

The M.P. Krishi Upaj Mandi (Mandi Samiti Ka Nirvachan) Rules, 1997

MADHYA PRADESH

India

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Rule

THE-M-P-KRISHI-UPAJ-MANDI-MANDI-SAMITI-KA-NIRVACHAN-RULES of 1997

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The M.P. Krishi Upaj Mandi (Mandi Samiti Ka Nirvachan) Rules, 1997Published vide Notification No. D-5-86-97-14-3, dated 19th June, 1998, M.P. Rajpatra (Asadharan), dated 19-6-1998In exercise of the powers conferred by sub-section (1) and sub-section (2) of Section 79 read with Sections 11, 11-A and 12 of the Madhya Pradesh Krishi Upaj Mandi Adhiniyam, 1972 (No. 24 of 1973), the State Government hereby makes the following Rules, the same having been previously published as required by sub-section (1) of Section 79 of the said Act, namely :Chapter-I Preliminary

1. Short title and commencement.

- These rules may be called the Madhya Pradesh Krishi Upaj Mandi (Mandi Samiti Ka Nirvachan) Rules, 1997.

2. Definitions.

- In these rules, unless the context otherwise requires,-(a)"Adhiniyam" means the Madhya Pradesh Krishi Upaj Mandi Adhiniyam, 1972 (No. 24 of 1973);(b)"Appellate Authority" means the officer designated by the State Government as Appellate Authority to hear appeals under these rules;(c)"Candidate" means a person contesting in the election;(d)"Chairman" means a Chairman of Mandi Samiti;(e)["Constituency" means, ten constituencies for representatives of the Agriculturists, or constituency for Chairman of the Market Committee or the constituency for traders as the case may be;] [Substituted by Notification No. D-5-86-97-XIV-3, dated 6-3-1999.](f)"District Election Officer" means the Collector of the district for conduct of elections to Mandi Samiti;(g)"Form"

means a form appended to these rules;(h)"Marked copy of the voters' list" means the copy of the voters' list set apart for the purpose of marking the names of voters to whom ballot papers are issued at an election;(i)"Registration Officer" means the Electoral Registration Officer appointed by the Collector for registration of voters for election to Mandi Samities in a district and includes an Assistant Electoral Registration Officer;(j)"Returning Officer" means an officer appointed by the District Election Officer, for conduct of elections of Mandi Committee and includes Assistant Returning Officer;(k)"Voters List" means electoral roll or the list of voters of a constituency of a Mandi Samiti;(l)"Mandi" means a Mandi established under Section 4 of the said Adhiniyam;(m)"Mandi Area" means an area for which a Mandi is established under Section 4;(n)"District Collector" means Collector of District and includes the Additional Collector;(o)"Managing Director" means Managing Director of M.P. State Agriculture Marketing Board appointed under the Act and he shall be Commissioner, Mandi, Madhya Pradesh.(p)["Member" means member of the Market Committee.] [Inserted by Notification No. D-15-41-05-XIV-3, dated 31-3-2006.]

Chapter II

Allotment of Seats in the Constituencies

3. [[Substituted by Notification No. D-5-86-97-XIV-3, dated 6-3-1999.]

(1)Every market area shall be divided into ten constituencies for the purposes of clause (b) of sub-section (1) of Section 11 of the Adhiniyam, and for the purposes of clause (e) of sub-section (1) of Section 11, the whole market area shall be one constituency for traders representative.(2)For the purposes of sub-section (1) of Section 12 of the Adhiniyam the whole area of the Market Committee shall be one constituency for the election of Chairman of the Market Committee.(3)Every Agriculturist constituency shall have equal number of voters as far as possible.(4)Every Agriculturist constituency shall cover whole village and all the villages included therein shall be continuously in serial order as far as practicable.(5)Each constituency constituted under Section 11-A of the Adhiniyam shall be given a separate serial number.(6)The list of the constituencies constituted under Section 11-A of the Adhiniyam shall be published in the Local News Paper and also be affixed on the notice board of Collector's office as well as on the notice board of the concerned Mandi Committee and Janpad Panchayat Office.(7)Any voter of the mandi area may prefer a claim or objection by delivering an application in writing duly signed by him to the Collector within 15 days from the date of the affixture of the statement.(8)On receiving the application, if any, the Collector shall hold a summary enquiry into every objection and shall record in writing his decision thereon.(9)The Collector shall thereafter amend the statement according to his decision and determine the number of constituencies and seats reserved for the Members of Scheduled Castes, Scheduled Tribes, Other Backward Classes and for women and they shall finally be notified in the manner as prescribed in sub-rule (6).]

4.

(1) Seats reserved either for the Scheduled Caste or for the Scheduled Tribe for the first time shall, as far as practicable be allotted in the constituencies in which the percentage of the population of the Scheduled Castes or the Scheduled Tribes, as the case may be, worked out by Collector is found by him to be correspondingly higher in descending number. Before the subsequent election, seats reserved for the Scheduled Castes or Scheduled Tribes shall be allotted in other constituencies excluding the constituencies reserved for the first time by rotation and draw of lots. Seats to the members of the Other Backward Classes shall be allotted by rotation and drawing of lots for the purpose of sub-section (3) of Section 11-A of the Act. (2) Seats reserved for women belonging to the Scheduled Castes, Scheduled Tribes and or Other Backward Classes shall be allotted from out of seats reserved for Scheduled Castes and/or Scheduled Tribes and/or Other Backward Classes. Seats belonging to women of General Category shall be allotted from out of remaining seats by rotation and drawing of lots. (3) (a) The seats under sub-rules (1) and (2) shall be allowed separately for each category reserved for Scheduled Castes, Scheduled Tribes, Other Backward Classes and Women. (b) For the purpose of allotting seats the Collector shall publish a notice at a conspicuous place at the headquarter of the concerned Mandi Committee stating that the lot shall be drawn in the office to be named in such notice and on the date and at the time specified therein before the persons who are present to witness the drawal of lots. (c) For the purpose of allotment of seats for women separate chits shall be prepared for general constituencies and constituencies reserved for Scheduled Castes and/or Scheduled Tribes and/or Other Backward Classes giving the individual number of seats on each of such chits. All the chits meant for general seats shall be kept in one pot and those chits for reserved seats shall be kept in separate pot. As many chits as are required for allotment of seats for women of general category shall be drawn out and the number of constituencies written on the chits shall be read out before the persons witnessing the draw. Similar procedure shall be adopted for drawing of chits from the pots means for allotment of seats for women belonging to Scheduled Castes, Scheduled Tribes and/or Other Backward Classes. (d) The proceeding shall be recorded in writing and signed by the Collector. Signatures of atleast two non-official persons witnessing the numbers of lots shall also be obtained on such proceedings. The names and addresses shall also be written below their signatures. Chapter-III Reservation of Seats for Chairman

5.

(1) The Mandi Committee in which seat of Chairman shall be reserved for Scheduled Castes, Scheduled Tribes, Other Backward Classes and Women in accordance with Section 12 of the Act shall be determined by the Managing Director in the manner prescribed in sub-rules (2), (3) and (4). (2) (i) While counting the total number of seats of Chairman to be reserved for the members of Scheduled Castes and Scheduled Tribes with their proportion to the total population of State, fraction, or less than half shall be ignored and half and more than half shall be counted as one. (ii) Seats reserved either for the Scheduled Castes or Scheduled Tribes for the first time, shall as far as practicable be allotted in the Mandi Committee in which the percentage of population of Scheduled Castes and Scheduled Tribes as the case may be, worked out by the Managing Director as found by him to be correspondingly higher in descending number. Before the subsequent election,

seats reserved for the Scheduled Castes or Scheduled Tribes shall be allotted in another Mandi Committee, excluding the Mandi Committee reserved for the first time by rotation or drawal of lots.(3)Seats to the members of the Other Backward Classes shall be allotted by rotation and drawing of lots for the purpose of sub-section (3) of Section 12 of the Act.For the purpose of allotting the seats of Chairman reserved for the women of Scheduled Castes, Scheduled Tribes, Other Backward Classes and for general category, separate chits shall be prepared for the Mandis reserved for each category of candidates, giving the names of Mandi on each chit. Chits of each category shall be kept in separate pots and the lots shall be drawn from them to the extent as may be required for the allotment of seats of women under sub-sections (4) and (5) of Section 12 of the Act.(4)For the purpose of drawal of lots and allotting of Mandis the Managing Director shall publish a notice at least 15 days before the drawal of lots stating therein the name of office and the date and time of drawal and such notice shall be exhibited at the following places-(a)Notice board of Collector's Office.(b)Notice board of concerned Mandi Committee.(5)The proceeding shall be recorded in writing and signed by the Managing Director and the signatures of atleast two persons witnessing the drawal of lots shall also be obtained on proceedings. Their names, father's name and addresses shall be written below their signatures.

6. Assistance for reservation.

- The Collector or the Managing Director may take necessary assistance from their subordinates and other officers in the matter of formation of constituencies, inspection and allotments of places.Chapter-IV List of Voters

7. Preparation of Voter List.

(1)The Collector shall subject to the provisions of Sections 11, 11-B and 12 cause to be prepared voter list in Form 1 separately for each agriculturist constituency and a list of voters for electing a trader's representative in Hindi written in Devnagri Script for each Market Committee.(2)The Collector shall appoint a Registration Officer for the Market Committees in a district and such number of Assistant Registration Officers as may be found necessary to assist the Registration Officer in the preparation of Voters list for Market Committees.(3)Every Assistant Registration Officer shall subject to the control of the Registration Officer perform all or any of the functions of the Registration Officer.

8. Publication of Voters' List for inviting claims and objections.

(1)(i)After the preparation of voters' list, under Rule 7 the Registration Officer shall give a public notice in Form 2, inviting claims for inclusion of names in the list and objections to any entry therein, by exhibiting the notice at-(a)Notice board in the office of concerned Market Committee;(b)Notice board in the office of Janpad Panchayat.(ii)The notice shall specify the period during which and the officer with whom an objection or claim may be lodged and the date, time and place for hearing of such objections and claims, if any, by the Registration Officer.(2)Simultaneously with the publication of notice under sub-rule (1), the voters list shall be made available by the Registration Officer for inspection, by keeping a copy thereof at his office and the office of the concerned Market Committee.

9. Claims and objections.

(1) Any person, whose name is not entered in the voters' list or is entered at an incorrect place or with incorrect particulars or any person whose name is entered in the list and who objects to the inclusion of his own name or the name of any person in that list, may prefer a claim or objection by delivering to the Registration Officer an application in writing duly signed not later than 3 O'clock in the afternoon of the last specified day from the date of the notice under Rule 8 and no claim or objection received thereafter shall be entertained. (2) Every claim or objection shall be presented to the Registration Officer or to such other Officer as may be nominated by him in this behalf. (3) A claim or objection may be accompanied by any documents on which the claimant or objector relies.

10. Disposal of Claims and Objections.

(1) The Registration Officer shall, after holding such summary inquiry into the claims or objections as he thinks fit, record his decision in writing and shall make available on demand copy of such decision to the objector free of charge forthwith. (2) No person shall be represented by any legal practitioner in any proceeding under this rule. (3) The Registration Officer shall amend the voters' list in accordance with his decision. (4) The voters' list so amended shall be subject to the decision in appeal, if any, be final and a copy thereof duly signed by the Registration Officer shall be kept in his office and another copy deposited in the office of District Election Officer. (5) Any person aggrieved by the decision of the Registration Officer may prefer an appeal to the Appellate Authority within seven days of such decision. Every appeal shall be presented, in writing, to the Appellate Authority accompanied with a copy of the decision of the Registration Officer. The Appellate Authority, after giving the appellant an opportunity of hearing and making such enquiry as it deems fit, shall pass suitable orders expeditiously and in the event of succeeding, direct the Registration Officer to amend the voters list to give effect to its decision. The decision of the Appellate Authority shall be final : Provided that no amendment shall be carried out in the voters list according to the decision of the Appellate Authority after the last date and time fixed for filing of nominations and before the completion of election.

11. Inspection and issue of certified copies.

(1) Every member of the public shall have the right to inspect the voters' list on payment of a fee of rupees five and certified copies of the same may be issued by the Registration Officer to an applicant on payment of a fee of rupee one per page.

12. Duration of Voters' list.

(1) The Voters' list referred to in sub-rule (4) of Rule 10 shall remain in force until it is revised. (2) Every such list shall be revised and brought up-to-date whenever a bye-election or general election is due to take place or whenever any change in the limits of a constituency of Market Committee takes place, the provision of Rules 8, 9 and 10 shall apply to such revision. (3) [Every voters list shall be revised with reference to the first day of January, of the year in, which the election

is scheduled.(4)Notwithstanding anything contained in a forgoing sub-rules it shall not be necessary to revise such list before a bye-election. If it is held within one year from the date of preparation of the first list :Provided that the State Government may, for sufficient reasons revise the list before bye-election.] [Inserted by Notification No. D-5-86-97-XIV-3, dated 6-3-1999.]

13. Finalisation of Voters List.

- No correction, inclusion or exclusion in the voters' list shall be made after finalisation under Rule 10 :Provided that clerical, technical or printing error or omission, apparent on the face of the record, may be corrected by the Registration Officer at any time before the last date and time fixed for nominations.

13A. [Deletion of entries in the voters list in certain cases. [Inserted by Notification No. D-5-86-97-XIV-3, dated 6-3-1999.]

(1)If the Registration Officer on an application made to him or on his own motion, is satisfied after such inquiry as he thinks fit, that the name of any person in the voters' list finds place in any other Market Committee, the Registration Officer shall, subject to such general or special direction, if any, as may be given by the Managing Director in this behalf, delete the entry :Provided that before taking any action in this behalf, the Registration Officer shall give the person concerned a reasonable opportunity of being heard in respect of the action proposed to be taken in relation to him.(2)No deletion of any entry shall be made under sub-rule (1) after the last date fixed for making nomination in the notice issued under Rule 26 for the election in that Market Committee within which that constituency comprised and before the completion of that election.(3)The Registration Officer shall record in writing the reasons of his decision to delete an entry under sub-rule (1) and shall make available, on demand a copy of such decision to the person concerned free of charge forthwith.(4)Any person aggrieved by the decision of the Registration Officer under sub-rule (1) may prefer an appeal to the District Election Officer within seven days of such decision.(5)The District Election Officer, after giving the appellant an opportunity of hearing and making such enquiry as he deems fit, shall pass suitable order on the appeal and the decision of the District Election Officer shall be final.]

14. Custody and destruction of papers.

- The preliminary voters list published under Rule 8 and the claims and objections received under Rule 9 alongwith the order of the Registration Officer or Appellate Authority thereon be preserved in the record room of the District Election Officer until after the next revision of the lists and shall then be destroyed.

14A. [Preparation of voters list for agriculturist representatives for the first time. [Inserted by Notification No. D-5-86-97-XIV-3, dated 6-3-1999.]

(1)Notwithstanding anything contained in Chapter IV the preparation of the voters list, for the first time, the Collector shall cause to be prepared a list of, adult Bhoomi Swamis from the entries made in Khasra/Khatoni (B-1) of the village.(2)Preliminary entry regarding age and addresses of, Bhoomi Swamis, included in the voters list shall be made from the relevant electoral roll of the Madhya Pradesh Legislative Assembly prevailing at that time.(3)For those Bhoomi Swamis, whose names are not included in the electoral roll of the Legislative Assembly, preliminary entry regarding age and ordinary place of residence be made after obtaining the requisite information from the Gram Sabha through a resolution passed in its meeting specially convened for this purpose.(4)For those Bhoomi Swamis of the urban areas whose names are not included in the electoral roll of the Legislative Assembly information about age and residence shall be obtained by the Collector after local enquiry.(5)The voters list shall be prepared in Form 1.(6)(i)As soon as the voters list is ready, the Registration Officer shall give a public notice inviting claims for inclusion of names in the list and the objections to any entry therein, by displaying a notice and making a copy of the list available for inspection : (a)at his office, if it is within the Mandi Area,(b)at the office of the Mandi Committee,(c)at such other places in or near the constituency as may be specified by him for the purpose.(ii)The notice shall specify the period during which and the officer with whom an objection or claim may be lodged and the date, time and place for the hearing of such objections and claims, if any, by the Registration Officer.(iii)The voters list shall remain open for inspection free of charge by the public for a period of at least seven days from the date of publication of the notice during office hours.(iv)Any person, whose name is not entered in the voters list or is entered at an incorrect place or with incorrect particulars or any person whose name is entered in the list and who objects to the inclusion of his own name or the name of any other person in that list may prefer a claim or objection by delivering to the Registration Officer an application in writing duly signed by him not later than 3 O'clock in the afternoon of the 7th day from the date of the notice under clause (i) and no claim or objection thereafter shall be entertained.(v)The Registration Officer shall, after holding such summary inquiry into the claims or objections as he deemed fit, record his decision in writing and shall make available on demand a copy of such decision to the claimant or objector free of charge.(vi)The Registration Officer shall amend the voters list in accordance with his decision.(vii)In case the name of a person is entered more than once in the Khasra of the village his name shall be entered only once in the voters list.

14B. Preparation of voters list for the election of traders representatives for the first time.

(1)Notwithstanding anything contained in Chapter IV and subject to other provisions of the Adhiniyam, the Collector shall cause to be prepared the voters list in Form 1 for the election of traders representatives for the first time.(2)For the purposes of preparing the voters list Collector shall call upon the Market Committee to prepare and furnish him the names of all persons, holding licences from the Market Committee for a period of two successive years (in case of Market Committee established for the first time under Section 10, the qualifying period of holding licence from such Market Committee shall be six months) as traders or owners or occupiers of processing factories within the market area : Provided that a person holding licence from a Market Committee as trader or owner or occupier of the processing factory, is a firm or a body corporate or a Co-operative Society, such firm or body corporate or Co-operative Society shall nominate a person

(being a person, who is either a partner of a firm and whose name has been mentioned in the application for licence or a person duly authorised by a body corporate, or a Managing Committee of the Co-operative Society) who is not below the age of 18 years to vote on its behalf and intimate the name of that person to the Market Committee within the time as may be fixed in that behalf after being included in the voters list as representing that firm or body corporate or Co-operative Society :Provided further that, if such firm or body corporate or Co-operative Society is holding more than one licence, it shall not nominate more than one person as aforesaid :Provided also that in the case of person holding licence under the Act as traders, owners or occupiers of processing factory, the Market Committee shall specify the date of issue of licence, period, for which licence is granted and the qualifying period of continuously holding such licence.(3)For preparing the voters list under this rule the procedure contained in sub-rule (6) of Rule 14-A shall mutatis mutandis be followed.]

Chapter V

Administrative Machinery for Conduct of Election

15. Officers and Staff for conducting Election.

(1)The Collector shall make available such officers and staff as may be necessary for the discharge of successful conduct of election.(2)All the officers and members of the staff appointed or deployed for preparation of Voters' List and conduct of polls under the Act or rules shall function under the superintendence, direction and control of the District Election Officer.

16. Power of the State Government and the Collector to issue Special Orders and Directions.

- Notwithstanding anything contained in these Rules, the State Government or Managing Director or Collector may issue such special or general orders or directions which may not be inconsistent with the provisions of the Act for fair and free elections.

17. District Election Officer and Deputy Election Officer.

- The State Government shall appoint a District Election Officer for each district and one or more Deputy District Election Officers as may be deemed necessary to assist the District Election Officer in the conduct of Election of Mandi Committees in the District.

17A. [Observers. [Inserted by Notification No. D-5-86-97-XIV-3. dated 6-3-1999.]

(1)The Divisional Commissioner may nominate an observer, not below the rank of Class-I Officer of the State Government, to watch the proceedings of elections in a Mandi Committee or a group of Mandi Committees and to perform such other functions as may be entrusted to him by the Divisional Commissioner.(2)The observer nominated under sub-rule (1) shall have the power to

direct the Returning Officer for any Mandi Committee for which he has been nominated, to stop the counting of votes at any time before the declaration of the result, or not to declare the result if in the opinion of the observer booth capturing has taken place at any polling station of that Mandi area or at the place fixed for counting of votes or any ballot papers used at polling station are unlawfully taken out from the custody of the Returning Officer accidentally or intentionally destroyed or lost or damaged or tampered with to such an extent that the result of the poll at that polling station cannot be ascertained.(3)Where an observer has directed the Returning Officer to stop counting of votes or not to declare the result, the observer shall forthwith report the matter to the District Election Officer and thereupon the District Election Officer shall, after taking all material circumstances into account, issue appropriate directions under Rule 69.Explanation.-The expression booth capturing shall have the meaning assigned to it in Section 14-D of the Madhya Pradesh Local Authorities (Electoral Offences) Act, 1961.]

18. Appointment of Returning Officer.

- The State Government or when so authorised by the State Government, the District Election Officer shall appoint an officer of the State Government not below the rank of a Naib-Tahsildar as a Returning Officer for the conduct of Election of Mandi Committee :Provided that nothing in this rule shall prevent the District Election Officer from appointing same person to be a Returning Officer for elections of more than one Mandi Committee.

19. Appointment of Assistant Returning Officer.

(1)The State Government or the District Election Officer, when so authorised by the State Government may appoint one or more persons as Assistant Returning Officer or assist the Returning Officer in the performance of his functions.(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.(3)Any reference in these rules to the Returning Officer shall, unless the context otherwise requires, be deemed to include an Assistant Returning Officer.

20. General duty of Returning Officer.

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

21. Polling Stations.

- The District Election Officer shall provide sufficient number of polling stations for every election under these rules and shall, not later than 15 days before the date of poll, publish a list showing the polling stations, the areas for which they will be set up and description of the office/offices for which votes shall be cast in the polling station.

22. Appointment of Presiding and Polling Officers.

(1)The Returning Officer shall with the prior approval of the District Election Officer, appoint a Presiding Officer for each polling station and such Polling Officer or officers to assist the Presiding Officer, as he deems necessary :Provided that no person who is not a State Government or a servant of any authority under the Municipal Law or any public undertaking under the State Government shall be appointed as Presiding Officer :Provided further that if a Polling Officer is absent from the polling station, the Presiding Officer may appoint any person, who is present at the Polling Station other than a person who has been employed by or on behalf of, or has been otherwise working for, a candidate in or about the election, to be the Polling Officer during the absence of the former officer and inform the Returning Officer accordingly.(2)A Polling Officer shall subject to the direction of the Returning Officer if so authorised by the Presiding Officer, perform all or any of the functions of the Presiding Officer under these rules.(3)If the Presiding Officer, owing to illness or any other unavoidable grounds, 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 and inform the Returning Officer to perform such functions during any such absence.(4)Reference in these rules to the Presiding Officer shall, unless the context otherwise require, 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).

23. General duty of Presiding Officer.

- It shall be the general duty of the Presiding Officer at a Polling Station to maintain peace and order thereat and to see that the poll is fairly taken.

24. General duty of the Polling Officer.

- It shall be the general duty of every Polling Officer at Polling Station to assist the Presiding Officer.

25. Control of District Election Officer.

- The Returning Officer, Assistant Returning Officer, Presiding Officer, Polling Officers and all other persons appointed in accordance with these rules shall work within the overall direction and control of the State Government and work under the control of District Election Officer.Chapter-VI Conduct of Election

26. Notice of election and time schedule therefor.

- In accordance with time schedule prescribed by the State Government the District Election Officer shall by notice in Form 4 specify-(a)[the last date, time and place for making nominations which shall be the seventh day after the date of publication of the notice, or if that day is a public holiday, the next succeeding day which is not a public holiday;] [Substituted by Notification No. D-5-86-97-XIV-3, dated 6-3-1999.](b)The date, time and place for scrutiny of nominations such

date shall be the day next 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;(c)the date for withdrawal of candidature which shall be the second day after the date for the scrutiny of nominations or if that day is a public holiday, the next succeeding day which is not a public holiday;(d)the place to where, the date on which and time during which the poll shall, if necessary, be taken; and(e)the date, time and place for the counting of votes.Note. - "Public Holiday" means any day which is declared to be a holiday by the State Government for its offices as well as the Government Treasuries and Sub-Treasuries in the State.

27. Manner of publication of notice under Rule 26.

- Notice under Rule 26 shall be published at least twenty days before the date appointed for the poll by affixing a copy of such notice on the notice board in the office of the District Election Officer and the concerned Janpad Panchayat and Mandi Committee.

28. Extension of time for completion of election.

- The State Government may on special circumstances and on reasons which it considers sufficient, extend the time for completion of any election by making necessary amendments in time schedule prescribed in Rule 26.

29. Nomination of Candidates.

(1)Any person may be nominated as candidate for election to fill a seat if he is qualified to be elected to fill that seat under the provisions of the Act :Provided that in case of seat reserved for Scheduled Caste, Scheduled Tribe or Other Backward Classes or for Woman, no person who is not a member of Scheduled Caste or Scheduled Tribe or Other Backward Classes or is not a woman, as the case may be, shall be qualified to be elected to such a seat.(2)Every nomination paper presented under Rule 30 shall be-(a)In the case of election of Agriculturists representative in Form 5;(b)In the case of election of Trader's representative in Form 6;(c)In case of election of Chairman of Mandi Committee in Form 7.(3)A nomination paper shall be supplied by the Returning Officer to any voter on demand.

30. Presentation of Nomination Papers.

(1)On or before the date appointed under clause (a) of Rule 26, each candidate either in person or by his proposer deliver to the Returning Officer or Assistant Returning Officer, so authorised by the Returning Officer for that purpose, during the time and at the place specified in the notice issued under clause (a) of Rule 26, a duly completed nomination paper in the prescribed form and signed by the candidate and by an eligible voter of the constituency, as proposer :Provided that any person who is subject to any disqualification as voter under the Act shall not be eligible to sign any nomination paper for election to any office.(2)Notwithstanding anything contained in this rule, not more than two nomination papers shall be presented by or on behalf of any candidate or accepted by

the Returning Officer for election to any office.(3)A person as a proposer can make signatures on the nomination papers to the extent of the vacant seats existing in that constituency.

31. Security Deposits.

- A candidate shall not be deemed to be duly nominated for election unless he has deposited or caused to be deposited either before or at the time of presentation of nomination papers under Rule 30 to the Returning Officer the following security in cash-(a)in case of a candidate for Krisak of agriculturist representative from any constituency a sum of Rs. One Thousand and where a candidate is woman or a member of Scheduled Caste or Scheduled Tribe and Other Backward Classes sum of Rupees Two Hundred and Fifty;(b)in case of a Chairman of Mandi Committee a sum of Rupees Five Thousand and where a candidate is a woman or member of Scheduled Caste or Scheduled Tribe and Other Backward Classes, a sum of Rupees Fifteen Hundred.

32. Notice of Nomination and Time and Place for Scrutiny.

(1)On presentation of nomination papers under sub-rule (1) of Rule 30 the Returning Officer shall satisfy himself that the serial number and the name of the candidate and his proposer as entered in the nomination paper are the same as those entered in the voters list :Provided that the Returning Officer shall permit any misnomer or inaccurate description or clerical or technical error to be corrected and where necessary, shall over look any such misnomer or inaccurate description or clerical or technical error in the nomination paper.(2)The Returning Officer shall inform to the person or persons for delivering the nomination paper 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 give the receipt and shall, as soon as may be thereafter, cause to be affixed on the notice board of concerned Mandi Office and concerned Janpad Panchayat, a notice of nomination containing description similar to those contained in the nomination paper, both of the candidate and of the proposer.

33. Scrutiny of Nomination Papers.

(1)On the date fixed for the scrutiny of nomination papers under Rule 26, 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 26 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 Rule 30.(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 objections or of his own motion, after such summary enquiry, if any, as he thinks necessary, reject any nomination paper on any of following grounds, that is to say-(a)that the candidate is disqualified for being elected 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 29, 30 or 31; and(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 paper 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 mere clerical or printing error or 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 Rule 26 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.(6)The Returning Officer shall endorse on each nomination paper his decision regarding 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. The order passed by the Returning Officer shall be final.(7)For the purposes of this rule the production of a certified copy of an entry made in the voters list of the relevant Mandi Committee shall be conclusive evidence of the right of any voter named and as 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 decisions accepting or rejecting the same have been recorded, the Returning Officer shall prepare constituencywise lists of candidates whose nominations have been accepted in Form 8 and shall affix the list on the notice board of concerned Mandi Committee and Janpad Panchayat Office duly recording the date and time of affixture below his signature.(9)If nomination of a candidate has been accepted by the Returning Officer for more than one constituency or constituencies through oversight or for want of objection or for any other reason whatsoever the Returning Officer shall after providing an opportunity of hearing to such candidates, or his election agent, after taking decision may cancel the nomination paper and shall record this fact on the face of nomination paper and delete his name from the list of validly nominated candidates in Form 8. The Returning Officer shall also affix a copy of the revised list of validly nominated candidates in Form 8 on the notice board of Mandi Committee and Janpad Panchayat duly recording the date and time of such affixture below his signature.

34. Withdrawal of Candidature.

(1)Any candidate may withdraw his candidature by delivering notice in Form 9 to the Returning Officer, on the date and by the hour appointed under clause (c) of Rule 26.(2)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 :Provided that where the application is delivered to the Returning Officer by the proposer or the election agent of a candidate, it shall be accepted only if it is presented along with the acknowledgement of the nomination paper given to the candidate or his proposer at the time of presentation of the nomination paper under Rule 30.(3)No person who has given a notice of withdrawal of his candidature under sub-rule (1) shall be allowed to cancel such notice.(4)The Returning Officer shall on being satisfied as to the genuineness of notice of withdrawal and the identity of person delivering it under sub-rule (2) cause a notice in Form 10 giving particulars of the candidates who have withdrawn their candidature, to be affixed on the notice board of Mandi Committee and Japad Panchayat Office.

35. Preparation of list of Contesting Candidates.

(1) Immediately after expiry of period within which the candidature may be withdrawn under Rule 26, the Returning Officer shall prepare 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 specified period, in Form Nos. 11, 12 and 13. (2) The said list subject to the provisions of sub-section (3) contain the names in alphabetical order and the addresses of the contesting candidates as given in the nomination papers and shall be prepared in Hindi in Devnagri Script. (3) The alphabetical order referred to in sub-rule (2) shall be determined with reference to the names and or surnames of the candidates in such manner as may be determined by the District Election Officer.

36. Allotment of Symbols for Election.

(1) Where a poll becomes necessary the Returning Officer shall assign to each candidate any one of the Symbols determined by the District Election Officer. (2) The allotment by Returning Officer of any Symbol to a candidate shall be final. (3) Every candidate or his election agent shall be informed forthwith, of the Symbol allotted, to the candidate and be supplied with the specimen thereof by the Returning Officer.

37. Publication of list of Contesting Candidates.

- The Returning Officer shall cause a copy of the list of contesting candidates prepared under Rule 35 to be published immediately after allotment of symbols to the candidates by affixture on the notice board of concerned Janpad Panchayat and Mandi Committee and shall also supply a copy thereof, to each contesting candidate or his election agent.

38. Appointment of Election Agent and revocation of such Appointment.

(1) If a candidate desires to appoint an election agent such appointment shall subject to the provisions of sub-rules (2) and (3) be made in Form 14 either at the time of delivering the nomination papers or at any time before 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 lodged. In the event of such revocation or in the event of election agent dying before or during the period of the election, the candidate may appoint a new election agent in accordance with the provisions of sub-rule (1). (3) No person who is for the time being disqualified under the Act from being elected or from voting at any elections of Mandi Committees shall, so long as the disqualification subsists, be appointed as an election agent.

39. Appointment of Polling Agents.

(1) At an election at which poll is to take place, any contesting candidate, or his election agent, may appoint one agent to act as polling agent of such candidate at each polling station. Such appointment shall be made by a letter in writing in duplicate in Form 15 signed by the candidate or his election agent. (2) The candidate or his election agent shall deliver the duplicate copy of the letter of appointment to the polling agent who shall, on the date fixed for the poll present it to, and sign the declaration contained therein, before the Presiding Officer. The Presiding Officer shall retain the duplicate copy presented to him in his custody. No Polling Agent shall be allowed to perform any duty at the polling station unless he has complied with the provisions of this sub-rule.

40. Appointment of Counting Agent.

(1) Each contesting candidate or his election agent may appoint an agent to act as counting agent of such candidate by a letter in writing in duplicate in Form 16 signed by the candidate or his election agent. (2) The candidate or his election agent shall also deliver the duplicate copy of the letter of appointment to the counting agent who shall on the date fixed for counting of votes, present it to and sign the declaration contained therein before the Returning Officer or such other officer authorised by him under Rule 71. Such 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.

41. Revocation of the appointment or 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 commencement of the poll, the candidate or his election agent shall forthwith report in writing the fact of such death - (a) in case where the death takes place 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) Whenever the Returning Officer receives declaration or report made under sub-rule (1) or (2), he shall forth with 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 the poll is closed, appoint a new polling agent in accordance with the provisions of sub-rule (1) of Rule 39 : Provided that the letter appointing 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 39 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 39.

42. Revocation of the appointment or death 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 or such other officer authorised by him.(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 or such other officer authorised by him.(3)Where the appointment of 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 40.(4)The provisions of sub-section (2) of Rule 40 shall apply to a counting agent appointed under sub-section (3) as they apply in relation to counting agent appointed under sub-rule (1) of Rule 40.

Chapter-VII General Procedure of Election

43. Death of candidate before poll.

- Poll shall not be countermanded due to death of a contesting candidate before the commencement of poll. But if as a result of death of contesting candidate for any seat there remains only one contesting candidate, the Returning Officer shall, upon being satisfied of the fact of death of the candidate, countermand the poll and report the fact to the District Election Officer and all proceedings with reference to the election shall be commenced a new in all respects as if for a new election in accordance with the rules hereinbefore :Provided that-(i)no further nomination shall be necessary in case of a person who was a contesting candidate at the time of the countermanding of the poll; and(ii)no person who has given a notice of withdrawal of his candidature under sub-rule (1) of Rule 35 before the countermanding of the poll, shall be ineligible for being nominated as a candidate for the election after such countermanding.

44. Uncontested Elections.

(1)If for any seat, after the date and time fixed for withdrawal of nomination paper there remains only one candidate whose nomination paper is found to be valid the Returning Officer shall forthwith declare in Form 27 the candidate duly elected to fill such seat and inform the District Election Officer of the same.(2)If no nomination paper has been filed for any seat or if no candidate has been duly nominated for any seat, the Returning Officer shall send a report of this fact to the District Election Officer who shall take further action to fill such seat in accordance with the provisions of the Act and these rules.

45. Contested Elections.

- In cases other than those covered by Rule 44 a poll shall take place.

Chapter-VIII Poll and Voting

for Election

46. Manner and Voting at Election.

- 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.

47. Ballot Box.

- Every ballot box shall subject to general or special order of the District Election Officer, be of such design that ballot papers can be inserted therein but cannot be withdrawn therefrom without the box being unlocked and the seals being broken.

48. Form of Ballot Paper.

(1) Every ballot paper shall have a counterfoil attached thereto and shall be in such form and have such particulars as may be determined by the District Election Officer. (2) The ballot paper shall contain the names of candidates in Hindi in the Devnagri Script arranged in the same order in which they appear in the list of contesting candidates, against their election symbols.

49. Arrangement of Polling Station.

(1) The District Election Officer shall provide at each polling station sufficient number of ballot boxes and ballot papers, copies of voters' lists in respect of the polling area, articles necessary for voters to mark the ballot papers as well as such other instrument and accessories as may be required for making the poll. (2) Each polling station shall be furnished with one or more polling compartments in which voters can, one after another, cast their votes screened from observation, and no voter shall be allowed to enter in such voting compartment when, another voter is inside the same for the purpose of casting his vote.

50. Notice at the Polling Station.

- Outside and inside of 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 (b) a notice giving the name of each candidate in Hindi in the Devnagri Script in the same order in which the names of such candidates appear in the list of contesting candidates published under Rule 35; (c) Prohibition of canvassing in or near polling station-(i) No person shall, on the date on which a poll is taken at any polling station, commit any of the following acts within the polling station or any road, street, lane or open space within a distance of one hundred metres 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 at the election; or (d) persuading any voter not to vote for any particular candidate; or (e) exhibiting any notice or sign (other than an official notice) relating to election. (ii) Any person who contravenes the provisions of sub-rule (1) shall be punishable with fine which may extend to

One hundred and Fifty rupees.(d)Penalty for disorderly conduct in or near polling stations-(1)No person shall, on the dates on which a poll is taken at any polling station,-(a)use or operate within or at the entrance of the polling station, or in any public or private place in the neighbourhood thereof, any apparatus for amplifying or reproducing the human voice, such as a megaphone or a loud speaker; or(b)shout, or otherwise act in a disorderly manner within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof, so as to cause, annoyance to any person visiting the polling station for the poll, or so as to interfere with the work of officers and other persons on duty at the polling station.(2)Any person who contravenes, or wilfully aids or abets the contravention of provisions of sub-rule (1) shall be punishable with fine which may extend to two hundred rupees.(3)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-rule (1) and may seize any such apparatus used for such contravention.

51. Admission to Polling Station.

- The Presiding Officer shall regulate the number of voters to be admitted at any one 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 District Election Officer or the Returning Officer;(d)Candidates, their election agents and, subject to the provisions of these rules 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 person as the Returning Officer or the Presiding Officer may employ for the purpose of identifying the voters.

52. Ballot boxes to be locked and sealed before the commencement of poll.

(1)Presiding Officer at each polling station shall immediately before the commencement of the poll, allow inspection of each ballot box to be used at the poll, by the candidates, their election agents and their polling agents, who may be present at such station, and demonstrate to them and to all other persons present that it is empty.(2)The Presiding Officer shall, after complying with the provisions of sub-section (1), secure and seal the box in such manner that the slit in the box for insertion of ballot paper therein remains open and shall also allow the candidates or their election or polling agents, who may be present to affix their own seals on the space in the box meant therefor, if they so desire.(3)The seals to be used for ballot box shall be affixed in such manner that it shall not be possible to open the box again without breaking such seal or any thread on which the seals have been affixed.

53. 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 of women and men.(2)The Returning Officer or the Presiding Officer may appoint a woman 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 to ensure free and fair election.

54. Identification of voters.

(1)The Presiding Officer may employ at the Polling Station such person 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 voters' list and then call on 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 any entry in the voters' list, if he is satisfied that such person is identical with the voter to whom such entry relates.

55. Challenging of identity.

(1)Any candidate or election agent or polling agent may challenge the identity of a person claiming to be a particular voter by first depositing a sum of Rupees Five in each case 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 impersonation;(b)read the relevant entry in the voters' list in full and ask him whether he is the person referred to in that entry;(c)enter his name and address in the list of challenged votes in Form 17; and(d)require him to affix his signature in the said list.(3)The Presiding Officer shall thereafter hold a summary inquiry into the challenge and may for that purpose;(a)require the challenger to adduce evidence in proof of the challenge and the person challenged to adduce evidence in proof of his identity;(b)put to the person challenged any questions necessary for the purpose of establishing his identity and require him to answer them on oath; and(c)administer an oath to the person challenged and 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 concerned Mandi Committee and in any other case, he shall return it to the challenger at the conclusion of the inquiry.

56. Safeguards against personation.

(1)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 Polling Officer and an indelible ink mark to be put on it as far as possible just below the root of the nail so that the ink also spreads on the ridge between the skin and the root of the nail.(2)If any voter refuses to allow his left forefinger to be inspected or marked in accordance with sub-rule (1) or has already such a mark on his left forefinger or does any act to remove the ink mark, he shall not be supplied with any ballot paper or allowed to vote.Explanation. - 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, be construed as a reference to the forefinger or any other finger of his right hand and shall in the case where all his fingers of both the hands are missing be construed as a reference

to such extremity of his left arm as he possesses.

57. 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 in the closing of the poll. Such voters shall be allowed to cast their votes even after the time for the poll is over by issuing chits duly signed by the Presiding Officer to the voters present at the time of closing of the poll. (3) Every ballot paper, before it is issued to a voter and the counterfoil attached thereto shall be stamped on the back with such distinguishing mark as the Presiding Officer may direct and every ballot paper, before it is issued, 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) at the time of issuing a ballot paper to a voter, (a) record on its counterfoil, the electoral roll number of the voter as entered in the marked copy of the voters' list; (b) obtain the signature or thumb impression of that voter on the said counterfoil; and (c) underline the entry relating to a voter in the marked copy of the electoral roll to indicate that a ballot paper has been issued to him, without 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 that ballot paper. (5) No person in the Polling Station shall note down the serial number of the ballot paper issued to a particular voter. (6) In a Polling Station where polling for more than one office bearer is to be taken, each voter shall be provided with the ballot paper meant for such different offices.

58. Voting procedure.

(1) A voter on receipt of the ballot paper, shall forthwith proceed to the voting compartment; there make a mark on the ballot paper with the instrument supplied for the purpose in or near the symbol of the candidate for whom he intends to vote; fold the ballot paper so as to conceal his vote; insert the folded ballot paper into the ballot box. (2) No voter shall remain in the polling station longer than what is reasonably necessary for casting his vote.

59. Recording of votes by 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 make a mark thereon without assistance, the Presiding Officer shall permit the voter to take with him a companion of not less than eighteen years of age to the voting compartment for recording the vote on the ballot paper on his behalf and in accordance with his wishes and if necessary, for folding the ballot paper so as to conceal the vote and inserting it into the ballot box : Provided that before any person is permitted to act as the companion of a voter under this rule, the person shall be required to declare, in Form 18 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 and he has completed 18 years. (2) The Presiding Officer shall keep a record in Form 19 of all cases under this rule.

60. Spoiled and returned ballot papers and ballot papers found out side the Ballot Boxes.

(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 inadvertance, be given another ballot paper and the ballot paper so returned and the counterfoil of such ballot paper shall be marked "spoiled-cancelled" by the Presiding Officer.(2)If a voter obtaining a ballot paper decides not to use it, he shall return it to the Presiding Officer, and the ballot paper so returned shall be marked as "returned-cancelled" by the Presiding Officer.(3)All ballot papers concerning Election to different constituencies cancelled under sub-rule (1) or sub-rule (2) shall be kept in separate packets.(4)If any ballot paper, which has been issued to a voter has not been inserted by him into any ballot box, but is found any where in or near the Polling Station, whether within or outside the voting compartment, it shall be deemed to have been returned to the Presiding Officer under sub-section (2) and dealt with accordingly.

61. Tendered votes.

(1)If a person representing himself to be a particular voter named in the voters' list applies for a ballot paper after another person has already voted as such voter, the applicant shall after duly answering such questions as the Presiding Officer may ask, be entitled to receive a ballot paper, referred to hereinafter as a "tendered ballot paper" in the same manner as any other voter.(2)Every person shall before being supplied with a tendered ballot paper affix his signature or thumb impression against the entry relating to him in a list in Form 20.(3)A tendered ballot paper shall be the same as any other ballot paper used at the Polling Station except that : (a)such tendered ballot paper shall be serially the last in the bundle of ballot papers issued for use at the Polling Station; and (b)such tendered ballot paper and its counterfoil shall be endorsed on the back with the word "Tendered ballot paper" by the Presiding Officer in his own hand and signed by him.(4)The voter after marking a tendered ballot paper in the Polling Compartment and folding it, instead of inserting it into the ballot box, shall give it to the Presiding Officer, who shall place it in a cover specially kept for the purpose.(5)Separate covers shall be used for keeping the tendered ballot papers for election to the offices of Agriculturist Member, Trader Member and Chairman.

62. Closing of poll.

(1)The Presiding Officer shall close a Polling Station at the hour fixed in that behalf under clause (2) of Rule 26 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.

63. Sealing of ballot boxes after poll.

(1)As soon as practicable be after the closing of poll, the Presiding Officer shall, in the presence of 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 candidate, election agent or polling agent present to affix his seal.(2)The ballot box shall thereafter be sealed and sectored.(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-rules (1) and (2) before another ballot box is put into use.(4)Notwithstanding anything contained in this rule, in case a second ballot box is not used by reason of the first box getting full and counting is to be done at the Polling Station itself immediately after the conclusion of the poll, it would not be necessary to seal the ballot box.

64. Account of ballot paper.

(1)The Presiding Officer shall at the close of the poll prepare a separate ballot paper account in Form 21 for election to the office of Chairman and Member from each constituency.(2)The ballot paper accounts prepared under sub-rule (1) shall be enclosed in separate covers with the words "Ballot Paper Account" superscribed thereon, alongwith constituency number and name of Mandi Committee for election of Member and constituency number and name of Mandi Committee for election of Chairman, as the case may be.

65. Sealing of other packets.

(1)The Presiding Officer shall, after preparation of ballot paper account under Rule 64, put into separate packets,-(i)the marked copy of the voters list;(ii)the counterfoils of the used ballot papers;(iii)the ballot papers not issued to the voters;(iv)the 'tendered ballot papers' in Form 20 alongwith their list;(v)the cancelled ballot papers;(vi)any other papers directed by the Returning Officer to be kept in separate packet.Explanation. - Separate packet shall be prepared for election to the office of Chairman and Member.(2)Each such packet shall be sealed with the seals of the Presiding Officer and of those candidates or their election or polling agents present who may desire to affix their seals thereon.

66. Delivery 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 or such other officer authorised by him in this behalf may direct,-(a)the ballot boxes;(b)the ballot paper account;(c)the sealed packets referred to in Rule 65; and(d)all other papers used at the poll.(2)The Returning Officer or such authorised 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.

67. Adjournment of poll in emergency.

(1) If at 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 District Election Officer who shall, as soon as may be, fix the day on which the poll shall re-commence 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 cast at such election until such adjourned poll shall have been completed. (3) The Presiding Officer shall follow, as far as practicable, the provisions of Rules 63 to 66 in the matter of sealing the ballot boxes and other packets, preparation of account of ballot papers and delivery of the ballot boxes and other polled material, in the case of the adjourned poll, as if the poll were closed at the hour initially fixed in that behalf under Rule 26. (4) In every such case as aforesaid, the District Election Officer shall publish the date, place and hours of the poll fixed under sub-rule (2) in the manner laid down in Rule 27 and the provisions of the rules governing the original poll shall apply to the fresh poll taken under this with necessary changes.

68. Recommencement of adjourned poll.

(1) When a poll which has been adjourned under sub-rule (2) of Rule 67 is recommenced, the voters who have already voted at the poll so adjourned shall not be allowed to vote again. (2) The Returning Officer shall provide the Presiding Officer of the Polling Station at which such adjourned poll is held, with the sealed packets containing the marked copy of the voters list and a new ballot box. (3) The Presiding Officer shall open the sealed packet containing the marked copy of the voters' list in the presence of the candidates or their election agents or polling agents present and use the same for marking the names of the remaining voters to whom the ballot papers are issued at the adjourned poll, without recording therein the serial number of ballot papers. (4) The provisions of Rules 46 to 66 shall apply in relation to the conduct of an adjourned poll as they apply in relation to the poll before it was so adjourned.

69. Fresh poll in case of destruction, tampering etc. of ballot boxes or due to procedural irregularity.

(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 District Election Officer. (2) The District Election Officer shall on receipt of a report under sub-rule (1) and after taking all material circumstances into account, either, (a) declare that poll at the Polling

Station to be void, appoint a day and fix the hours, for taking a fresh poll at that Polling Station and direct the Returning Officer to notify the day so appointed and the hours so fixed in such manner as it may deem fit; or(b)if satisfied that the result of a fresh poll at the 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 it may deem proper for the further conduct and completion of the election.(3)In every case covered by clause (a) of sub-rule (2), the Returning Officer shall proceed to conduct the fresh poll, in accordance with the directions of the District Election Officer and the provisions of this chapter shall apply to such fresh poll.Chapter-IX
Counting of Votes

70. Supervision of counting of votes.

- At every election where a poll is taken, votes shall be counted under the supervision and direction of either the Returning Officer or such other officer as may be authorised by him in this behalf and each contesting candidate, or his election agent and his counting agents shall have a right to be present at the time of counting.

71. Admission to the place fixed for counting.

(1)The Returning Officer or such other officers authorised by him in this behalf, 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)person authorised by the Government or the District Election Officer.(c)public servants on duty in connection with the elections; 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 or such other officer authorised by him in this behalf, shall decide which counting agent or agents shall watch the counting at any particular counting table or tables.(4)Any person, who during the counting of votes misconducts himself or fails to obey the lawful directions of the Returning Officer or such other officer authorised by him in this behalf may be removed from the place where the votes are being counted, by the Returning Officer or such other officer authorised by him or by any Police Officer on duty.

72. Scrutiny and opening of ballot boxes.

(1)The Returning Officer or such other officers authorised by him, may have the ballot boxes used at a Polling Station, opened and their contents counted simultaneously.(2)Before any ballot box is opened at a counting table, a candidate or his election or counting agent present at the table shall be allowed to inspect the paper seal or such other seal as might have been affixed thereon and to satisfy himself that it is intact.(3)The Returning Officer or such other officer authorised by him, shall satisfy himself that none of the ballot boxes has in fact been tampered with.(4)If the Returning Officer or such other officer authorised by him, 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 76, in respect of that Polling Station.

73. Scrutiny and rejection of ballot papers.

(1) A ballot paper contained in a ballot box shall be rejected if, - (a) it bears any mark or writing by which the voter can be identified; or (b) it is a spurious ballot paper; or (c) it has been so damaged or mutilated that its identity as a genuine ballot paper cannot be established; or (d) it bears a serial number, or a design, different from the serial number of, as the case may be or design of the ballot paper authorised for use at the particular Polling Station; or (e) it does not bear any mark which it should have borne under the provisions of sub-rule (3) of Rule 57; or (f) it has not been marked; or (g) it has been marked in the columns of more than one candidate; or (h) it has been marked, by an equipment and in the manner other than the equipment and manner prescribed for that purpose : Provided that where Returning Officer or such other officer authorised by him, on being satisfied that any such defect as is mentioned in clause (d) or clause (e) has in respect of all or any ballot papers used at a Polling Station been caused by the mistake or failure on the part of the Presiding Officer or Polling Officer concerned, has directed that the defect should be over-looked, a ballot paper shall not be rejected only on the ground of such defect under clause (d) or clause (e). (2) Before rejecting any ballot paper under sub-rule (1) the Returning Officer or such other officer authorised by him, 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. (3) The Returning Officer or such other officer authorised by him, shall record on every ballot paper which he rejects the letter "R" and the grounds of rejection in abbreviated form whether in his own hand or by means of a rubber stamp. (4) All ballot papers rejected under this rule shall be bundled together.

74. Counting of Votes.

(1) Every ballot paper which is not rejected under Rule 73 shall be counted : Provided that no cover containing tendered ballot papers shall be opened and no such ballot paper shall be counted. (2) After the counting of votes in respect of a Polling Station has been completed, the Returning Officer or such other officer authorised by him, shall make the entries in result sheet in Form 22 for members and result sheet in Form 23 for Chairman and announce the total number of votes polled by each candidate. (3) All valid ballot papers shall be bundled together and kept along with the bundle of rejected ballot papers in a separate packet which shall be sealed and on which shall be recorded the following particulars, namely : - (a) the serial number of constituency and name of Mandi Committee in case of election of member and the name of Mandi Committee in case of election of Chairman. (b) the number and name of the Polling Station where the ballot papers have been used; and (c) the date of counting.

75. Counting to be continuous.

- The Returning Officer or such other officer authorised by him, 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 their election or counting agents as may be desirous of affixing their seals and shall cause adequate precautions to be taken for their safe custody during such intervals.

76. Recommencement of counting after fresh poll.

(1) If a fresh poll is held under Rule 69, the Returning Officer or such other officer authorised by him, shall after completion of that poll recommence the counting of votes on the date and at the time and place which have been fixed in that behalf and of which notice has been previously given to the candidates or their election agents. (2) The provisions of Rules 73 and 74 shall apply so far as may be practicable to such further counting.

77. Recount of Votes.

(1) After completion of the counting, the Returning Officer or such other officers authorised by him shall record in form mentioned in sub-rule (2) of Rule 76, the total number of votes polled by each candidate and announce the same. After such announcement has been made a candidate or in his absence, his Election Agent may apply in writing to the Returning Officer or such other officers authorised by him, for a recount of all or any of the Ballot Paper already counted, stating the grounds on which he demands such recount. (2) On such an application being made the Returning Officer or such other officer authorised by him 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. (3) Every decision of the Returning Officer or such other officer authorised by him, under sub-rule (2) shall be in writing and contain the reasons therefor. (4) If the Returning Officer or such other officer authorised by him, decides under sub-rule (2) 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 to the extent necessary after such recount; and (c) announce the amendments so made by him. (5) After the total number of votes polled by each candidate has been announced under sub-rule (2) of Rule 74 or sub-rule (4) the Returning Officer or such other officer authorised by him shall complete and sign the result sheet and no application for a recount shall be entertained thereafter: Provided that no step 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 (1). (6) The counted ballot papers shall be bundled and kept in the manner mentioned in sub-rule (3) of Rule 74. (7) Result sheets in Forms 22 and 23 for Member and Chairman respectively, prepared by such officers as are authorised by the Returning Officer shall be submitted by them, in separate envelopes to the Returning Officer for compilation and tabulation of votes polled by each candidate. (8) The Returning Officer on receipt of result sheets under sub-rule (7) shall enter or cause to be entered the total number of votes polled by each candidate for a seat of Chairman of Mandi Committee at each Polling Station of the concerned constituency in subsequent part or parts in Form 24 respectively and complete and sign the result sheet.

78. Preparation of return of election and declaration of result.

(1) The Returning Officer shall prepare a Return of Election to the Office of—(a) Member in Form 25 on the basis of the result sheet compiled in Form 22; (b) Chairman in Form 26 on the basis of the result sheet compiled in Forms 23 and 24. (2) After preparing the Return the Returning Officer shall declare the candidate elected who has received the largest number of valid votes.

79. Equality of Votes.

- If, after the counting of votes is completed, equality of votes is found to exist between any candidate and an addition of one vote will entitle any of those candidates to be declared elected, the Returning Officer shall forthwith decide between those candidates by lot and proceed as if the candidate on whom the lot falls has received one additional vote, he shall be declared elected by the Returning Officer and in such a case the Returning Officer shall add the following words at the end of Return in Form 25 or 26 as the case may be, namely, "by draw of lot".

80. Grant of Certificate of Election to the elected candidate.

- As soon as may be after a candidate has been declared elected under Rules 78 and 79 the Returning Officer shall grant to such candidate a certificate of election in Form 28 and obtain from the candidate an acknowledgement of its receipt duly signed by him.

81. Powers of District Election Officer to correct clerical or arithmetical mistakes or errors.

(1)The District Election Officer may at any time but not later than 15 days from the day of declaration of result under Rule 78 on a report by the Returning Officer, correct, by an order any clerical or arithmetical mistake or error in the result sheet in Forms 22, 23 or in the Return of Election in Form 25 or 26 as the case may be :Provided that no correction or amendment shall be made except after giving a notice to all contesting candidates from the constituency in question, about the date, time and place for taking up the matter for such correction.(2)An order passed by the District Election Officer under sub-rule (1) shall be in writing and contain reasons therefor and a corrected copy of the Return of Election in Form 25 or 26 as the case may be, duly signed and certified by the District Election Officer shall be sent to the Returning Officer for grant of certificate of Election to the candidate declared elected as a result of such correction.(3)Nothing in sub-rule (1) shall confer any power or authority upon the District Election Officer to open any envelope containing counted ballot papers or to direct recounting of votes.(4)The Certificate of Election in Form 28 or Rule 80, if already granted by the Returning Officer to a candidate before an order is passed by the District Election Officer under sub-rule (1), shall be deemed to have been recalled and cancelled.

82. Election of trader's representative.

(1)No person shall be qualified to be elected as representative of the traders unless,-(a)his name is included in the list of voters prepared under the provision of clause (c) of sub-section (1) of Section 11 of the Act;(b)he is a trader;(c)he is otherwise so disqualified for being so elected;(d)[he has completed the age of 21 years] [Substituted by Notification No. D-5-86-97-XIV-3, dated 6-3-1999.](2)No person shall be eligible for Election of the representative of the traders from more than one Market Committee.(3)The provisions of Rules 43 to 82 of these rules shall apply for the election of the representative of traders of the Market Committee.

83. Election of the Chairman.

- Notwithstanding anything contained in these rules, the provisions of Rules 43 to 83 shall apply for the election of the Chairman of Market Committee. Chapter-X Election of Vice-Chairman

84. Election of Vice-Chairman of the Market Committee.

(1) After publication of results of election of the Members and Chairman of the Mandi Committee in the Madhya Pradesh Gazette, the Collector, within a period of one month, shall convene the first meeting of Market Committee under sub-section (1) of Section 13 and shall publish it by affixing on the notice board of the Market Committee and the concerned Janpad Panchayat, a notice of the date, hour and place of such meeting at least ten clear days before the date of the meeting. The District Election Officer shall authorise an officer not below the rank of Naib-Tahsildar to preside over such a meeting. (2) A copy of the notice published under sub-rule (1) shall also be sent by the District Election Officer or by the officer authorised by the Collector to preside over the meeting, by registered post to every member of Market Committee, at least seven clear days before the date of meeting. (3) At such meeting, candidate for the Office of Vice-Chairman shall be proposed and seconded in writing by the elected members. The proposer and seconder shall not be the same person. The names of the candidates so proposed and seconded shall be read out by the President of the meeting. (4) (a) If any candidate duly proposed and seconded desires to withdraw his candidature, he may by an application in writing within the time prescribed by the President of the meeting withdraw his candidature. (b) After such withdrawal, if any, the President of the meeting shall read out the names of the remaining candidates for the Office of Vice-Chairman. (5) (a) If there is only one candidate for the Office of the Vice-Chairman, he shall be declared to have been duly elected. (b) If there are two or more candidates the votes of the members present shall be taken. (6) Every member present shall be supplied with a ballot paper in Form 29, in which the names of all contesting candidates for the Office of the Vice-Chairman, shall be written or printed legibly in Hindi and every ballot paper shall be initialled on the back side by the President of the meeting before issuing it. (7) A voter shall then put a cross mark "X" against the name of the candidate for whom he wishes to vote, fold it up and insert it in the ballot box kept before the President. If a voter is unable to do so, the President may mark the ballot paper in secret place, according to the directions of voter and insert it in the ballot box, kept before him. (8) After completion of voting under sub-rule (7), the President shall open the ballot box and count the votes in the presence of the members and declare the candidate elected who secures the largest number of valid votes : Provided that where an equality of votes is found to exist between contesting members and the addition of one vote will entitle any of these members to be declared elected as Vice-Chairman, President shall draw lots in such manner as he deems fit in the presence of the members who may desire to be present and the member selected by lot shall be declared to have been elected as Vice-Chairman. (9) Any ballot paper, which contains the signature of the voter or on which the cross mark is placed against more than one name, or the back side of which does not contain the initials of the President, shall be invalid. (10) The proceedings of this meeting shall be recorded in the minute book of the Market Committee and duly signed by the President of the meeting and the Secretary of the Market Committee. (11) Immediately after the meeting, the President shall give the notice declaring the name of the person declared to have been elected as the Vice-Chairman to be affixed on the notice board of the Market Committee and shall

intimate to the Managing Director and District Election Officer, the result of the Election.(12)The ballot papers shall be sealed by the President and the seal of the Secretary of the Market Committee shall also be got affixed and the packet containing the voting papers shall be retained in the safe custody in the Office of the Market Committee. The packet containing the voting papers shall not be opened except under the orders of the Collector.(13)(a)In the event of dispute arising as to the validity of the Election of the Vice-Chairman, the Presiding Officer of the meeting of the Election of Vice-Chairman shall submit within 3 days to the District Election Officer all relevant papers and records submitted by the parties of dispute and the Presiding Officer shall keep on record, the detail of such Elections and the meeting in the Minute Book of Market Committee.(b)After giving an opportunity of hearing to the parties of dispute the District Election Officer shall take the decision as he deems fit and decision of the District Election Officer shall be final.(14)The voting paper concerning the Election of the Vice-Chairman may be destroyed by the Secretary of the Market Committee after the decision of the Collector under sub-rule (13) above for a period of five years after the Election, whichever may be later.(15)The name of the Vice-Chairman elected under Section 12 shall be published in the Official Gazette by the Collector immediately after his election.

84A. [Election Petition. [Inserted by Notification No. D-15-41-05-XIV-3, dated 31-3-2006.]

(1)No Election of a Chairman or Member shall be called into question except by a petition in writing for determining the validity of the election and claiming any or both of the following reliefs, namely:(a)a declaration that the election of all or any of the elected candidates is void;(b)a declaration that he himself or any other candidate has been duly elected.(2)No such petition shall be admitted, unless it is presented to the Divisional Commissioner within thirty days from the date on which the election in question was notified.(3)The petition shall be accompanied by a deposit of five hundred rupees as security for the costs of petition.(4)The petition shall-(a)contain a concise statement of the material facts, on which the petitioner relies;(b)set forth with sufficient particulars, the ground or grounds, on which the election is called in question;(c)be signed by the petitioner and verified in the manner prescribed in Code of Civil Procedure, 1908 (5 of 1908), for verification of pleadings.(5)Such petitions may be presented by any candidate at such election or by a voter of the constituency concerned.(6)A petition filed by any person other than those specified in sub-rule (5) shall not be accepted and it shall forthwith be dismissed.(7)No petition shall be deemed to have been duly made unless such deposit as referred to in sub-rule (3) has been made and the Divisional Commissioner shall dismiss such petitions, as are not accompanied by such deposit.(8)The Divisional Commissioner may send the petition to any of his subordinate officer, not below the rank of Deputy Collector, for enquiry.(9)The decision of the appellate authority shall be final:Provided that before passing final orders by the appellate authority, reasonable opportunity to be heard shall duly be given to the party concerned.(10)If a petition filed by any person is rejected after being heard, the deposit, referred to in sub-rule (3), shall be forfeited and credited to the market committee fund.(11)The election petition shall be deposed off within six months from the date of presentation thereof.

84B. Declaration of election as void.

(1) If after such enquiry, as he considers necessary, the Divisional Commissioner or his sub-ordinate officer, as the case may be, is of the opinion that the election complained of has been procured or induced or the result of the election has been materially affected by any corrupt or illegal practice or non-compliance with any rule, he may pass an order: (a) declaring the election of all or any of the elected candidates to be void; or (b) declaring the election of all or any of the elected candidates to be void and the petitioner or any other candidates to have been duly elected. In the event of the election set aside, the Collector shall take necessary steps for holding a fresh election. (2) Grounds for declaring election to be void: - (a) that on the day of his election, the elected candidate was not qualified or was disqualified to be chosen to fill the seat; or (b) that any corrupt practice has been committed by a returned candidate or his election agent or by any other person with the consent of the elected candidate or his election agent; or (c) that any nomination has been improperly rejected; or (d) that the result of the election in so far as it concerns an elected candidate has been materially affected: - (i) by improper acceptance of any nomination; or (ii) by any corrupt practice committed in the interest of the elected candidate by a person other than that candidate or his election agent or a person acting with the consent of such candidate or his election agent; or (iii) by the improper receipt, refusal or rejection of any vote or the reception of any vote which is void, or (iv) by any non-compliance with the provisions of the Act or any rules or orders made thereunder. (3) For the purposes of this rule, the following shall be deemed to be corrupt and illegal practices: Bribery, undue influence and personation at election, as defined under Section 171(B), 171(C) and 171(D) of Chapter IX-A of the Indian Penal Code, 1860 (45 of 1860).] Chapter-XI Miscellaneous

85. Expenditure in connection with or incidental to such Elections.

- All expenditure incurred by the election authority in connection with or incidental to the Election of the Market Committee shall be met from the Market Committee Fund. If the Fund in the Market Committee is not available, then from the Fund of the State Agriculture Marketing Board.

86. Public Building for election purposes.

- Any Government building within the limits of the Market area selected by the Election Authority for the location of the Polling Station for the conduct of the Election shall be placed at the disposal of the Presiding Officer with effect from such date as the Election Authority may direct.

87. Return or forfeiture of Security Deposit.

(1) The security deposit under Rule 31 shall either be returned to the person making it or his legal representative or be forfeited to the concerned Market Committee in accordance with the provisions of this rule. (2) Except in cases hereinafter 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 in favour of him does not exceed one-sixth of the total number of valid votes polled for all the candidates.

88. Custody of papers relating to Election.

- The District Election Officer shall keep in custody the packets referred to in Rules 64 and 65 and all other papers relating to the Election.

89. Production and Inspection of Election Papers.

(1)While in the custody of the District Election Officer-(a)the packets of unused ballot papers;(b)the packets of used ballot papers whether valid, tendered or rejected;(c)the packets of the counterfoils of used ballot papers; and(d)the packets of Marked copies of the Voters List 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 an Election shall be retained for a period of five years and shall be destroyed thereafter.

90. Repeal and Savings.

- On and from the date on which these rules come into force so much of the provisions of the Madhya Pradesh Krishi Upaj Mandi (Adhisuchana Prakashan Riti, Bharsadhak Samiti Tatha Mandi Samiti Ka Gathan) Rules, 1974, as relate to the matters covered by these rules stand repealed :Provided that anything done or any action taken under any of the provisions so repealed unless such thing or action is inconsistent with the provisions of these rules, be deemed to have been done or taken under the corresponding provisions of the rules. Form 1[See Rule 7(1)]Voters ListName of MandiDistrictName of Constituency :(if any)Serial Number of Constituency :

S. No.	Serial No. of Agricultural Holding/Licence Number	House Number (if any)	Name of Voter	Father's/ Husband's Name	Male/ Female	Age	Agriculturist/ Trader
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

Place.....

Date..... Registration Officer (Mandi)

Supplementary Voters List(1)Inclusion

S. No.	Serial No. of Agricultural Holding/Licence Number	House Number (if any)	Name of Voter	Father's/ Husband's Name	Male/ Female	Age	Agriculturist/ Trader
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

(2) Correction

SI. No. of Main Voters List	Name of Voter	Present entry (Which is to be amended)	Amended entry
(1)	(2)	(3)	(4)

(3) Deletion

SI. No. of Main Voters List	Name of the Voter
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(1)	(2)
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.....Registration OfficerForm 2[See sub-rule (1) of Rule 8]Notice of the Preparation of the Voters List of The.....Constituency for the Election of the Members of the Market Committee in District.....Notice is hereby given that the voters list has been prepared in accordance with the provisions of the Madhya Pradesh Krishi Upaj Mandi (Election of Mandi Committee) Rules, 1997 and a copy thereof is available for inspection at the office of the election authority and the Market Committee.....during office hours.I there be any claim for the inclusion of a name in the lists or any objection to the inclusion of a name or any objection to particulars in any entry it should be lodged on or before such claim or objection shall be made in writing and shall specify the constituency in question, the ground on which the right of any person to be entered in the list is asserted or denied, the evidence which the claimant or objector intends to produce, the address of the claimant or objector and his number, if any, in the list.Every such claim or objection should either be presented in my office or to or sent by post to the address given below so as to reach me not later than the aforesaid date.

Place.....

Date..... Registration OfficerAddress.....

Form 3[See Rule 21]Polling Stations

Serial No.	Name of the Polling Station	Serial Number of Polling Station	Area of Polling Station	Seat/Post to which the votes will be cast at thePolling Station
(1)	(2)	(3)	(4)	(5)

Place.....

Date..... District Election Officer (Mandi)

Form 4[See Rule 26]Office of the District Election Officer (Mandi) Notice of ElectionNotice of Election Regarding Chairman, Agriculturist and Trader MemberNo.....In exercise of the powers conferred under Rule 26 of the Madhya Pradesh Krishi Upaj Mandi Election Rules, 1997, I District Election Officer do hereby give notice in relation to the election of Chairman and Members of the Mandi Committee specified in column (1) of the Schedule enclosed herewith, that-(a)The vacant scats are specified in column (2) of the Schedule for which election will be held;(b)The Officer specified in column (3) of the Schedule-1 to be the Returning Officer (Mandi) for conducting the election of Chairman and Members of Mandi Committee.(c)The place, date and time specified in column (4) to be the place, last date and the time for making nominations;(d)The place, date and time specified in column (5) to be the place, date and time for the scrutiny of nominations;(e)The place, date and hour specified in column (6) to be the place, date and hour for withdrawal of nominations;(f)The place, date and time specified in column (7) to be the place, date and time

during which the poll shall be taken;(g)The place, date and time specified in column (8) to be the place, date and time for the counting of votes.

Place.....

Date..... District Election Officer

Schedule

Name of Mandi	Vacant Seat for which Election shall be held	Name and Designation of the Returning Officer(Mandi)	Place, last date and time for making nominations	Place, date and time for scrutiny of nominations	Place, date and time for withdrawal of nominations	Place of poll, date and time during which poll shall be taken	Place, date and time for the counting of votes
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

Place.....

Date..... District Election Officer (Mandi)

Form 5[See Rule 29]Nomination PaperElection of Agriculturist Member of Mandi CommitteeI nominate as a candidate for election to the seat of.....Mandi Committee Distt.....Candidates's name.....Father's/Husband's Name... His Postal Address.....His name is entered at Serial No...of the voters list of Agriculturist Constituency No.....of Mandi Committee Distt.....My name is it is entered at Serial No of the voters list of Constituency No of Mandi Committee Distt.Date.....Signature/Thumbimpression of proposerI, the above mentioned candidate assent to this nomination and hereby declare.....(a)That I have completed.....years of age;(b)That my name and my Father's/Husband's name have been correctly spelt out above in Hindi written in Devnagri Script;(c)That to the best of my knowledge and belief I am qualified and also not disqualified for being chosen to the seat of Agriculturist Member of Mandi Committee.....(d)That I am a member of the Caste/Tribe/Other Backward Classes of Madhya Pradesh in relation to to (area) of the State.....Signature of Candidate(To be filled by Returning Officer)Serial Number of Nomination Paper.....This Nomination Paper was delivered to me at (hours) on.....(date) by the candidate/proposer.Date.....Returning Officer (Mandi)Decision of the Returning Officer Accepting or Rejecting the Nomination PaperI have examined the Nomination Paper in accordance with Rule of the Madhya Pradesh Krishi Upaj Mandi Election Rules, 1997 and decided as follows :-DateReturning Officer (Mandi)Receipt of Nomination Paper and Notice of Scrutiny(To be handed over to the person presenting the Nomination Paper)Serial Number of the Nomination Paper.....The Nomination Paper of.....a candidate for Election of..... was delivered to me at..... (hours) on..... (date) by the candidate/proposer. All Nomination Papers will be taken up for Scrutiny at.....

(hours) on..... (date) at..... (place).DateReturning Officer (Mandi)Form 6[See Rule 29]Nomination PaperElection of Trader Member of Mandi CommitteeI nominate as a candidate for election to the seat of.....Mandi Committee.....Distt...Candidates's name.....Father's/Husband's Name.....His Postal Address.....His name is entered at Serial No..... of the voters list of Constituency No..... of Mandi CommitteeDistt.....My name is..... it is entered at Serial No..... of the voters list of Constituency No..... Mandi Committee..... Distt.....Date.....Signature/Thumbimpression of proposerI, the above mentioned candidate.....assent to this nomination and hereby declare....(a)That I have completed..... years of age;(b)That my name and my Father's/Husband's name have been correctly spelt out above in Hindi written in Devnagri Script;(c)That to the best of my knowledge and belief I am qualified and also not disqualified for being chosen to the seat of Trader Member of Mandi Committee.....(d)That I am a member of the.....Caste/Tribe/Other Backward Classes of Madhya Pradesh in relation to..... to (area) of the State.Signature of Candidate(To be filled by Returning Officer)Serial Number of Nomination Paper.....This Nomination Paper was delivered to me at (hours) on (date) by the candidate/proposer.Date.....Returning Officer (Mandi)Decision of the Returning Officer Accepting or Rejecting the Nomination PaperI have examined the Nomination Paper in accordance with Rule.....of the Madhya Pradesh Krishi Upaj Mandi Election Rules, 1997 and decided as follows :-Date.....Returning Officer (Mandi)Receipt of Nomination Paper and Notice of Scrutiny(To be handed over to the person presenting the Nomination Paper)Serial Number of the Nomination Paper.....The Nomination Paper of.....a candidate for Election of..... was delivered to me at.....(hours) on.....(date) by the candidate/proposer. All Nomination Papers will be taken up for scrutiny at..... (hours) on..... (date) at..... (place).Date.....Returning Officer (Mandi)Form 7[See Rule 29]Nomination PaperElection for Chairman of Mandi CommitteeI nominate as a candidate for election to the seat of.....Mandi Committee.....Distt...Candidate's name.....Father's/Husband's Name..... His Postal Address His name is entered at Serial No..of the voters list of Agriculturist Constituency No.....of Mandi Committee.....Distt...My name is it is entered at Serial No.....of the voters list of Constituency No Mandi Committee Distt.....Date.....Signature/Thumbimpression of proposerI, the above mentioned candidate assent to this nomination and hereby declare....(a)That I have completed.....years of age;(b)That my name and my Father's/Husband's name have been correctly spelt out above in Hindi written in Devnagri Script;(c)That to the best of my knowledge and belief I am qualified and also not disqualified for being chosen to the seat of Chairman of Mandi Committee.....(d)That I am a member of the.....Caste/Tribe/Other Backward Classes of Madhya Pradesh in relation to to (area) of the State.....Signature of Candidate(To be filled by Returning Officer)Serial Number of Nomination Paper.....This Nomination Paper was delivered to me at.....(hours) on.....(date) by the candidate/proposer.Date.....Returning Officer (Mandi)Decision of the Returning Officer Accepting or Rejecting the Nomination PaperI have examined the Nomination Paper in accordance with Rule of the Madhya Pradesh Krishi Upaj Mandi Election Rules, 1997 and decided as follows :-Date.....Returning Officer (Mandi)Receipt of Nomination Paper and Notice of Scrutiny(To be handed over to the person presenting the

Nomination Paper)Serial Number of the Nomination Paper.....The Nomination Paper of.....a candidate for Election of..... was delivered to me at.....(hours) on...(date) by the candidate/proposer. All Nomination Papers will be taken up for Scrutiny at..... (hours) on..... (date) at..... (place).Date.....Returning Officer (Mandi)Form 8[See Rule 33 (8)]List of Validly Nominated CandidatesElection to the Chairman, Agriculturist/trader MemberMandi Committee.....District.....

Serial No.	Name of Candidate	Father's/ Husband's Name	Address of Candidate
(1)	(2)	(3)	(4)

Place.....

Date..... Returning Officer (Mandi).

Time.....

Form 9[See sub-rule (1) of Rule 34]Application for Withdrawal of CandidatureMandi Committee.....District.....Election of Agriculturist MemberMandi

Committee.....District.....Election of Trader MemberMandi Committee.....District.....Election of ChairmanTo,Returning OfficerFor the election of..... Member in..... Constituency (No.....) of Market Committee.....I..... of... a candidate duly nominated at the above mentioned Election, do hereby give Notice that I withdraw my candidature dated this..... day of..... 19

Place.....

Date..... Signature of Candidate.

Certificate of Delivery by Election AuthorityThis notice of withdrawal was delivered to me at my Office at (hour)..... on (date).....by the candidate/candidate's proposer/seconder, who has been authorised by the candidate to deliver it.

Place.....

Date..... Returning Officer

Form 10[See sub-rule (4) of Rule 36]Notice for Withdrawal of CandidatureMandi Committee.....District.....Election of Agriculturist MemberMandi

Committee.....District.....Election of Trader MemberMandi Committee.....District.....Election of ChairmanIt is hereby notified that following validly Nominated Candidates of the aforesaid Election have withdrawn their Candidature.

Serial No.	Name of the Validly Nominated Candidate	Father's/Husband's Name	Address
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(1)	(2)	(3)	(4)
-----	-----	-----	-----

123etc.

Place.....

Date..... Returning Officer (Mandi)Name.....

Form 11[See Rule 35 (1)]List of Contesting CandidatesElection Of Member From Agriculturist ConstituencyConstituency No.....of Mandi Committee.....District.....

Serial No.	Name of Candidate	Address of Candidate	Symbol allotted
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(1)	(2)	(3)	(4)
-----	-----	-----	-----

123 etc.

Place.....

Date..... Returning Officer (Mandi)

Form 12[See Rule 35 (1)]List of Contesting CandidatesElection of Trader Member of Mandi
CommitteeFrom Constituency No.....

Serial No. Name of Candidate Address of Candidate Symbol allotted

(1) (2) (3) (4)

123 etc.

Place.....

Date..... Returning Officer (Mandi)

Form 13[See Rule 35 (1)]List of Contesting CandidatesElection For ChairmanMandi
Committee.....District.....

Serial No. Name of Candidate Address of Candidate Symbol allotted

(1) (2) (3) (4)

123 etc.

Place.....

Date..... Returning Officer (Mandi)

Form 14[See Rule 38 (1)]Election To The.....Appointment of Election AgentTo,The
Returning Officer,.....I of..... a candidate at the above Election do
hereby appoint.....of.....as my Election Agent from this day at the above Election.

Place.....

Date..... Signature of the Candidate

I accept the above appointment.

Place.....

Date..... Signature of the Election Agent.

.....Signature and Seal of the Returning OfficerForm 15[See
Rule 39 (17)]Appointment of Polling AgentElection to.....Chairman.....Agriculturist Member
: from Constituency No.....Trader Member from Constituency No.....Mandi
Committee.....I..... a candidate/Election Agent of. who is a candidate at the above Election do
hereby appoint.....(Name and Address).....as a Polling Agent to attend Polling
Station No.....at.....

Place.....

Date..... Signature of Candidate/Election Agent.

I agree to act as such Polling Agent.

Place.....

Date..... Signature of Polling Agent.

Declaration of Polling Agent to be Signed before the Presiding OfficerI hereby declare that at the
above election I will not do anything forbidden by the Act or Rules made thereunder.

.....

Signed before me Signature of Polling Agent.

Place.....

Date..... Signature of Presiding Officer.

Form 16[See Rule 40 (1)]Appointment of Polling AgentElection

to.....Chairman.....

Member.....Agriculturist Member : from

Constituency

No.....Mandi.....I.....

candidate/Election Agent of..... who is a candidate at the above Election do hereby

appoint (Name and Address) as a Counting Agent to attend Polling Station No..... at.....

Place.....

Date..... Signature of Candidate/Election Agent.

I agree to act as such Counting Agent.

Place.....

Date..... Signature of Counting Agent.

Declaration of Polling Agent to be Signed before the Presiding OfficerI hereby declare that at the above election I will not do anything forbidden by the Act or Rules made thereunder.

.....

Signed before me Signature of Counting Agent

Place.....Signatureof Returning Officer(Mandi).....

Date.....

Form 17[See Rule 55 (2)]List of Challenged VotesParticulars of Challenged Votes during the election

to.....(1)Election of Chairman of Mandi Committee.....(2)Election of Trader

Member of Mandi Committee.....(3)Election of Agriculturist Member of Mandi

Committee.....Form Constituency No.....Policy Station No..... Place.....

S. No.	Name of Voter	S. No. in Voters list	Name of Gram to which Voters list pertains	Signature or thumb impression of the personchallenged
(1)	(2)	(3)	(4)	(5)

Address of the person challenged	Name of identifier, Name of if any	Name of challenger	Order of Presiding Officer	Signature of challenger on receiving refund ofdeposit
(6)	(7)	(8)	(9)	(10)

Place.....

Date..... Signature of Presiding Officer.

Form 18[See Rule 59 (1)]Declaration by the Person Accompanying Illiterate, Blind and Infirm

VotersMandi Committee District Constituency No Election of Agriculturist MemberMandi

Committee District Constituency No Election of Trader MemberMandi

Committee....District..Constituency No..Election of ChairmanPolling Station

NumberI.....Father's/Husband's Name.....Age.....YearsAddress.....do hereby declare

that,-(a)I have not accompanied any of the voters in any Polling Station today.(b)I will keep secret the vote cast by me on behalf of Shri/Smt./Ku.....whose name is entered at SI. No of electoral Roll

of Mandi Committee.....Place.....Date.....Signature of the
 Person Accompanying.NameCountersignedPresiding OfficerPolling Station NumberForm 19[See
 Rule 59 (2)]List of Illiterate, Blind and Infirm VotersMandi Committee...District...Constituency
 No...Election of Agriculturist MemberMandi Committee...District...Constituency No...Election of
 Trader MemberMandi Committee...District Constituency No...Election of ChairmanPolling Station
 Number

Serial No.	Name of voter Father's/Husband's Name and Address	S. No. of Voter in Electoral Roll	Name, Father's/Husband's name of the personaccompanying	Address of the person accompanying
(1)	(2)	(3)	(4)	(5)

Place.....

Date..... Signature of Presiding Officer.

Form 20[See Rule 61 (2)]List of Tendered VotesElection to-Chairman Mandi

Committee.....Traders Member Mandi

Committee.....Agriculturist Member Mandi

Committee.....From Constituency No.....Polling

Station No..... Place.....

S. No.	Name of Voter	S. No. in Voters List	Name of Gram to which Voters List pertains	S. No. of tendered ballot paper	S. No. of the ballot paper issued to the personwho has already voted	Signature or thumb impression of the voter
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Place.....

Date..... Signature of Presiding Officer.

Form 21[See Rule 64]

Part I – Ballot Paper Account

Election to-Mandi Committee... District... Constituency No... Agriculturist MemberMandi

Committee... District... Constituency No... Traders representativeMandi Committee..... District.....

Constituency No..... Chairman

Serial No. of Polling Station Serial Number Total Number

1. No. of Ballot Papers received by the Presiding Officer.

2. No. of unused Ballot Papers.

3. No. of Ballot Papers used in the Polling Station (1-2 = 3)

4. No. of Ballot Papers used but not inserted in the Ballot Box :-

(a) Ballot Papers cancelled due to Printing and Writing mistakes. (b) Ballot Papers used as tendered Ballot Papers. (c) No. of Ballot Papers cancelled..... Total (a + b + c).....

5. Number of Ballot Papers in Ballot Box (3-4 = 5)

Place..... Seal of
Date..... Presiding Officer Presiding Officer
Name.....

Part II – Result of Initial Counting

1. Total Number of ballot paper formed in the ballot box(es) used at the Polling Station....

2. Discrepancy, if any between the total number as shown against item 1 in this part and the total number of ballot papers to be formed in the ballot box(es) in item 5 of part.

.....Signature of Counting SupervisorName.....Returning
OfficerName.....Form 22[See Rule 74 (2)]Counting of Votes in The Election of
Agriculturist/Traders MemberDistrict.....Mandi Committee.....Polling Station
No.....SI. No. of Constituencies including in Polling Station.....

Serial No.	Name of Candidate	No. of valid Votes in favour of the Candidate
(1)	(2)	(3)

Total No. of valid Votes

Total No. of rejected Votes

Total No. of Votes Polled

Place of Counting.....

Date..... Returning Officer (Mandi)/Officer authorised by Returning Officer (Mandi).

Form 23[See Rule 74 (2)]Counting of Votes in the Election of ChairmanMandi
Committee.....District.....Polling Station

No.....SI. No. of Constituencies included in Polling
Station.....

Serial No. Name of Candidate No. of valid Votes in favour of the Candidate

(1) (2) (3)

Total No. of valid Votes

Total No. of rejected Votes

Total No. of Votes Polled

Place of Counting.....

Date..... Returning Officer (Mandi)/Officer authorised by Returning Officer

Form 24[See Rule 74 (2) and 77 (8)]Result of Counting of Votes of all Polling Stations in the Election of ChairmanMandi Committee.....District.....

Serial No.	Name of Candidate	Number of Valid Votes cast in favour of the candidate in Polling Station Number	Total
------------	-------------------	---	-------

(1) (2) (3) (4)

(5)

(1) (2) (3) (4)

123 etc.

Total No. of valid Votes

Total No. of invalid Votes

Total No. of Votes Polled

Date.....day Signature of Returning Officer (Mandi)/Officer authorised by
of.....19..... Returning Officer.

Form 25[See Rule 78 (1)]Mandi Committee.....District.....Result Sheet for the Election of Agriculturist Member/trader Member

Serial No.	Name of Candidate	Number of Valid Votes cast in favour of every candidate in Polling Station	Total No. of valid Number votes
------------	-------------------	--	---------------------------------

(1) (2) (3) (4)

(5)

(1) (2) (3) (4)

Total No. of valid Votes

Total No. of invalid Votes

Total No. of Votes Polled

I declare that-(Name).....(Address).....has been duly elected.Dated the..... day of.....
19.....Returning Officer (Mandi)Form 26[See Rule 78 (1)]Mandi

Committee.....District.....Result Sheet for the Election of Chairman

Serial No. Name of Candidate Number of Valid Votes cast in favour of every candidate

(1) (2) (3)

Total No. of valid Votes

Total No. of invalid Votes

Total No. of Votes Polled

I declare that-(Name).....(Address).....has been duly elected.Dated the..... day of.....
19.....Returning Officer (Mandi)Form 27[See Rule 44]Declaration of Uncontested
Election-Cum-Election CertificateMandi Committee.... District.... Constituency No.....Election of
Agriculturist MemberMandi Committee....District.... Constituency No... Election of Trader
MemberMandi Committee....District.... Constituency No.... Election of Chairman.In pursuance with
the provision of Rule 44 of M.P. Krishi Upaj Mandi Election Rules, 1997, I..... Returning Officer
of Mandi.....hereby declare that Shri/Smt/Ku..... Father's/Husband's
Name.....Address.....who was a candidate in the aforesaid Election have been duly
elected as.....Member/Chairman of Mandi Committee..... and that in token thereof I have
granted to him/her the certificate of Election.

Place.....

Date..... Returning Officer Mandi Committee.

Form 28[See Rule 80]Election CertificateMandi Committee..... District.....
Constituency No..... Election of Agriculturist MemberMandi Committee.....
District..... Constituency No.....Election of Trader MemberMandi
Committee..... District..... Constituency No..... Election of Chairman.In
pursuance with the provision of Rule 44 of M.P. Krishi Upaj Mandi Election Rules, 1997, I.....
Returning Officer of Mandi hereby declare that Shri/Smt/Ku Father's/Husband's Name.....
Address....who was a candidate in the aforesaid Election have been duly elected as.....
Member/Chairman of Mandi Committee and that in token thereof I have granted to him/her the
certificate of Election.

Place.....

Date..... Returning Officer Mandi Committee.

Form 29[See sub-rule (6) of Rule 84]Voting Paper for Election of Vice-ChairmanMandi
Committee.....Foil Serial No.....

Counterfoil Serial No. of the Candidate Name of Candidate Voter's Mark

1. 123. etc.

..... of the VoterInstructions :

1. You have only one vote.

**2. Place a cross (x) mark clearly against the name of the candidate for whom
you wish to vote.**

3. You must not vote for more than one candidate.

.....Election Officer.