the seat and the provisions of these rules shall there upon *mutatis mutandis* apply accordingly.

-----

**FORM 1**  
(See rule 1)

Office of the Collector of.....

No.....:- In exercise of the powers conferred by sub-rule (1A) of rule 11 of the Maharashtra Zilla Parishads (Electoral Divisions and Conduct of Election ) Rules, 1962, I,..... the Collector of ..... hereby appoint in relation to the election by the electoral divisions specified in column 1 of the Schedule hereto (hereinafter referred to as “the respective electoral divisions”).

(a) the date and time specified in column 2 of the said Schedule against the respective electoral division to be the last date and time for making nominations in relation to the respective electoral divisions;

(b) the dates and time specified in column 3 of the said Schedule against the respective electoral divisions to be the [date] and time for the scrutiny of nominations in relation to the respective electoral divisions;

(c) the places specified in column 4 of the said Schedule against the respective electoral divisions to be the places for making nominations and for the scrutiny thereof;

(d) the dates specified in column 5 of the said Schedule against the respective electoral divisions to be the [date] on which election of persons to the \*..... Zilla Parishad shall be held;

(e) the time specified in column 6 of the said Schedule against the respective electoral divisions to be the time during which the poll shall be taken;

(f) the [date] and time specified in column 7 of the said Schedule against the respective electoral divisions to be the dates and time for the counting of votes;

(g) the places specified in column 8 of the said Schedule against the respective electoral divisions to be the places for the counting of votes.

**Schedule**

Name of electoral division  (1)	Last [date] and time of making nominations  (2)	[Date] and time for scrutiny of nominations  (3)	Place for making nomination and for scrutiny thereof  (4)
1. 2. 3. 4. 5. 6. 7. 8. 9. etc.			

[Date] on which the poll, if required shall be taken  (5)	Time during which poll shall be taken  (6)	[Date] and time for counting of votes  (7)	Place for counting of votes  (8)

Date.....

Place.....

Collector of .....

---

\* Here specify the name of Zilla Parishad

**FORM II**  
(See rule 13)  
**FORM OF NOMINATION PAPER**  
(Election to the..... Zilla Parishad)

.....  
(To be filled by the Proposer)

I hereby nominate. ....  
..... as a candidate for election from the .....  
..... electoral division

Name of the electoral division ...  
Name of candidate ... ..  
Father's / husband's name ...  
Age ... ..  
Full postal address of the candidate ...

[In an electoral division having a reserved seat, state the particulars of Caste, Tribe or Class to which the candidate belongs.] ... ..

The name of the electoral division in which the name of the candidate is entered as a voter in the list of voters ...

Serial number of the candidate in the list of voters of the electoral division afore mentioned in which his name is entered as a voter ...

Name of the proposer ...

Serial number of the proposer in the list of voters of the electoral division ....

Signature of the Proposer

-----  
*Declaration by Candidate*

I hereby signify my willingness to serve as a Councillor if I am elected.

Date :

Signature of Candidate

-----

***[Declaration to be made by the candidate belonging to Scheduled Caste, Scheduled Tribe or Backward Class of citizens.***

I hereby declare that I am a member of

- (i) the .....Caste / Tribe which is a Scheduled Caste / Tribe in relation to the State of Maharashtra;
- (ii) the .....Class which is declared by the Government to be Backward Class of Citizens.

Dated:

Signature of Candidate

-----

***Declaration to be made by candidate set up by Party / Aghadi / Front.***

I hereby declare that I am set up at this election by the ..... Party / Aghadi / Front.]

Date:

Signature of Candidate

-----

***Declaration as Choice of Symbol***

I do hereby declare that the symbols which I have chosen for my election shown below in the order of my preference:-

- (1)
- (2)
- (3)

Signature of Candidate

-----

Serial No. of nomination paper .....

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

\* Proposer of the candidate.

Date:

Signature of Returning Officer

-----

*Decision of Returning Officer accepting or rejecting the nomination paper*

I have examined this nomination paper in accordance with rule 19 of the Maharashtra Zilla Parishads Election Rules, 1962 and decide as follows :-

Date:

Signature of Returning Officer

---

*Receipt for Nomination Paper and notice of Scrutiny  
(To be handed over to the persons presenting the nomination paper)*

Serial No. of Nomination paper -----

The Nomination paper of..... a candidate for election from the .....electoral division of .....Zilla Parishad was delivered to me at my office at.....(hour) on.....(date)

\*the candidate

by -----

\* proposer of the candidate.

All nomination papers will be taken up for scrutiny at .....  
..... (hour) on ..... (date) at. ....(place).

Date:

Signature of Returning Officer

---

\* Strike of it unnecessary.

**FORM II-A**

(See rule 15A)

*Communication with regard to Authorised persons to intimate Names of Candidates set-up by the Political Party / Aghadi / Front.*

To

1. The Collector of.....
2. The Returning Officer for the ..... Electoral Division..... Zilla Parishad.

*Subject:-* General Elections to ..... Zilla Parishad.  
Allotment of symbols ..... Authorisation of persons to intimate names of candidates.

Sir,

I hereby communicate that the following person(s) has / have been authorised by the party, which is a National Party / State party in the State of Maharashtra. Aghadi / Front to intimate the names of the candidates proposed to be set-up by the party at the elected cited above.

Name of persons authorised to send notice  (1)	Name of Office held in the Party/Aghadi/Front  (2)	District and Electoral Division of the ..... Zilla Parishad in respect of which he has been authorised.  (3)

2. The specimen signature of the above mentioned person(s) so authorised are given below:-

(1) Specimen signature of Shri .....

(i) ..... (ii) .....

(ii) .....

(2) Specimen signature of Shri .....

(i) ..... (ii) .....

(iii) .....

(3) Specimen signature of Shri .....

(i) ..... (ii) .....

(iii) .....

Yours faithfully,

President/Secretary  
Name of the Party /  
Aghadi /Front

Place :

Date :

(Seal of the Party / Aghadi/ Front)



**FORM II-B**

(See rule 15-A)

**Notice as to names of candidates set-up by the political Party /  
Aghadi /Front**

To

(1) The Collector of.....

(2) The Returning Officer for the .....

Electoral Division of ..... Zilla Parishad.

District.....

Subject :- General Elections to the

..... Zilla Parishad

.....

Setting up of candidates.

Sir,

I hereby give notice that the following persons have been set-up by  
..... Party / Aghadi / Front as its candidates at the  
ensuing general election from the electoral divisions of .....  
Zilla Parishad as noted against each electoral division.

No. and name of Electoral Division	Name of approved candidate	Father's / Husband's name of approved candidate	Postal address of approved candidate
(1)	(2)	(3)	(4)

Name of the substitute candidate (who will step-in in the event of the approved candidate's nomination being rejected on scrutiny or his withdrawing from the contest) (5)	Father's/ Husband's name of substitute candidate  (6)	Postal address of substitute candidate  (7)

Yours faithfully,

Place :

Date :

( Name and signature of the  
authorised persons of the  
Party /Aghadi /Front)

**N.B.:-** This must be delivered to the Returning Officer by 3-00 p.m. on the last date for withdrawal of candidature.

(Seal of the Party / Aghadi/ Front)

**FORM III**

[See rule (2)]

**NOTICE**

I hereby notify that Shri / Smt. .... a candidate for ..... the electoral division ..... Zilla Parishad has presented an appeal under sub-rule (2) of rule 20 of the Maharashtra Zilla Parishads Election Rules, 1962, to the [District Court] of .....

rejecting the nomination of  
against my decision ----- Shri/Smt. ....  
accepting the nomination of

.....

I hereby further notify that the hearing of the said appeal shall commence before the [District Court] of ..... on the third day after the date of publication of this notice, that, is, on the ..... day of .....19

A copy of the petition of appeal is available with the Returning Officer and may be collected by the respondent (or respondents) from the office of the Returning Officer.

Date :

Place :

Returning Officer

Copy forwarded with compliments to the [District Court]..... with the copy of the list of candidates whose nomination have been accepted.

-----

FORM IV  
(See rule 22)

LIST OF CONTESTING CANDIDATES

*Election of \_\_\_\_\_ Zilla Parishad  
from \_\_\_\_\_ Electoral Division*

Serial No.	Name of the candidate	Address of candidate	Symbol allotted to the candidate
1.			
2.			
3.			
4.			
5.			
etc.			

Place .....

Date .....

Returning Officer

-----

**FORM V**

(See rule 24)

**FORM OF APPOINTMENT OF ELECTION AGENT**

I,..... of .....  
a candidate at the election to the ..... Zilla  
Parishad from..... electoral division  
to be held on.....20..... hereby appoint .....  
.....of.....  
as my election agent from this date at the above election.

Dated this..... day of .....20.....

Signature of Candidate

I accept the above appointment

Signature of the Election Agent

-----

**FORM VI**

(See rules 25 and 26)

**APPOINTMENT OF POLLING / COUNTING AGENT**

*Election to the ..... Zilla Parishad from..... Electoral Division*

To

\* The Returning Officer for ..... electoral division

\* The Presiding Officer, ..... Polling Station

I,.....

\* a candidate

\* the election agent of ..... who is a contesting candidate at the present election do hereby give notice that I have appointed.....

as a \*Polling agent to attend ..... Polling Station / Polling booth No..... of ..... Polling Station

\*Counting agent to attend at the place fixed for the counting of votes.

Candidate

Date:-

Signature of -----

Election Agent

I agree to act as ----- Agent

\*Polling

\*Counting

Date:-

Signature of -----Agent

\*Polling

\*Counting

-----

*\*Polling* *\*Returning*  
*Declaration of ----- Agent to be signed before the ----- Officer*  
*\*Counting* *\*Presiding*

I hereby declare that I will not at this election for.....  
electoral division do anything for bidden by the Act or rules thereunder.

Date..... *\*Polling*  
Signature of -----Agent  
*\*Counting*

Signed before me.

Date..... *\*Returning Officer*  
-----  
*\*Presiding Officer.*

-----

**FORM VI-A**  
(See rule 30)  
**FORM OF DECLARATION OF RESULTS OF  
UNCONTESTED ELECTION**

..... Zilla Parishad  
Election for ..... Electoral division, 19.....

In pursuance of the provisions contained in rule 30 of Maharashtra Zilla Parishads Election Rules, 1962, I declare that—

..... (Name of ).....

.....

.....(Address) has been duly elected

to fill the seat in the above division [as he was the only contesting candidate].

Date.....

Place.....

Signature of the Returning Officer

-----



**FORM VI-B**

**Application for Election Duty Certificate**

(See rule 33A)

To,  
The Returning Officer,  
..... Electoral Division,

Sir,

I intend to cast my vote in person at the ensuing election to the Zilla Parishad from the ..... Electoral Division.

I have been posted on election duty within the electoral division at ..... (No. and name of the polling station) but my name is entered at Serial No. .... Part No. .... the list of votes for ..... electoral division.

I request that an Election Duty Certificate in Form VI-C may be issued to enable me to vote at the polling station where I may be on duty on the polling day. It may be sent to me at the following address-

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

Yours faithfully,

Place.....

Date.....

[.....]

-----

**FORM VI-C**

**Election Duty Certificate**

(See rules 33A and 40A)

Certified that ..... is an elector in the .....Electoral Division his list of voters number being ..... and that by reason of his being on election duty he is unable to vote at the polling station where he is entitled to vote and that he is therefore hereby authorised to vote at any polling station in the said electoral division where he may be on duty on the date of poll.

Place .....

Signature .....

Date .....

Returning Officer

Seal

-----

**FORM VII**  
(See rule 35)  
**FORM OF COUNTERFOIL AND BALLOT PAPER NO...**



**Counterfoil**

..... Zilla Parishad

..... Electoral Division

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

[.....]

[Signature / Thumb impression of Voter]

.....

No.....

..... Zilla Parishad

..... Electoral Division

Name of Candidate

Symbol assigned

1

2

.....

.....

.....

.....

.....

.....

.....

**FORM VIII**

(See rule 41)

**LIST OF CHALLENGED VOTES**

*Election to the ..... Zilla Parishad.  
..... Electoral Division*

Polling Station.....

No. of Polling Station, if any.....

Serial number of entry	Name of the voter	Serial number in list of Voters	Signature of thumb impression of the voter and his address	Name of identifier, if any
1	2	3	4	5

Name of person challenging	Amount of deposit made	Order of Presiding Officer in each case	Signature of challenger acknowledging receipt of deposit if and when deposit is returned
6	7	8	9

-----

**FORM VIII-A**

[ See rule 45 (2) ]

**LIST OF BLIND AND INFIRM VOTERS**

*Election to the Zilla Parishad ..... from the .....  
.....Electoral Division*

No. and name of Polling Station.....

Part No., Serial No. of voter 1	Full name of voter 2	Full name of companion 3	Address of companion 4	Signature of companion or his thumb impression 5

.....

Date.....20... .

Signature of Presiding Officer

-----

**FORM IX**

(See rule 47)

**TENDERED VOTES LIST**

*Election to the ..... Zilla Parishad.....*

*.....Electoral Division*

Polling Station.....

No. of polling Station, if any,.....

Serial No. of the entry	Name of the voter	Serial number of the voter in the list of voters	Address of the voter	Serial number of tendered ballot paper	Serial number of ballot paper issued to the person who has already voted	Signature of thump - impression of the voter
1	2	3	4	5	6	7

.....

Date.....

Signature of the Presiding Officer.

## FORM X

[See rules 50 and 60 (7)]

### PART 1 – BALLOT PAPER ACCOUNT

*Election to the .....Zilla Parishad, from the  
.....Electoral Division.*

Number 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 44.			
(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)			
Signature of the Presiding Officer.			

PART II – RESULT OF COUNTING

Serial No.	Name of the Candidate	Number of valid votes cast
1. 2. 3. 4. 5. etc.		
II. Rejected Ballot Papers		
III. Total		
Whether the total number of ballot papers shown against item No. III above tallies with the total shown against item No.5 of part I or any discrepancy noted between these two totals.		

Place :

Date :

Signature of the Counting Supervisor

Place :

Date :

Signature of the Returning Officer

-----



**FORM XI**  
 [See rule 60 (7)]  
**FORM OF RESULT SHEET**

*Election to the .....Zilla Parishad from the  
 .....Electoral Division.*

Serial No. of Polling Stations	Number of valid votes cast in favour of	Total of valid votes	Number of rejected votes	Total	Number of tendered votes
	A B C D E F				
1.					
2.					
3.					
...					
...					
etc.					
Total Number of votes recorded at Polling Station					

Place :

Date :

Signature of the Returning Officer

-----

**FORM XII**

(See rule 65)

**FORM OF RETURN OF ELECTION**

.....Zilla Parishad

Election for .....Electoral Division

.....19

Name of candidate	Number of valid votes given for the candidate
1. 2. 3. 4. etc.  Total No. of valid votes Total No. of invalid votes Total No. of tendered votes	

I declare that –

Name .....

Address .....

has been duly elected.

Signature of Returning Officer

Dated the ..... day of ..... 20 .....

-----

# **The Maharashtra Panchayat Samitis [(Electoral Colleges and Conduct of Election)] Rules, 1962.**

## **CHAPTER I PRELIMINARY**

### ***1. Short title.-***

These rules may be called the Maharashtra Panchayat Samitis [(Electoral Colleges and Conduct of Election)] Rules, 1962.

### ***2. Definitions.-***

In these rules, unless the context requires otherwise,-

(a) “Act” means the Maharashtra Zilla Parishad and Panchayat Samitis Act, 1961;

[(a-1) “Counterfoil” means the counterfoil attached to the ballot paper printed under the provisions of these rules;]

(b) “electoral division” means an electoral division of a district constituted under section 12;

[(bb) “electoral college” means an electoral college determined under clause (a) of sub-section (1) of section 58;]

(c) “Form” means a form appended to the rules and includes a translation thereof in Marathi;

[(c-i) “List of Voters” means the list of voters notified by the [State Election Commission] under sub-section (1) of section 13;

(c-ii) “Marked Copy of the List of Voters” means the copy of the list of voters set apart for the purpose of marking the names of voters to whom ballot papers are issued at an election;]

(d) “Public Holiday” means any day which is a public holiday for the purposes of section 25 of the Negotiable Instruments Act, 1881 (26 of

1881), or any day which has been notified by the State Government to be a holiday for the Government Offices in the State;

[(d-i) “reserved seat” means a seat reserved in any electoral college for the representation of the Scheduled Caste the Scheduled Tribes, the Backward Class of citizens and women, under sub-section (1B) of section 58];

(e) “Section” means a section of the Act;

[(e-1) “State Election Commission” means the State Election Commission consisting of a State Election Commissioner appointed in accordance with the provisions of clause (1) of article 243K of the Constitution of India;

(f) “Voter” means a person whose name is included in the list of voters;

[(g) \* \* ]

[(h) “Voter on election duty” means any polling agent, any polling officer, presiding officer or other public servant, who is an elector in the electoral college and is by reason of his being on election duty unable to vote at the polling station where he is entitled to vote.

## **CHAPTER II**

### **VOTERS LIST AND ELIGIBILITY FOR MEMBERSHIP**

**[3. Deleted.]**

**[4. Deleted.]**

## **CHAPTER III**

### **ADMINISTRATIVE MACHINERY for the CONDUCT OF ELECTIONS**

#### ***5. Appointment of returning Officer.-***

The Collector shall appoint a Returning Officer (who shall be an officer of Government or of a local authority or [of a Government Corporation, by whatever name called]) for one or more [electoral colleges].

#### ***6. Appointment of Assistant Returning Officer.-***

(1) The Collector may also appoint one or more persons to assist any Returning Officer in the performance of his functions :

Provided that, every such person shall be an officer of Government or of a local authority [or a Government Corporation, by whatever name called].

(2) Every Assistant Returning Officer shall, subject to the control of Returning Officer be competent to perform all or any of the functions of the Returning Officer :

Provided that, no Assistant Returning Officer shall perform any of the functions of the Returning Officer which relates to the scrutiny of nomination papers unless the Returning Officer is unavoidably prevented from performing the said function.

#### ***7. Returning officer to include Assistant Returning Officer performing Function of Returning Officer.-***

Subject to the provisions of rule 6, reference in these rules to the Returning Officer shall, unless the context otherwise requires, be deemed to include an Assistant Returning Officer.

## **8. *General Duty of Returning Officer.-***

It shall be the general duty of returning officer at any election to do all such acts and things as may be necessary effectually conducting the election in the manner provided by these rules.

## **9. *Polling Stations.-***

The Returning Officer shall provide a sufficient number of polling stations for each [electoral college] for which election is to be held and shall, not later than seven days before the date of poll, publish a list showing [the polling station] and the areas for which they will be set-up (hereinafter referred to as the “Polling area”)].

## **10. *Appointment of Presiding and Polling Officers.-***

(1) The Returning Officer shall appoint a Presiding Officer for each polling station and such Polling Officer or Officers to assist the Presiding Officer as he thinks necessary but shall not appoint any person who has been employed by or on behalf of, or has been otherwise working for, a candidate in or about the election :

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

(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 Returning Officer to perform such functions during any such absence.

(4) References in these rules to the Presiding Officer, shall, unless the context otherwise requires, be deemed to include any person performing any function which he is authorised to perform under sub-rule (2), or as the case may be under sub-rule (3).

### ***11. General Duty of Presiding Officer.-***

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.

### ***12. Control.-***

The Returning Officer, Assistant Returning Officer, Presiding Officers, Polling Officers and all other persons appointed in any matter connected with these rule, shall work under the general guidance, superintendence and control of the State Election Commissioner.

## CHAPTER IV

### CONDUCT OF ELECTIONS

#### *13. Notice of election and fixation of various stages thereof.-*

(1) Whenever an election for the purpose of sub-section (1) of section 57 is to be held, [State Election Commissioner shall, by order], appoint-

(a) the last date, time and place for making nominations which shall not be later than (fifteen days) before the date fixed for the poll, or if that day is a public holiday the next succeeding day which is not a public holiday.

(b) the date, time and place for the scrutiny of nomination which shall be the day immediately following the last date appointed for making nominations or if that day is a public holiday, the next succeeding day which is not a public holiday.

[(b-1) \* \* \*];

(c) the date on which and the time during which the poll shall be taken.

[(d) the dates or dates (not being a date or dates falling on a public holiday or holidays) and the time and place for the counting of votes on such date or dates];

Provided that, the State Election Commissioner may authorise the Collector to supply or alter the place for counting of votes.



[(1A) Thereupon the Collector shall publish in Form I the election programme fixed under sub-rule (1).

(2) Except with the previous sanction of the State Election Commission, the dates fixed under sub-rule (1) shall not be changed within seven days of the date fixed for the poll.

(3) Notwithstanding anything contained in sub-rule (2), where the Collector is of the opinion that it is necessary in the public interest so to do he may, and during any period which is declared by Government to be a period of National or State Mourning, he shall, subject to such general or special instructions as the State Election Commissioner may issue in this behalf, by order, change any dates fixed as aforesaid. In cases falling in the former category, he shall record in the order, the reasons in relation to the public purpose for which the date has been changed.

In either case, he shall forthwith send a copy of the order to the State Election Commissioner and give publicity regarding the change of date in the manner provided in clauses (a) and (b) of sub-rule (1) of rule 14.

(4) Nothing contained in sub-rules (1) and (2) of this rule shall apply when a fresh poll is taken under rule 51.

#### ***14. Manner of publication of order under rule 13.-***

(1) Not later than twenty days before the date fixed for the poll, the order made under sub-rule (1) of rule 13-

(a) [shall be caused by the Collector to be posted ] up in some conspicuous place in the office of the Panchayat Samiti [\* \*] and in the office of the Mamlatdar, Tahsildar or

Mahalkari or NaibTahsildar of the Taluka or Mahal or Tahsil in which the election is to be held;

(b) [shall be caused by the Collector to be published ] at least in one daily or weekly newspaper in Marathi; if any,[ published in the district or taluka, as the case may be; and]

(c) may be caused by the Collector to be posted in the Chavdi or the office of the Panchayat or such other public building as the Collector may select in every village in the electoral college for which the election is to be held.

(2) The Collector may also cause the order made under sub-rule (1) of rule 13 to be published in such other manner as he means fit.

### ***15. Nomination of Candidates.-***

(1) Any person may be nominated as a candidate for election to fill a seat from an electoral college if he is qualified to be chosen to fill that seat under the provisions of the Act.

(2) Every nomination paper presented under sub-rule (1) shall be completed in Form II:

Provided that a failure to complete or defect in completing the declaration as to symbols shall not be deemed to be a defect of a substantial character within the meaning of sub-rule (4) of rule 19.

(3) A nomination paper shall be supplied by the Returning Officer to any Voter on demand.

***[15A. Communication of authorised persons and notice as to the names of candidates, set up by political Party / Aghadi / Front.-***

The political Party / Aghadi / Front setting up candidates at any election to Panchayat Samiti shall communicate in Form II-A the names of the authorised persons who shall give notice of intimation of names of candidates in Form II-B.]

***16. Presentation of nomination paper and requirement for valid nominations.-***

(1) On or before the date appointed under clause (a) of sub-rule (1) of rule 13, each candidate shall, either in person or by his proposer deliver to the Returning Officer the time and at the place specified in the order made under rule 13, a nomination paper completed as provided by rule 15 and signed by the candidate and by voter of the electoral college as proposer.

(2) Any person who is not subject to any disqualification as a voter under the Act and whose name is entered in the list of voters for the Electoral College for which the candidate is nominated, may subscribe as proposer.

(2-A) In an electoral college where there is a reserved seat, a candidate shall not be deemed to be qualified to be chosen to fill that seat, unless his nomination paper contains a declaration made by him specifying the particular Scheduled Caste, Scheduled Tribes or the category of Backward Class of citizens of which he is a member :

Provided that the Returning Officer shall permit any clerical or technical error in the nomination paper in regard to the said names or numbers to be corrected in order to bring them into conformity with the corresponding entries in the list of voters

referred to in clause (b) of sub-section (1) of section 58 and where necessary, any clerical or printing error in the said entries shall be overlooked.

(2B) In addition to a declaration to be made by a candidate contesting election to a reserved seat, that he belongs to the Scheduled Caste, the Scheduled Tribe or the Backward Class of Citizens, as the case may be, the nomination paper shall be accompanied by a true copy of the Caste Certificates issued by the competent authority as presented by the State Government for the purpose of issuing a Caste Certificate.

(2C) The contesting candidate or any person authorised by him shall produce an original Caste Certificate, [ \* ] for verification at the time of scrutiny of the nomination papers.

[(3-A) Where a candidate is a voter of a different electoral college, a copy of the list of voters of that electoral college or of the relevant part thereof or a certified copy of the relevant entries in such list of voters shall, unless it has been filed along with a nomination paper, be produced before the Returning Officer at the time of scrutiny.]

(4) Nothing in this rule, shall prevent any candidate from being nominated by more than four nomination paper for election in the same electoral college :

Provided that, no more than four nomination papers shall be presented by or on behalf of any candidate or accepted by the Returning Officer for election from the same electoral college.

### ***16-A Deposits.-***

A candidate shall not be deemed to be duly nominated for election from an electoral college unless he deposits or causes to be

deposited with the Returning Officer a sum of rupees seven hundred in cash and where the candidate is a member of Scheduled Caste, Scheduled Tribes or Backward Class of Citizens, a sum of rupees three hundred fifty.

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

***16-B. Right to be nominated in two or more electoral colleges.-***

When elections for two or more electoral colleges in a Block are to be held, one and the same person may, if he is otherwise duly qualified, be nominated as a candidate for each of such electoral colleges.

***17. Symbols for election.-***

(1) The State Election Commission shall, by notification in the Official Gazette, specify the symbols that may be chosen by candidates at an election from any electoral college and the restrictions to which their choice shall be subject :

Provided that, the Collector may, if in his opinion, it is necessary so to do, add any symbols to the list of symbols notified by the State Election Commission and he shall forthwith inform the State Election Commission of such addition.

(2) Where at any such election, more nomination papers than one are delivered by or on behalf of a candidate, the declarations as to symbols made in the nomination paper first delivered and no other declarations as to symbols shall be taken into consideration under rule 21 even if the nomination paper has been rejected.

***18. Notice of nomination and time and place for the scrutiny.-***

The Returning Officer shall, on receiving the nomination paper under sub-rule (1) of rule 16, inform the person or persons delivering the same of the day, time and place fixed for the scrutiny of nominations and shall enter on the nomination paper, its serial number and shall sign thereon a certificate stating the date on which and the hour at which the nomination paper has been delivered to him; and shall as soon as may be thereafter, cause to be affixed in some conspicuous place in his office a notice of the nomination containing descriptions similar to those contained in the nomination paper, both of the candidate and of the proposer.

***19. Scrutiny of nominations.-***

(1) On the date fixed for the scrutiny of nominations under rule 13, 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 the time and place appointed in this behalf under rule 13 and the Returning Officer shall give them all reasonable facilities for examining the nomination papers of all candidates which have been delivered as required by sub-rule (1) of rule 16.

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

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

(b) that the proposer is disqualified from subscribing a nomination paper;

(c) that there has been a failure to comply with any of the provisions of rule 16 or 16A;

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

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

(5) The Returning Officer shall hold the scrutiny on the date appointed in this behalf under clause (b) of sub-rule 1 of rule 13 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 of any objection is raised by the Returning Officer or is made by any other person, the candidate concerned may be allowed time to rebut it not later than the next day, and the Returning Officer shall record his decision on the date to which the proceedings have been adjourned.

(6) The Returning Officer shall endorse on each nomination paper his decision accepting or rejecting the same and, if the

nomination paper is rejected, shall record in writing, a brief statement of his reasons for such rejection.

(6-A) For the purposes of this rule, the production of a certified copy of an entry made in the list of voters of the relevant electoral college shall be conclusive evidence of the right of any voter named in that entry to stand for election, unless it is proved that the candidate is disqualified.

(7) Immediately after all the nomination papers have been scrutinised and decisions accepting or rejecting the same have been recorded, the Returning Officer shall, subject to the provisions of rule 19-A, prepare a list of candidates whose nominations have been accepted and shall affix the list on his notice board recording the date on which, and the time at which, the list was so affixed.

#### ***19-A. Appeal.-***

(1) Any candidate, aggrieved by a decision of a Returning Officer accepting or rejecting a nomination paper, may present an appeal therefrom to the District Court of the district in which the area of the Panchayat Samiti is situate within a period of three days from the date on which the notice, containing the names of the candidates accepted by the Returning Officer is affixed on the notice board under sub-rule (7) of the rule 19 and shall ordinarily furnish on the same day to the Returning Officer a copy of the petition of appeal together with as many copies of the petition as there are candidates whose nomination papers have been accepted (excluding himself).

(2) The Returning Officer shall, on receipt of copies of appeal under sub-rule (1) forthwith-

(a) publish a notice in Form II-C, by affixing it to his notice board together with a statement that the hearing of the



appeal will commence before the District Court on the third day after the date of such publication of the notice or if that day is a public holiday, the next succeeding day which is not a public holiday and that the copy of the petition of appeal is available with the Returning Officer;

(b) send to the District Court a copy of each of the nomination papers of the candidates submitted to him together with a copy of the decision recorded by him thereon and such other relevant documents as the Returning Officer deems fit.

(3) The Returning Officer shall, on application made by or on behalf of a candidate supply forthwith to the applicant a copy of the decision accepting or rejecting a nomination paper together with the statement of reasons, recorded by him.

(4) In every appeal under this rule, the appellant shall join as respondent all the candidates (other than himself) whose nominations have been accepted by the Returning Officer.

(5) The notice affixed to the notice board of the Returning Officer under clause (a) of sub-rule (2) shall be deemed to be sufficient notice, both of the presentation of an appeal under this rule and of the date on which the hearing thereof shall commence before the District Court and it shall not be necessary to give any other notice to the appellant or the respondent and the appeal shall be deemed to have been fixed for peremptory hearing on the said date.

(6) For the purpose of the appeal, the District Court may, except as provided in this rule, exercise any of the powers of a Civil Court.

(7) Every appeal under this rule shall be heard de die in diem and disposed of by the District Court as expeditiously as possible, and his decision shall be communicated forthwith to the Returning Officer.

(8) The decision of the District Court on appeal under this rule and subject only to such decision, the decision of the Returning Officer accepting or rejecting the nomination of a candidate shall be final and conclusive and shall not be called in question in any court or before a judge referred to in sub-section (2) of section 27.

## **20. *Withdrawal of Candidature :-***

[(1) Any candidate may withdraw his candidature by notice in writing subscribed by him and delivered to the Returning Officer-

(a) where no appeal is presented under rule 19-A, on the second day after the expiry of the period referred to in sub-rule (1) of rule 19-A, or if that day is a public holiday, the next succeeding day which is not a public holiday; and

(b) where such appeal is made on the second day after the day on which the decision of the District Court is given, or if such second day is a public holiday, the next succeeding day which is not a public holiday].

(2) The notice shall be delivered to the Returning Officer before 3 O'clock in the afternoon on the day fixed under sub-rule (1) for withdrawal of candidature.

(3) The notice may be given either by the candidate in person or by his proposer or election agent who has been authorised in this behalf in writing by the candidate.

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

(5) The Returning Officer shall, on being satisfied as to the genuineness of a notice of withdrawal and the identity of person delivering it under sub-rule (1), cause a notice to be affixed on the notice board in his office.

**21. Preparation of list of contesting candidates.-**

(1) Immediately after the expiry of the period within which candidatures may be withdrawn under sub-rule 20, the Returning Officer shall prepare and publish in Form III a list of contesting candidates, that is to say, candidates whose nomination papers have been finally accepted and who have not withdrawn their candidature within the said period.

(2) The said list shall, subject to the provisions of sub-rule (3) contain the names in alphabetical order and the address of the contesting candidates as given in the nomination papers.

(3) The list of contesting candidates referred to in sub-rule (1) shall contain the particulars set out in Form III and shall be prepared in such language or languages as the Returning Officer may direct.

(4) The alphabetical order referred to in sub-rule (2) shall be determined with reference to the surnames of the candidates having surnames, and the names proper, of other candidates.

(5) 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 Returning Officer may direct.

(6) Where a poll becomes necessary, the Returning Officer shall consider the choice of symbols expressed by the contesting candidates in their nomination papers and shall, subject to any

general or special directions issued in this behalf by the [State Election Commission]-

(a) allot a different symbol to each contesting candidate in conformity, as far as practicable, with his choice; and

(b) if more contesting candidates than one have indicated their preference for the same symbol, decide by lot to which of such candidates the symbol will be allotted.

(7) The allotment by the Returning Officer of any symbol to a candidate shall be final except where it is inconsistent with any directions issued by the State Election Commission in this behalf, in which case the Collector may revise the allotment in such manner as he thinks fit.

(8) Every candidate or his election agent, shall forthwith be informed of the symbol allotted to the candidate and be supplied with a specimen thereof by the Returning Officer.

## ***22. Publication of list of contesting candidates.-***

The Returning Officer shall immediately after its preparation, cause a copy of the list of contesting candidates to be affixed on the notice board in his office and shall also supply a copy thereof to each of the contesting candidates and, on demand, to his election agent.

## **CHAPTER V**

### **CANDIDATES AND THEIR AGENTS**

#### ***23. Appointment of Election Agent or Revocation of such appointment.-***

(1) If a candidate desires to appoint an election agent, such appointment shall, subject to the provisions of sub-rule (3), be made in Form IV either at the time of delivering the nomination paper or at any time before the election.

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

(3) No person, who is for the time being disqualified under section 58 read with section 28 from being elected or from voting at any election to a Panchayat Samiti shall, so long as the disqualification subsists, be appointed as an election agent.

#### ***24. Appointment of Polling Agent.-***

(1) At an election at which a poll is to be taken, any contesting candidate, or his election agent, may appoint one agent and two relief agents to act as polling agents of such candidate at each polling station. Such appointment shall be made by a letter in writing in Form V signed by the candidate or his election agent who shall give notice of the appointment to the Returning Officer by forwarding to such officer a letter of such appointment.

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

### ***25. Appointment of Counting Agent.-***

(1) Each contesting candidate or his election agent may appoint not more than eight agents to act as counting agents of such candidate by letter in writing in duplicate in Form V signed by the candidates or his election agent.

(2) Before the commencement of the counting of votes, the candidate or his election agent shall give notice of the appointment of such counting agents to the Returning Officer by forwarding to such officer the letter of appointment referred to in sub-rule (1).

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

### ***26. Revocation of Appointment on death of Polling Agent.-***

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

(2) Such declaration shall-

(a) in the case where the appointment is revoked not less than seven days before the commencement of the poll, be lodged with the Returning Officer.

(b) in any other case, be lodged with the Returning Officer or the Presiding Officer of the polling station where the polling agent was appointed for duty.

(3) If the polling agent of a candidate dies before the close of the poll, the candidate or his election agent shall forthwith report, in writing, the fact of such death-

(a) in the case where the death taken place not less than seven days before the commencement of the poll, to the Returning Officer, and

(b) in any other case, to the Returning Officer or the Presiding Officer of the polling station where the polling agent was appointed for duty.

(4) Wherever the Returning Officer receives any declaration or report made under sub-rule (1) or (2) he shall forthwith communicate such declaration or report, as the case may be, to the Presiding Officer of the polling station where such polling agent was appointed for duty.

(5) Where the appointment of a polling agent is revoked under sub-rule (1) or where the polling agent dies before the close of the poll, the candidate or his election agent may, at any time before poll is closed, appoint a new polling agent in accordance with the provisions of sub-rule (1) of rule 24 :

Provided that the letter of appointment of a new polling agent shall-

(a) in the case where such appointment is made not less than seven days before the commencement of the poll, be given to the Returning Officer, and

(b) in any other case, be given to the Returning Officer or the Presiding Officer of the polling station where the new polling agent is appointed.

(6) The provisions of sub-rule (2) of rule 24 shall apply in relation to a polling agent appointed under sub-rule (5) as they apply in relation to a polling agent appointed under sub-rule (1) of rule 24.

### ***27. Revocation of the appointment on the death of Counting Agent.-***

(1) The appointment of the counting agent may be revoked by the candidate at any time before the commencement of the counting of votes by a declaration in writing signed by him. Such declaration shall be lodged with the Returning Officer.

(2) If the counting agent of a candidate dies before the completion of the counting of votes, the candidate or his election agent shall forthwith report the death in writing to the Returning Officer.

(3) Where the appointment of a counting agent is revoked under sub-rule (1) or where the counting agent dies before the completion of the counting of votes, the candidate or his election agent may appoint a new counting agent in the manner laid down in sub-rule (1) of rule 25.

(4) The provisions of sub-rules (2) and (3) of rule 25 shall apply in relation to a counting agent appointed under sub-rule (3) as they apply in relating to a counting agent appointed under sub-rule (1) of rule 25.



## **CHAPTER VI**

### **GENERAL PROCEDURE OF ELECTION**

#### ***28. Death of candidate before poll.-***

If a contesting candidate dies and a report of his death is received by the Returning Officer before the commencement of the poll, the Returning Officer shall, upon being satisfied of the fact of the death of the candidate, countermand the poll and report the fact to the State Election Commissioner and the Collector and all proceedings with reference to the election shall be commenced anew in all respects as if for a new election :

Provided that –

(i) 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, and

(ii) no person who has given a notice of withdrawal of his candidature under sub-rule (1) of rule 20 before the countermanding of the poll, shall be ineligible for being nominated as a candidate for the election after such countermanding.

#### ***29. Uncontested elections.-***

If, after the expiry of the period within which candidatures may be withdrawn under sub-rule (1) of rule 20, there is only one candidate in an electoral division whose nomination has been accepted, the Returning Officer shall forthwith declare him to be duly elected to fill the seat; and shall complete and certify the declaration in Form V-A and send signed copies thereof to the State Election Commissioner and the Collector as soon as possible.

### ***30. Contested elections.-***

In cases other than those covered by rule 29 a poll shall be taken.

### ***30-A. Eligibility of members of Scheduled Castes, the Scheduled Tribes or of the category of Backward Class of Citizens to hold seats not reserved for those Castes, Tribes or Classes:-***

For the avoidance of doubt it is hereby declared that member of the Scheduled Castes, the Scheduled Tribes or of the category of Backward Class of citizens shall not be disqualified to hold a seat not reserved for members those Castes, Tribes and Classes if he is otherwise qualified to hold such seat under the Act.

## **CHAPTER VII**

### **POLL AND VOTING AT ELECTOIONS**

### ***31. Manner of Voting at Election.-***

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

### ***31A. Intimation by voters on election duty.-***

Where a voter, on election duty in the electoral college of which he is an elector wishes to vote in person at an election in an electoral college and not by post he shall send an application in Form V-B to the Returning Officer so as to reach him atleast four days, or such shorter period as the Returning Officer may allow, before the date of poll; and if the Returning Officer is satisfied that

the applicant is such public servant and voter on Election duty in the electoral division, he shall,-

(a) issue to the applicant an Election Duty Certificate in Form V-C;

(b) mark 'EDC' against his name in the marked copy of the list of voters to indicate that an election duty certificate has been issued to him; and

(c) ensure that he is not allowed to vote at the polling station when he would otherwise have been entitled to vote.]

### **32. *Ballot Box.-***

Every ballot box shall, subject to general or special orders of the State Election Commission, be of such design as may be approved by the Collector.

### **33. *Form of Ballot paper.-***

(1) Every ballot paper shall have a counterfoil attached thereto, and the said ballot paper and the counterfoil shall be printed in FORM VI.

(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.

### **34. *Arrangement at polling stations.-***

(1) Outside each polling station there shall be displayed prominently-

(a) a notice specifying the polling area the voters of which are entitled to vote at the polling station and where the polling station has more than one polling booth; at each one of such booths, the particulars of the voters allotted to such booths, 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 voters can record their screened from observation.

(3) The Returning Officer shall provide at each polling station a sufficient number of ballot boxes, ballot papers, [copies of the relevant part of the list of voters in respect of the polling area or areas the voters of which] are entitled to vote at such polling station, instruments for stamping the distinguishing mark on ballot papers and articles necessary for voters to mark the ballot paper. The Returning Officer shall also provide at each polling station such other equipments and accessories as may be required for taking the poll at such polling station.

### ***35. Admission to polling station.-***

The presiding officer shall regulate the number of voters to be admitted at any time inside the polling station and shall exclude therefrom all persons other than-

(a) Polling officers;

(b) Public servants on duty in connection with the election;

(c) persons authorised by the Collector or the Returning Officer;

(d) Candidates, their election agents and subject to the provisions of rule 24, one polling agent of each candidate;

(e) A child in arms accompanying a voter;

(f) A person accompanying a blind or infirm voter who cannot move without help; and

(g) Such other persons as the Returning Officer or the Presiding Officer may appoint under sub-rule (2) of rule 36-A or the Presiding Officer may employ under sub-rule (1) of the rule 37.

**36. Preparation of ballot boxes for poll.-**

(1) Where a seal is used for securing a ballot box the Presiding Officer shall affix the paper seal and 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 paper seal so signed in the space meant therefor in the ballot box and, shall then secure and seal the box in such manner that the slit for the insertion of ballot paper there-into remains open.

(3) The seals used for securing a ballot box shall be affixed in such manner that after the box has been closed, it is not possible to open it without breaking the seals.

(4) Where it is not necessary to use paper seal for securing a ballot box, 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 serial number, if any, and the name of the electoral college;

(b) the serial number and name of the polling station;

(c) the serial number of the ballot box (to be filed 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 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.

### ***36-A. Facilities for women voters.-***

(1) Where a polling station is for both men and women voters, the Presiding Officer may direct that they shall be admitted into the polling station alternately in separate batches.

(2) The Returning Officer or the Presiding Officer may appoint a women to serve as an assistant at a polling station to assist women voters and also to assist the Presiding Officer generally in taking the poll in respect of women voters, and in particular, to help in searching any woman voter, in case, it becomes necessary.

### ***37. Identification of voters.-***

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

(2) As each voter enters the polling station the Presiding Officer or the Polling Officer authorised by him in this behalf shall

check the voter's name and other particulars with the relevant entry in the list of voters and then call out the serial number, name and other particulars of the voter.

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

***37A. Facilities for public servants on election duty.-***

(1) The provision of rule 37 shall not apply to any person who produces at the polling station an election duty certificate in Form V-C and asks for the issue of a ballot paper to him although the polling station is different from the where he is entitled to vote.

(2) On production of such Certificate the Presiding Officer shall-

(a) obtain thereon the signature of the person producing it;

(b) have the person's name and list of voters number as mentioned in the certificate entered at the end of the marked copy of the list of voters; and

(c) issue to him a ballot paper and permit him to vote in the same manner as for an elector entitled to vote at that polling station.

***38. Challenging of identity.-***

(1) Any polling agent may challenge the identity of a person claiming to be a particular voter by first depositing a sum of Rs. 2 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 list of voters in full and ask him whether he is the person referred to in that entry;

(c) enter his name and address in the list of challenged voters in Form VII; 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 in proof of his identity;

(b) put to the person challenged any question necessary for the purpose of establishing his identity and require him to answer them on oath; and

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

(4) If, after the inquiry, the Presiding Officer considers that the challenge has not been established, he shall allow the person challenged to vote, and if he considers that the challenge has been established, he shall debar the person challenged from voting.

(5) If the Presiding Officer is of the opinion that the challenge is frivolous or has not been made in good faith, he shall direct that the deposit made under sub-rule (1) be forfeited to the State Government, and in any other case, he shall return it to the challenger at the conclusion of the inquiry.



### ***38-A. Safeguards against personation.-***

(1) With a view to preventing personation of voters, every voter about whose identity the Presiding Officer or the Polling Officer, as the case may be, is satisfied, shall allow his left forefinger to be inspected by the Presiding Officer or the Polling Officer and an indelible ink mark to be put on it.

(2) If any voter, refuse to allow his left forefinger to be inspected or marked in accordance with sub-rule (1) or has already such a mark on his left forefinger or does any act with a view to removing the ink mark, he shall not be supplied with any ballot paper or allowed to vote.

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

### ***39. Issue of ballot paper.-***

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

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

(3) Every ballot paper, before it is issued to a voter, and the counterfoil attached to such ballot paper, shall be stamped on the

back with such distinguishing mark as the Collector may direct, and every ballot paper, before such issue shall be signed in full on its back by the Presiding Officer.

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

(a) record on its counterfoil the serial number of the voter as entered in the marked copy of the list of voters;

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

(c) mark the name of the voter in the marked copy of the list of voters 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 voter:

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

#### **40. *Voting Procedure.-***

(1) The voter on receiving the ballot paper shall forthwith-

(a) proceed to the voting compartment;

(b) there make a mark on the ballot paper with the instrument supplied for the purpose on or near the symbol of the candidate for whom he intends to vote;

(c) fold the ballot paper so as to conceal his vote;

(d) if required, show to the Presiding Officer the distinguishing mark on the ballot paper;

(e) insert the folded ballot paper into the ballot box; and

(f) quit the polling station.

(2) Every voter shall vote without undue delay.

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

(4) If the voter to whom a ballot paper has been issued, refuses after warning given by the presiding officer, to observe the procedure as laid down in sub-rule (1), the ballot paper issued to him shall whether he has recorded his vote thereon or not, be taken back from him by the Presiding Officer or the Polling Officer under the direction of the Presiding Officer.

(5) 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.

(6) All the ballot papers on which the word "cancelled-voting procedure violated" are recorded, shall be kept in a separate cover which shall bear on its face the word "Ballot papers- voting procedure violated."

(7) Without prejudice to any other penalty to which the voter from whom a ballot paper has been taken back under sub-rule (4), may be liable, the vote if any recorded on such ballot paper shall not be counted.

***41. Recording of vote of blind or infirm voter.-***

If the Presiding Officer is satisfied that owing to blindness or other physical infirmity a voter is unable to recognise the symbols on the ballot paper or to make a mark thereon without assistance, the Presiding Officer shall permit the voter to take with him a companion of not less than twenty one 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 voter at any polling station on the same day:

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

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

#### ***42. Spoilt and returned ballot papers.-***

(1) A voter who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on returning it to the Presiding Officer and on satisfying him of the inadvertence, be given another ballot paper, and the ballot paper so returned shall be marked "Spoilt-cancelled" by the Presiding Officer.

(2) If a voter after obtaining a ballot paper decides not to use it, he shall return it to the Presiding Officer , and the ballot papers so returned 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.

#### ***43. Tendered votes.-***

(1) If a person representing himself to be a particular voter applies for a ballot paper after another person has already voted as such voter, he shall,

on satisfactorily answering such questions, relating to his identity as the Presiding Officer may ask, be entitled, subject to the following provisions of this rule, to mark a ballot paper (hereinafter referred to as a “tendered ballot paper”) in the same manner as any other voter.

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

(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 ballot paper and its counterfoil shall be endorsed on the back with the words “tendered ballot paper” by the Presiding Officer in his own hand and signed by him.

(4) The voter, after making 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.

#### ***44. Closing of poll.-***

(1) The Presiding Officer shall close the polling station at the hour fixed in that behalf under rule 13 and shall not thereafter admit any voter into the polling station :

Provided that, all voters present at the polling station before it is closed shall be allowed to cast their votes.

(2) If any question arises whether a voter was present at the polling station before it was closed, it shall be decided by the Presiding Officer and his decision shall be final.

#### ***45. Sealing of Ballot boxes after poll.-***

(1) As soon as practicable after the closing of the poll, the Presiding Officer shall, in the presence of any candidates or their election or polling agents, close the slit of the ballot box and where the ballot 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 box getting full, the first box shall be closed, sealed and secured as provided in sub-rule (1) and (2) before another ballot box is put into use.

#### ***46. Account of ballot papers.-***

(1) The Presiding Officer shall at the close of the poll, prepare a ballot paper account in Form IX and enclose it in a separate cover with the words "Ballot Paper Account" superscribed thereon.

(2) The Presiding Officer shall permit polling agent who so desires to take a true copy of the entries made in the ballot paper account and shall attest it as true copy.

#### ***47. Sealing of other packets.-***

(1) The Presiding Officer shall then make into separate packets-

(a) the marked copy of the list of voters;

(aa) the counterfoils of the used ballot papers

(b) the ballot papers signed in full by the Presiding Officer under sub-rule (3) of rule 39 but not issued to the voters;

(bb) any other ballot papers not issued to the voters;

(c) the cancelled ballot papers;

(d) the cover containing the tendered ballot papers and the list of tendered ballot papers;

(e) the list of challenged votes; and

(f) any other papers directed by the Returning Officer to be kept in a sealed packet.

(2) Each such packet shall be sealed with the seals of the Presiding Officer and of those polling agents present who may desire to affix their seals thereon.

***48. Transmission of ballot boxes, packets, etc. to the Returning Officer.-***

(1) The Presiding Officer shall then deliver or cause to be delivered to the Returning Officer at such place as the Returning Officer may direct-

(a) the ballot boxes;

(b) the ballot paper account;

(c) the sealed packets referred to in rule 47; and

(d) all other papers used at the poll.

(2) The Returning Officer shall make adequate arrangements for the safe transport of all ballot boxes, packets and other papers and for their safe custody until the commencement of the counting of votes.

**49. *Adjournment of poll in emergencies.-***

(1) If at an election, the proceedings at any polling station for the poll are interrupted or obstructed by any riot or open violence, or if at an election it is not possible to take the poll at any polling station on account of any natural calamity, or any other sufficient cause, the Returning Officer or the Presiding Officer for such polling station shall announce an adjournment of the poll to a date to be fixed later and where the poll is so adjourned by the Presiding Officer he shall forthwith inform the Returning Officer concerned.

(2) Whenever a poll is adjourned under sub - rule (1), the Returning Officer shall immediately report the circumstances to the State Election Commission and the Collector; and thereupon subject to the directions, if any, of the State Election Commissioner, the Collector shall as soon as may be, fix the day on which the poll shall recommence and fix the polling station at which and the hours during which, the poll shall be taken. The Returning Officer shall not count the votes at such election until such adjourned poll shall have been completed.

(3) In every such case as aforesaid, the Collector shall publish the date, place and hours of the poll fixed under sub - rule (2) in the manner laid down in rule 13; and the provisions of these rules governing the original poll shall mutatis mutandis apply to the fresh poll taken under this rule.

**50. *Procedure on adjournment of poll.-***

(1) If the poll at any polling station is adjourned under rule 49, the provisions of rules [ 45 to 48 (both inclusive)] shall, as far as practicable, apply as if the poll was closed at the hour fixed in that behalf under rule 13.



(2) When an adjourned poll is recommended under sub-rule (2) of rule 49, the voters who have already voted at the poll so adjourned shall not be allowed to vote again.

(3) The Returning Officer shall provide the Presiding Officer of the polling station at which adjourned poll is held, with the sealed packet containing the marked copy of the list of voters 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 [list of voters for making the names of the voters to whom, the ballot papers are issued at the adjourned poll, without however, recording therein the serial number thereof.]

(5) The provisions of rule [31 to 48 (both inclusive) ] shall apply in relation to the conduct of an adjourned poll as they apply in relation to the poll before it was so adjourned.

***51. Fresh poll in case of destruction, etc. of ballot boxes.-***

(1) If at any election –

(a) any ballot box used at a polling station is unlawfully taken out of the custody of the Presiding Officer or the Returning Officer, or is accidentally or intentionally destroyed or lost or is damaged or tampered with to such an extent, that the result of the poll at that polling station cannot be ascertained, or

(b) any such error or irregularity in procedure as is likely to vitiate the poll is committed at a polling station,

the Returning Officer shall forthwith report the matter to the [State Election Commission and the Collector.]

(2) Thereupon, [subject to the directions, if any, of the State Election Commission] the Collector shall, after taking all material circumstances into account, either-

(a) declare the poll at that polling station to be void, appoint a day, and fix the hours, for taking a fresh poll at that polling station and notify, the days appointed and the hours so fixed in such manner as he may deem fit, or

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

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

## CHAPTER VIII

### COUNTING OF VOTES

#### ***52. Supervision over counting of votes.-***

(1) At every election where a poll is taken, votes shall be counted by or under the supervision and direction of the Returning Officer and each contesting candidate, his election agent and his counting agents shall have a right to be present at the time of counting.

**53. Admission to the place fixed for counting.-**

(1) The Returning Officer shall exclude from the place fixed for counting of votes all persons except-

(a) such persons [to be known as counting Supervisors and counting assistants] as he may appoint to assist him in the counting;

(b) persons authorised by the Collector;

(c) public servants on duty in connection with the election, and

(d) candidates, their election agents and counting agents.

(2) No person who has been employed by or on behalf of or has been otherwise working for, a candidate in or about the election shall be appointed under clause (a) of sub-rule (1).

(3) The Returning Officer shall decide which counting agent or agents shall watch the counting at any particular counting table or group of counting tables.

(4) Any person who during the counting of votes misconducts himself or fails to obey the lawful directions of the Returning Officer may be removed from the place where the votes are being counted by the Returning Officer or by any police officer on duty or by any person authorised in this behalf by the Returning Officer.

**54. Maintenance of secrecy of voting.-**

The Returning Officer shall, before he commences the counting, read out the provisions of section 58 and of section 32 to such persons as may be present.

### ***55. Scrutiny and opening of ballot boxes.-***

(1) The Returning Officer may have the ballot box or boxes used at more than one polling station opened and the ballot papers found in such box or boxes counted simultaneously.

(2) Before, any ballot box is opened at a counting table, the counting agents present at that table shall be allowed to inspect the paper seal or such other seal as might have been affixed thereon and to satisfy themselves that it is intact.

(3) The Returning Officer shall satisfy himself that none of the ballot boxes has in fact been tampered with.

(4) If the Returning Officer is satisfied that any ballot box has, in fact, been tampered with, he shall not count the ballot papers contained in that box and shall follow the procedure laid down in rule 51 in respect of that polling station.

### ***56. Counting of votes.—***

(1) The ballot paper taken out of each ballot box shall be arranged in convenient bundles and scrutinized.

(2) The Returning Officer, shall reject a ballot paper-

(a) if it bears any mark or writing by which the voter can be identified; or

(b) if it bears no mark at all or, to indicate the vote, if bears a mark elsewhere than on or near the symbol of one of the candidates on the face of the ballot paper or, it bears a mark made otherwise than with the instrument supplied for the purpose, or;

(c) if a voter has recorded thereon more votes than he is entitled to give; or

(d) if the mark indicating the vote thereon is placed in such manner as to make it doubtful to which candidate the vote has been given; or

(e) if it is a spurious ballot paper; or

(f) if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established; or

(g) if it bears a serial number, or is of a design, different from the serial numbers or as the case may be, design, of the ballot papers authorised for use at the polling station; or

(h) if it does not bear both the distinguishing mark and signature which it should have borne under the provisions of sub-rule (3) of rule 39:

Provided that :-

(i) where a Returning Officer is satisfied that any such defect as is mentioned in clause (g) or (h) has been caused by any mistake or failure on the part of the Presiding Officer or the Polling officer, the ballot paper shall not be rejected merely 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 Returning Officer shall allow 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 Returning Officer shall endorse on every ballot paper which he rejects the words "Rejected" and the grounds of rejection in abbreviated form either in his own hand or by means of a rubber stamp and shall initial such endorsement.

(5) All ballot papers rejected under this rule shall be bundled together.

(6) Every ballot paper which is not rejected under this rule shall be counted as one valid vote :

Provided that, no cover containing tendered ballot papers shall be opened and no such paper shall be counted.

(7) After the counting of all ballot papers contained in all the ballot boxes used at a polling station has been completed-

(a) the counting supervisor shall fill in and sign part II-Result of counting in Form IX which shall also be signed by the Returning Officer; and

(b) the Returning Officer shall make the entries in a result sheet in Form X and announce the particulars.

### ***57. Sealing of used ballot papers.-***

The valid ballot papers of each candidate and the rejected ballot papers shall thereafter be bundled separately and the several bundles made up into a separate packet which shall be sealed with the seals of the Returning Officer and of such of the candidates, their election agents or counting agents may desire to affix their

seals thereon; and on the packets so sealed shall be recorded the following particulars, namely:-

- (a) the name of electoral college; and
- (b) the date of counting.

**57-A. *Counting to be continuous.-***

The Returning Officer shall as far as practicable, proceed continuously with the counting of votes and shall, during any intervals 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 seals of such candidates or election or counting agents as may desire to affix their seals and shall cause adequate precautions to be taken for their safe custody during such intervals.

**57-B. *Re-commencing of counting after fresh poll.-***

(1) If a fresh poll is held under rule 51, the Returning Officer shall, after completion of that poll, recommence the counting of votes on the date and at the time and place which have been fixed by him in that behalf and of which notice has been previously given to the candidates and their election agents.

(2) The provisions of rules 56 and 57 shall apply so far as may be to such further counting.

**58. *Recount of votes.-***

(1) After the completion of the counting, the Returning Officer shall record in the result sheet in Form X the total number of votes polled by each candidate and announce the same.

(2) After such announcement has been made, a candidate or, in his absence, his election agent may apply, in writing to the

Returning Officer for a recount of all or any of the ballot papers already counted stating the grounds on which he demands such recount.

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

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

(5) If the Returning Officer decides under sub-rule (3) to allow an application either in whole or in part, he shall-

(a) count the ballot papers again in accordance with his decision;

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

(c) announce the amendments so made by him.

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

Provided that, no steps under this sub-rule shall be taken on the completion of the counting until the candidates and election agents present at the completion thereof have been given a reasonable opportunity to exercise the right conferred by sub-rule (2).



**59. Declaration of result of election.-**

The Returning Officer shall then subject to the provisions [section 26, read with sub-section (2) of section 58] if and as far as they apply, to the particular case, and if he has been so empowered by the Collector thereunder declare to be elected the candidate to whom the highest number of valid votes has been given, complete and certify the return of election in form XI and send signed copies thereof the Collector as soon as possible.

---

**CHAPTER IX**  
**MISCELLANEOUS**

**60. Publication of names of members.-**

(1) On receipt of the declaration under rule 29 or the election returns under rule 59, the Collector shall, subject to the provisions of the proviso to clause (a) of of sub-section (3) of section 57, publish the names of all members elected to Panchayat Samiti with their permanent addresses and names of electoral colleges from which they are elected by affixing a notice on the notice board or at any prominent place in his office, in the office of the Zilla Parishad, the Panchayat Samiti, the office of the Mamlatdar, Tahsildar, Mahalkari or as the case may be, of the Naib-Tahsildar in the District.

[(2) \* \* ]

[(3) \* \* ]

**60-A. Election at more than one seat in Panchayat Samiti.-**

(1) If a person is elected to more than one seat in a Panchayat Samiti, then, unless within the time prescribed under sub-rule (2), he resigns all but one of the seats by writing under his hand addressed to the Collector all the seats shall be vacant.

(2) The time within which a person may resign all but one of the seats in Panchayat Samiti shall be-

(a) seven days from the date of the declaration of the result of election made by the Returning Officer under rule 59; or

(b) where the dates of his elections are different in respect of different seats, seven days from the date of the declaration of the result in respect of the later election.

**60-B. Return or forfeiture of candidate's deposit.-**

(1) The deposit made under rule 16-A, shall be either be returned to the person making it or his legal representative or be forfeited to the State Government in accordance with the provisions of the rule.

(2) Except in case hereafter mentioned in this rule, 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-rule (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-eighth of the total number of valid votes polled by all the candidates.

***61. Custody of papers relating to election.-***

The Returning Officer shall keep in custody the return and the packets referred to in rule 47 and all other papers relating to the election.

***62. Production and inspection of election papers.-***

(1) While in the custody of the Returning Officer-

(a) the packets of unused ballot papers with counterfoils attached thereto;

(b) the packets of used ballot papers whether valid, tendered or rejected;

(bb) the packets of the counterfoils of used ballot papers;

(c) the packets of marked copies of the list of voters,

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 or authority.

(2) All other papers relating to the election shall be opened to public inspection.

***63. Disposal of election papers.-***

(1) The packets referred to in sub-rule (1) of rule 62 shall be retained for a period of one year and shall thereafter be destroyed

subject to any direction to the contrary given by the [State Election Commission] or by a competent court or authority.

(2) All other papers relating to the election shall be retained until the termination of the next general election for the electoral college to which they relate and shall thereafter be destroyed subject to any direction to the contrary given by the [State Election Commission] or a Competent Court or authority.

#### **64. *Casual vacancies.-***

When the seat of a member elected to a Panchayat Samiti becomes vacant or is declared vacant or his election to the Panchayat Samiti is set aside, the [State Election Commission] shall fix a date as soon as conveniently may be, for holding bye election to fill the seat and the provisions of these rules shall thereupon mutatis mutandis apply accordingly.

-----

**FORM 1**  
(See rule 13)

No. ....

Office of the Collector of.....

In exercise of the powers conferred by sub-rule (1A) of rule 13 of the Maharashtra Panchayat Samitis (Electoral Colleges and Conduct of Election ) Rules, 1962, I,..... the Collector of ..... hereby appoint in relation to the election by the electoral colleges specified in column 1 of the Schedule hereto (hereinafter referred to as “The respective electoral colleges”).

(a) The date and time specified in column 2 of the said Schedule against the respective electoral college to be the last date and time for making nominations in relation to the respective electoral colleges;

(b) The dates and time specified in column 3 of the said Schedule against the respective electoral colleges to be the date and time for the scrutiny of nominations in relation to the respective electoral colleges;

(c) The places specified in column 4 of the said Schedule against the respective electoral colleges to be the places for making nominations and for the scrutiny thereof;

(d) The dates specified in column 5 of the said Schedule against the respective electoral colleges to be the date on which election of persons to the \*..... Panchayat Samiti shall be held;

(e) The time specified in column 6 of the said Schedule against the respective electoral colleges to be the time during which the poll shall be taken;

(f) The date and time specified in column 7 of the said Schedule against the respective electoral colleges to be the date and time for the counting of votes;

(g) The places specified in column 8 of the said Schedule against the respective electoral colleges to be the places for the counting of votes.

### Schedule

Name of electoral colleges  (1)	Last date and time of making nominations  (2)	Date and time for scrutiny of nominations  (3)	Place for making nominations and for scrutiny thereof  (4)
1. 2. 3. 4. 5. 6. 7. 8. 9. etc.			

Date on which the poll, if required shall be taken  (5)	Time during which poll shall be taken  (6)	Date and time for counting of votes  (7)	Place for counting of votes  (8)

Date .....

Place .....

Collector of .....

-----

**FORM II**

( See rule 13 )

**FORM OF NOMINATION PAPER**

( *Election to the..... Panchayat Samiti* )

(To be filled by the Proposer)

I hereby nominate. ....  
..... as a candidate for election from the .....  
..... electoral college.

Name of the electoral division...

Name of the electoral college....

Name of candidate ... ..

Father's / husband's name ... ..

Age ... ..

Full postal address of the candidate ... ..

[In an electoral college having a reserved seat, state the particulars of Caste, Tribe or Class to which the candidate belongs.] ... ..

The name of the electoral college in which the name of the candidate is entered as a voter in the list of voters...

Serial number of the candidate in the list of voters of the electoral college aforementioned in which his name is entered as a voter ... ..

Name of the proposer ... ..

Serial number of the proposer in the list of voters of the electoral college ... ..

Signature or thumb impression of the Proposer

*Declaration by Candidate*

I hereby signify my willingness to serve, if elected as a member of the ..... Panchayat Samiti.

Date : Signature or thumb  
impression of the Candidate

-----

***Declaration to be made by the candidate to  
Scheduled Caste, Scheduled Tribe or Backward Class of  
citizens.***

I hereby declare that I am a member of

(i) the .....Caste / Tribe which is a Scheduled  
Caste / Tribe in relation to the State of Maharashtra;

(ii) the .....Class which is declared by the  
Government to be Backward Class of Citizens.

Dated: Signature of Candidate

-----

***Declaration to be made by candidate set up by Party / Aghadi /  
Front.***

I hereby declare that I am set up at this election by the

..... Party / Aghadi / Front.

Date: Signature or the thumb  
impression of the Candidate.

-----

Serial No. of nomination paper . . . . .

This nomination was delivered to me at my office at

.....

\*candidate

(hour) on.....(date) by the -----

\* proposer of the candidate

Date: Signature of Returning Officer.

-----



*Decision of Returning Officer accepting or rejecting the nomination paper*

I have examined this nomination paper in accordance with rule 19 of the Maharashtra Panchayat Samitis Election Rules, 1962 and decide as follows :-

Date:

Signature of Returning Officer.

-----

*Receipt for Nomination Paper and notice of Scrutiny  
(To be handed over to the persons presenting the nomination paper)*

Serial No. of nomination paper.....

The Nomination paper of ..... a candidate for election from the .....electoral college of .....Block was delivered to me at my office at .....(hour)on.....(date)

\*candidate  
by the -----  
\* proposer of the candidate

All nomination papers will be taken up for scrutiny at .....(hour) on.....(date) at.....(place).

Date:  
Officer.

Signature of Returning

-----  
\* Strike of it unnecessary.

**FORM II-A**  
**(See rule 15A)**

*Communication with regard to Authorised persons to intimate Names of Candidate set-up by the Political Party / Aghadi / Front.*

To

1. The Collector of.....
2. The Returning Officer to the ..... Electoral College..... Panchayat Samiti, District.

*Subject:-* General Elections to ..... Panchayat Samiti, District.....  
Allotment of symbols .....Authorisation of persons to intimate names of candidates.

Sir,

I hereby communicate that the following person(s) has / have been authorised by the party, which is a National Party / State party in the State of Maharashtra. Aghadi / Front to intimate the names of the candidates proposed to be set-up by the party at the election cited above.

Name of persons authorised to send notice  (1)	Name of Office held in the Party/Aghadi/Front  (2)	Block and Electoral College of the ..... Panchayat Samiti in respect of which he has been authorised.  (3)

2. The specimen signature of the above mentioned person(s) so authorised are given below:-

- (1) Specimen signature of Shri .....
- (i) ..... (ii) .....
- .....
- (iii) .....

(2) Specimen signature of Shri .....

(i) ..... (ii) .....

(iii) .....

(3) Specimen signature of Shri .....

(i) ..... (ii) .....

(iii) .....

Yours faithfully,

President/Secretary  
Name of the Party/Aghadi /Front

Place :

Date :

(Seal of the Party / Aghadi/ Front)

**FORM II-B**  
(See rule 15-A)

**Notice as to names of candidates set-up by the political Party / Aghadi /Front**

To

(1) The Collector of.....

(2) The Returning Officer for the .....

Electoral College of .....Panchayat Samiti.

District.....

Subject :- General Elections to the

..... Panchayat Samiti, District.....

Setting up of candidates.

Sir,

I, hereby give notice that the following persons have been set-up by ..... Party / Aghadi / Front as its candidates at the ensuing general election from the electoral colleges of .....Panchayat Samiti, District ..... as noted against each Electoral College.

No. and name of Electoral College (1)	Name of approved candidate (2)	Father's / Husband's name of approved candidate (3)	Postal address of approved candidate (4)

Name of the substitute candidate ( who will step-in in the event of the approved candidate's nomination being rejected on scrutiny or his withdrawing from the contest) (5)	Father's/ Husband's name of substitute candidate  (6)	Postal address of substitute candidate  (7)

Place :

Yours faithfully,

Date :

( Name and signature of the  
authorised persons of the  
Party / Aghadi /Front)

(Seal of the Party / Aghadi/ Front)

**N.B.:-** This must be delivered to the Returning Officer by 3-00 p.m. on the last date for withdrawal of candidature.

## FORM II-C

[See rule 19-A]

### NOTICE

I hereby notify that Shri / Smt. ....a candidate for election from the ..... electoral college in the..... electoral division of ..... Block has presented an appeal under sub-rule (2) of rule 19-A of the Maharashtra Panchayat Samitis Election Rules, 1962 of the District Court of .....against my decision *rejecting/accepting the nomination of* Shri /Smt ..... I hereby further notify that the hearing of the said appeal shall commence before the District Court of ..... on the third day after the date of publication of this notice, that, is, on the ..... day of .....20

A copy of the petition of appeal is available with the Returning Officer and may be collected by the respondent (or respondents) from the office of the Returning Officer.

Date :

Place :

Returning Officer

Copy forwarded to the District Court..... with the copy of the list of candidates whose nomination have been accepted.

-----

## FORM III

(See rule 21)

### LIST OF CONTESTING CANDIDATES

Election of the ..... Panchayat Samit  
from ..... Electoral College in.....electoral  
division of .....Block.

Serial No.	Name of the candidate	Address of candidate	Symbol allotted to the candidate
1.			
2.			
3.			
4.			
5.			
etc.			

Date :

Place :

Signature of the Returning Officer

-----

**FORM IV**

(See rule 23)

**FORM OF APPOINTMENT OF ELECTION AGENT**

I, .....  
of.....a candidate at the  
election to the.....  
Panchayat Samiti from.....  
..... [electoral  
college of the .....electoral division of.....of  
..... as my election agent from this date at the above  
election.

Dated this..... day of .....20.....

Signature of Candidate

I accept the above appointment

Signature of the Election Agent

-----



**FORM V**  
(See rules 24 and 25)

**APPOINTMENT OF POLLING / COUNTING AGENT**

Election to the .....Panchayat Samiti from.....  
[Electoral College of] the .....electoral division.....Block  
To

[The Returning Officer for ..... electoral college]

-----  
\*The Presiding Officer,..... Polling Station

I,.....  
.....\* a candidate

-----  
\* the election agent of ..... who is a contesting candidate at the  
present election do hereby give notice that I have appointed  
..... as a

\*Polling ..... \*the Polling Station.....  
-----agent to attend -----  
-----

\*Counting ..... the place fixed for the counting votes.

Date:-

Candidate  
Signature of -----  
Election Agent

\*Polling  
I agree to act as ----- Agent  
\*Counting

Date:-  
Agent

\*Polling  
Signature of -----  
\*Counting

-----  
\*Polling ..... \*Returning  
Declaration of ----- Agent to be signed before the -----  
Officer

\*Counting ..... \*Presiding

I hereby declare that I will not at this election  
for.....[electoral college of] the

..... electoral division do anything forbidden by the Act or rules thereunder.

Date:-  
Agent

\*Polling  
Signature of -----

\*Counting

Date.....

\*Returning Officer  
Signed before-----  
\*Presiding Officer.

-----  
**FORM V-A**  
(See rule 29)

**FORM OF DECLARATION OF UNCONTESTED ELECTION**

**Election to the .....Panchayat Samiti from ..... electoral college of  
..... electoral division, 20.....**

In pursuance of the provisions contained in rule 29 of Maharashtra Panchayat Samitis Election Rules, 1962, I declare that—  
..... (Name) of .....  
.....  
.....(Address) has been duly elected to fill the seat in the above electoral college as he was the only contesting candidate.

Date.....

Place.....

Signature of the Returning Officer

-----

**FORM V-B**

**Application for Election Duty Certificate**

(See rule 31A)

To,  
The Returning Officer,  
..... Electoral College,

Sir,

I intend to cast my vote in person at the ensuing election to the Panchayat Samiti from the ..... Electoral College.

I have been posted on election duty within the electoral college at ..... (No. and name of the polling station) but my name is entered at Serial No. .... Part No. .... the list of voters for ..... electoral college comprising within..... electoral division.

I request that an Election Duty Certificate in Form VI-C may be issued to enable me to vote at the polling station where I may be on duty on the polling day. It may be sent to me at the following address-

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

Yours faithfully,

Place.....

Date.....

[.....]

-----

**FORM V-C**

**Election Duty Certificate**

(See rules 31A and 37A)

Certified that ..... is an elector in the .....Electoral College, his list of voters number being ..... and that by reason of his being on election duty he is unable to vote at the polling station where he is entitled to vote and that he is therefore, hereby authorised to vote at any polling station in the said electoral college where he may be on duty on the date of poll.

Seal

Place .....

Date .....

Signature .....

Returning Officer

-----

**FORM VI**

(See rule 33)

**FORM OF COUNTERFOIL AND BALLOT PAPER NO....**

..... Panchayat Samiti

..... Electoral College

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

Counterfoil

[Signature / Thumb impression of Voter]

.....

No.....

..... Panchayat Samiti

..... Electoral College

Name of Candidate

Symbol assigned

1

2

.....

.....

.....

.....

.....

.....

.....

**FORM VII**

(See rule 38)

**LIST OF CHALLENGED VOTES**

Election to the .....Panchayat Samiti from.....  
Electoral College in..... Electoral Division of .....  
Block Polling Station..... No. of Polling Stations, if any.....

Serial number	Name of the voter	Serial number of Voter in list of Voters	Signature or thumb impression of the voter and his address	Name of identifier, if any
1	2	3	4	5

Name of person challenging	Amount of deposit made	Order of Presiding Officer in each case	Signature of challenger acknowledging receipt of deposit if and when deposit is returned
6	7	8	9

Date :...

Place...

Signature of the Presiding Officer

-----

**FORM VII-A**

[See rule 41 (2)]

**LIST OF BLIND AND INFIRM VOTERS**

*Election to the Panchayat Samiti..... from the .....*

*.....Electoral College in .....Electoral Division.*

No. and name of Polling Station.....

Part No., Serial No. of voter 1	Full name of voter 2	Full name of companion 3	Address of companion 4	Signature of companion 5

Date.....20. .

Signature of Presiding Officer.

-----

**FORM VIII**

(See rule 43)

**TENDERED VOTES LIST**

[..... electoral college .....electoral division] in

the..... Block

Name of Polling Station.....

No. of polling station, if any,.....

Serial No. of the entry	Name of the voter	Serial number of the voter in the list of voters	Address of the voter	Serial number of tendered ballot paper	Serial number of ballot paper issued to the person who has already voted	Signature of thumb-impression of the voter
1	2	3	4	5	6	7

Date.....

Signature of the Presiding Officer.



**FORM IX**

[See rules 46 and 56 (7)]

**PART 1 – BALLOT PAPER ACCOUNT**

*Election to the .....Panchayat Samiti, from the  
.....Electoral College in the .....Electoral Division..*

Number 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 40.			
(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)			
			Signature of the Presiding Officer.

PART II – RESULT OF COUNTING

Serial No.	Name of the Candidate	Number of valid votes cast
1. 2. 3. 4. 5. etc.		
II. Rejected Ballot Papers		
III. Total		
Whether the total number of ballot papers shown against item No. III above tallies with the total shown against item No.5 of part I or any discrepancy noticed between these two totals.		

Place :

Date :

Signature of the Counting Supervisor

Place :

Date :

Signature of the Returning Officer

-----

## FORM X

[See rule 56(7)]

### FORM OF RESULT SHEET

Election to the .....Panchayat Samiti from .....electoral college in  
.....Electoral Division ,20.....

Serial No. of Polling Stations	Number of valid votes cast in favour of	Total of valid votes	Number of rejected votes	Total	Number of tendered votes
	A B C D E F				
1. 2. 3. ... ... etc.					
Total Number of votes recorded at Polling Station.					

Place :

Date :

Signature of the Returning Officer

-----

**FORM XI**

(See rule 59)

**FORM OF RETURN OF ELECTION**

Election to the .....Panchayat Samiti from .....electoral college in  
.....Electoral Division ,20.....

Name of candidate	Number of valid votes given for the candidate
1. 2. 3. 4. etc.  Total No. of valid votes Total No. of invalid votes Total No. of tendered votes	

I declare that –

Name .....

Address .....

has been duly elected.

Signature of Returning Officer

Dated the ..... day of ..... 20 .....

-----

**THE MAHARASHTRA ZILLA PARISHADS AND PANCHAYAT SAMITIS  
(MANNER AND ROTATION OF RESERVATION OF SEATS) RULES, 1996**

G.N.R.D. and W.C.D.,No. ZPR 1095/CR-2422/06, dated 30-10-1996 (M.G.G., Pt. IV-B, dt.30-10-1996, p.1302-1306)

In exercise of the powers conferred by clauses (ii) and (xiii) of sub-section (2) of section 274 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (Mah.V of 1962) and of all other powers enabling it in that behalf, and in supersession of the Maharashtra Zilla Parishads Scheduled Castes and Scheduled Tribes (Manner of Reservation of Seats) Rules, 1985, the Maharashtra Panchayat Samitis Scheduled Castes and Scheduled Tribes (Manner of Reservation of Seats) Rules, 1985 and the Maharashtra Zilla Parishads and Panchayat Samitis (Manner of Rotation of Reservation of Seats for Women) Rules, 1990, the Government of Maharashtra hereby makes the rules, the same having been previously published as required by sub-section (3) of the said section 274, namely :-

1. Short title.-

These rules may be called the Maharashtra Zilla Parishads and Panchayat Samitis (Manner and Rotation of Reservation of Seats) Rules, 1996.

2. Definition.-

In these rules, unless the context requires otherwise,-

- (a) "Act" means the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961;
- (b) "electoral college" means an electoral college determined under clause (a) of sub-section (1) of section 58 of the Act;
- (c) "electoral division" means an electoral division of a district constituted under sub-section (1) of section 12 of the Act;
- (d) "population" means population
- (e) words and expressions used in these rules, but not defined shall have the meanings respectively assigned to them in the Act

3. State Election Commission to determine the number of seats to be reserved for the Scheduled Castes, Scheduled Tribes, Backward Class of Citizens and Women.-

For every general election to a Zilla Parishad the State Election Commission shall determine, out of the total number of seats to be filled in by section, the number of seats to be reserved for persons belonging to the Scheduled Castes, Scheduled Tribes, Backward Class of Citizens and Women as provided in sub-section (2) of section 12 of the Act.

Explanation.- While determining the number of seats, the fraction of one half or more of a seat shall be counted as one and the fraction of less than one-half shall be ignored.

4. Manner of allotment and rotation of seats reserved for the Scheduled Caste and Scheduled Tribes.-

- (1) The number of seats reserved for persons belonging to the Scheduled Castes and Scheduled Tribes under rule 3 shall be allotted to the electoral divisions in the descending order beginning with the electoral division where population of such Castes or, as the case may be, Tribes as the highest :

Provided that, where in different electoral divisions the population of Scheduled Castes or as the case may be Scheduled Tribes is equal, or in an electoral division where the population of both the Scheduled Castes and Scheduled Tribes is equal, then the allotment of seats in respect of such electoral divisions or electoral division shall be by drawing of lots :

Provided further that, where the population of the Scheduled Castes or, as the case may be, the Scheduled Tribes in an electoral division is such that both the Scheduled Castes and Scheduled Tribes are entitled to have that electoral division reserved for each of them, then such electoral division shall be reserved for such category of them having higher population, and in the process for the other remaining category the electoral division in which it has the next highest population in the descending order, the seat shall be reserved.

- (2) Notwithstanding anything contained in sub-rule (1) seats reserved for persons belonging to Scheduled Castes and Scheduled Tribes shall be rotated in the subsequent general elections to the electoral divisions in which no seats have, in the previous general elections been reserved for such Castes or, as the case may be, Tribes, until such reservation is given, by rotation to different electoral divisions in a district :

Provided that, with a view to securing representation to the members of such Castes or Tribes in as many Blocks as possible in the districts the seats may be rotated to electoral divisions so however that no more than one seat is reserved in any one Block.

5. Manner of allotment and rotation of seats reserved for backward Class of Citizens.-

- (1) The seats reserved for persons belonging to the category of Backward Class of Citizens under rule 3, shall, be allotted to the electoral divisions by drawing lots :

Provided that, while drawing lots, the seats already reserved for persons belonging to Scheduled Castes and Scheduled Tribes, shall be excluded.

- (2) Notwithstanding anything contained in sub-rule (1), the seats reserved for Backward Class of Citizens under rule 3 shall be rotated, in the subsequent general elections, to the electoral divisions in which no such seats have, in the previous elections, been reserved for the category of Backward Class of Citizens until such reservation is given, by rotation, to each of the electoral division in the district.

6. Manner of allotment and rotation of seats reserved for Women-

- (1) The seats reserved for women belonging to Scheduled Castes, Scheduled Tribes or, as the case may be, category of Backward Class of Citizens under rule 3 shall be allotted to the electoral division where the seats are reserved for such Castes, Tribes or the Classes, as the case may be, by drawing lots :

Provided that, while drawing lots at the time of subsequent general elections, the electoral divisions where such seats were already reserved in earlier election for women belonging to such Castes, Tribes or the category, as the case may be, required to be reserved have been given such reservation by rotation.

(2) After allotment of seats reserved for women belonging to Scheduled Castes, Scheduled Tribes and the Backward Class of Citizens, the seats reserved for women (other than those belonging to the Scheduled Castes, Scheduled Tribes, or, as the case may be, Backward Class of Citizens) shall be allotted to the different electoral divisions by drawing lots :

Provided that, while drawing lots at the time of subsequent general elections, the electoral divisions, where such seats were already reserved in earlier elections for such women, shall be excluded until such reservation is given to all the electoral divisions by rotation.

7. State Election Commission to determine number of seats to be reserved for the Scheduled Castes, Scheduled Tribes, Backward Class of Citizens and Women.-

For every general election to a Panchayat Samiti, the State Election Commission shall determine, out of the total number of seats to be filled in by section, the number of seats to be reserved for persons belonging to the Scheduled Castes, Scheduled Tribes, Backward Class of Citizens and Women as provided in sub-section (1B) of section 58 of the Act.

Explanation.- While determining the number of seats, the fraction of one half or more of a seat shall be counted as one and the fraction of less than one-half shall be ignored.

8. Manner of allotment and rotation of seats reserved for the Scheduled castes and Scheduled Tribes.-

(1) The number of seats reserved for persons belonging to the Scheduled Castes and Scheduled Tribes under rule 7 shall be allotted to the electoral colleges in the descending order beginning with the electoral college where the population of such Castes, or as the case may be, Tribes is the highest :

Provided that, where in different electoral colleges the population of Scheduled Castes or, as the case may be, Scheduled Tribes is equal, or in an electoral college where the population of both the Scheduled Castes and Scheduled Tribes is equal, then the allotment of seats in respect of such electoral colleges or electoral college shall be by drawing of lots :



Provided further that, where the population of the Scheduled Castes or, as the case may be, the Scheduled Tribes in an electoral college is such that both the Scheduled Castes and Scheduled Tribes are entitled to have that electoral college reserved for each of them, then such electoral college shall be reserved for such category of them having higher population and in the process for the other remaining category the electoral college in which it has the next highest population in the descending order the seat shall be reserved.

(2) Notwithstanding anything contained in sub-rule (1), the seats reserved for persons belonging to Scheduled Castes and Scheduled Tribes shall be rotated in the subsequent general elections to the electoral colleges in which no. of seats have, in the previous general elections been reserved for such Castes or, as the case may be, Tribes until such reservation is given, by rotation to different electoral colleges in a Panchayat Samiti.

9. Manner of allotment and rotation of seats reserved for Backward Class of Citizens.-

(1) The seats reserved for persons belonging to the category of Backward Class of Citizens under rule 7, shall be allotted to the electoral colleges by drawing lots :

Provided that, while drawing lots, the seats already reserved for Scheduled Castes and Scheduled Tribes shall be excluded.

(2) Notwithstanding anything contained in sub-rule (1), the seats reserved for Backward Class of Citizens under rule 7 shall be rotated in the subsequent general elections, been reserved for the category of Backward Class of Citizens, until such reservation is given by rotation to each of the electoral colleges in the district.

10. Manner of allotment and rotation of seats reserved for women.-

(1) The seats reserved for women belonging to Scheduled Castes, Scheduled Tribes or, as the case may be, Category of Backward Class of Citizens, under rule 7 shall be allotted to the electoral colleges where the seats are reserved for such Castes, Tribes or the Classes, as the case may be, by drawing lots :

Provided that, while drawing lots at the time of subsequent general elections, the electoral colleges, where such seats were already reserved in earlier elections for women belonging to such Castes, Tribes or the category, as the case may be, shall be excluded until all the electoral colleges in which such seats are required to be reserved have been given such reservation by rotation.

- (2) After allotment of seats reserved for women belonging to Scheduled Castes, Scheduled Tribes and the backward Class of Citizens, the seats reserved for women (other than those belonging to Scheduled Castes, Scheduled Tribes or, as the case may be Backward Class of Citizens) shall be allotted to the different electoral colleges by drawing lots :

Provided that, while drawing lots at the time of subsequent general elections the electoral colleges, where such seats were already reserved in earlier elections for such women, shall be excluded until reservation is given to all the electoral colleges by rotation.

11. Procedure for drawing lots in respect of the reserved seats in the Zilla Parishad and Panchayat Samiti.-

The lots to be drawn in respect of the reserved seats shall be drawn by the Collector or an officer, not below the rank of Tahsildar, authorised by him and in the presence of such residents of the Zilla Parishad or, as the case may be, the Panchayat Samiti concerned who shall remain present in response to the notice to be displayed on the Notice Board in the respective Zilla Parishad and Panchayat Samiti offices, and to be published in one of the widely circulated local newspapers in the Zilla Parishad or, as the case may be, Panchayat Samiti area indicating in such notice the place, date and time at which such lots shall be drawn.