

Rajasthan District Boards Election Rules, 1956

RAJASTHAN

India

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Rule RAJASTHAN-DISTRICT-BOARDS-ELECTION-RULES-1956 of 1956

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Rajasthan District Boards Election Rules, 1956Published vide Notification No. F. 1 (a) (27)/L.S.G. /55, dated 19-5-1956, published in Rajasthan Gazette, Part 4-C, Ordinary, dated 24-5-1956In exercise of the powers conferred by section 25 read with section 176 (1) of the Rajasthan District Boards Act, 1954 (Act No. 2 of 1954), the Government of Rajasthan hereby makes the following rules, the same having been previously published, namely: -Preliminary

1. Short title and commencement.

- These rules may be called the Rajasthan District Boards Election Rules, 1956 and shall come into force on the date of their publication in the Rajasthan Gazette.

2. Definitions.

- In these rules, unless the context requires otherwise -(1)"Act" means the Rajasthan District Boards Act, 1954 (Rajasthan Act II of 1954);(2)"Form" means a form appended to these rules;(3)"Panchayat" means a village Panchayat;(4)"Schedule" means a Schedule to these rules.

3. Repeal.

- The Rajasthan District Boards Election Rules, 1955 are hereby repealed.Constituencies

4. Composition of Boards.

- The number of elected members of the Boards shall be as shown in Schedule I.

5. Constituency and seats.

(a)(i)The Collector shall divide the rural population of the District by the number of seats shown in schedule I, determine the number of population which one seat should represent and then assign each Tehsil such number of seats as is necessary and practicable on the aforesaid basis.(ii)The Collector shall divide each Tehsil into as many constituencies as there are seats assigned to it provided that he may whenever be considered fit, allot more than one seat to a constituency.(iii)Each constituency shall consist of contiguous villages.(b)The constituencies so framed shall be published at the headquarters of each Tehsil and in the office of the Collector simultaneously and shall remain open for inspection for fifteen days from the date of such publication.(c)Any person within the aforesaid period may submit his objections against the formation of constituencies by a petition in writing to the Tehsildar or the Collector concerned. The petitions received by the Tehsildar shall be forwarded to the Collector.(d)The Collector, after consideration of such petitions and after hearing the petitioners or on his own motion may modify the constituencies and shall after such modification if any publish the final constituencies within seven days of the expiration of the aforesaid period by affixing copies thereof on the notice board of each Tehsil.(e)Each constituency shall be assigned a name and a serial number.(f)Each such constituency shall return such number of members of the Board as determined by the Collector.Electoral Rolls

6. Preparation.

(a)On receipt of directions under section 11 of the Act. the Collector shall ask the Tehsildar of each Tehsil in his district to prepare the draft electoral roll of each constituency giving the name, parentage, place of residence of each Panch and the name of the village which he represents and the electoral roll shall contain the names of such Panchas only as represent the villages included in the constituency.(b)The draft electoral rolls so prepared shall be kept open for inspection at the office of each Tehsil for seven days and a notice to the effect that the draft electoral rolls are lying for inspection shall be pasted on the office Notice-board and any person entered on the roll or claiming to be so entered on the roll, may lodge, in writing any objection or claim, as the case may be regarding the entries to the Tehsildar.(c)The Tehsildar, after holding such inquiry as he deems fit shall record his decision about claim and objections and get the electoral roll amended, if necessary and each electoral roll shall then become final.

7. Period of operation.

- The final electoral rolls so prepared shall come into operation from the date of its publication by the Tehsildar by affixation on the Notice-board of the Tehsil and shall continue to be in operation till a new electoral roll is completed.

8. Revision.

- The Collector shall get the electoral rolls revised before every general election or by

election.Nomination

9. Returning Officer.

(1)The Collector shall appoint for each constituency a Returning Officer to perform all or any of the duties of the Returning Officer under these rules in respect of the Constituency. The Returning Officer may be appointed by name or by office and one person may be a Returning Officer for more than one constituency.(2)If the Returning Officer first appointed becomes incapable of acting, the Collector shall appoint another person in his place.(3)The Returning Officer shall be in charge of the proceedings for election to be conducted in accordance with these rules, shall conduct the poll and discharge the duties imposed on him by these rules.

10. Nomination.

(1)The nomination of candidate shall be made before or on the date and time fixed by the Collector in this behalf by means of nomination paper in Form No. 1 to be obtained from Tehsildar and shall be signed or subscribed by two electors as proposer and seconder, whose names are entered on the electoral roll of the constituency in which the candidate seeks election and shall be delivered to the Returning Officer.(2)The intimation of such date shall be sent to each Panchayat concerned.

11. Deposit.

- Each candidate shall deposit a sum of Rs. 5/-in cash to the Tehsildar. Receipt of which shall be attached with the nomination paper presented to the Returning Officer.

12. Scrutiny of nomination papers.

- The Returning Officer shall, on the next day following the date of nomination make scrutiny of the nomination papers in the presence of the proposers and seconders and of such candidates as may attend.

13. Rejection of nomination by Returning Officer.

- if the Returning Officer is not satisfied as to the identity of the proposer or of the seconder or of the candidate or as to the authenticity of the candidate's assent to the nomination in case he is not present, or if the proposer and seconder are not electors of the constituency, the Returning Officer shall reject the nomination paper and shall briefly record his reasons thereof. He shall then order the return of the deposit to the person by whom it was made. In case an objection is made, the candidate or his proposer or seconder concerned may be allowed to refute on the next following date and the Returning Officer shall record his decision on the date to which the proceedings have been so adjourned.

14. Revision by Collector.

- On his own motion or an application being made to him within three days after the order has been passed, the Collector may within seven days of the passing of the original order revise any order passed by the Returning Officer under rule 13.

15. Accepted nominations.

- A list of the accepted nominations for such constituency shall be then prepared by the Returning Officer and a copy of it shall be affixed on notice-board of the Tehsil concerned.

16. Fresh date for nomination.

- If a candidate who has been duly nominated dies before the date appointed for taking of a poll
-(a)The Returning Officer shall call for fresh nominations as if for new election and may also, if necessary, fix a fresh date for the poll, if any, in accordance so far as possible, with rule 24:Provided that no fresh nomination shall be necessary, in the case of a candidate who stood nominated at the time.(b)the deposit made under rule 11 shall be returned to the legal representative of the candidate or otherwise to the person by whom it was made.

17. Withdrawal of candidature within seven days.

- (1) A candidate may withdraw his candidature by notice in writing delivered to the Returning Officer within seven days from the date the accepted nominations are affixed on the Tehsil notice-board under rule 15 or earlier. The deposit made under rule 11 shall then be returned to the person by whom it was made.(2)Withdrawal after seven days. - If a candidate withdraws his candidature otherwise then under sub-rule (1), the deposit paid at his nomination shall be forfeited to the Board.

18. Consequence of withdrawal.

- A candidate who has withdrawn his candidature shall not be allowed to cancel his withdrawal or to be renominated as a candidate for the same election.

19. Forfeiture of deposit.

- If a candidate is not elected and the number of votes polled by him does not exceed one eighth of the total number of votes polled, the deposit shall be forfeited to the Board. For the purpose of this rule the number of votes polled shall be deemed to be the number of voting papers other than spoiled, returned and tendered voting papers.

20. Return of deposit.

- A deposit which has not been already returned to the candidate or forfeited under rules 18 and 19 shall be returned to the candidate or to the person who has made the deposit on his behalf as soon as may be after the publication of result of the election in the Rajasthan Gazette.

21. Procedure where number of candidates is not more than seats.

- If after withdrawal under rule 17 the number of candidates duly nominated from a constituency is not more than the number of seats allotted to that constituency, such candidate or candidates shall be declared elected by the Returning Officer.

22. Procedure if no candidate duly nominated remains.

- If no candidate is duly nominated or all candidates duly nominated die or have withdrawn, the Returning Officer shall call for fresh nominations for the vacancy by a fixed date and shall report the matter to the Collector for further action.

23. Arrangement for polling.

- If the number of candidates duly nominated for a constituency exceeds the number of members to be elected therefrom and the number so in excess have not withdrawn their candidature before the date fixed for the election a poll shall be taken.

24. Date of Poll.

(1) The Collector shall fix the date on which and the hours during which the poll, if any shall be taken and such date shall not be earlier than fourteen days after the date fixed for nomination under rule 10. (2) The Collector shall cause to be exhibited at the office of each Tehsil a public notice showing the date and times fixed by him under this rule, and the Returning Officer may make publicity in each constituency in the manner he deems fit.

25. Polling Station.

(1) The polling station for each constituency shall be the Tehsil headquarters.

26. Polling Officers.

- The Returning Officer shall appoint, by name or by office, as many persons as he think necessary to be Polling Officers. There shall be one Polling Officer and as many assistant Polling Officers as are required. (b) If a Polling Officer once appointed becomes incapable of action the Returning Officer may appoint another in his place.

27. List of candidates to be fixed up.

- The Returning Officer shall as soon as may be after the candidates have been nominated cause to be placed at the polling station of the constituency a notice showing the names of the candidates for the constituency and the number of seats to be filled.

28. Declaring candidates elected without poll.

- At any time before the date fixed for the election, any candidate may withdraw and if after such withdrawal, the number of candidates remaining is not more than the seats allotted to a constituency, such candidate or candidates shall be deemed to have been duly elected. In such cases the Returning Officer shall close the proceedings for taking the poll and declare such candidate duly elected.

29. Symbols.

- The Returning Officer soon after the date of withdrawal shall assign to each candidate a symbol. A candidate may be allotted the same symbol as is allotted by the Election Commission of India to a political party which the candidate represents.

30. Booths.

- There shall be as many polling booths as are deemed necessary by the Returning Officer separately for each constituency. If there are more than one polling booth, the Returning Officer shall cause to be notified at the booth and the Tehsil notice board the numbers of electors who shall go to vote in a particular booth.

31. Articles to be provided at the polling station.

- The Collector shall provide at each polling station the ballot papers and forms instrument for stamping the official mark, if any, on such papers, and copies of the electoral roll of the constituency.

32. Construction of ballot box.

- Every ballot box shall be so constructed that the ballot papers can be put into it without unlocking the box. Every polling booth shall be provided with as many ballot boxes as there are candidates contesting the election.

33. Ballot box for each candidate.

- Each candidate shall be assigned one ballot box which shall display towards the face of the elector the symbol of the candidate pasted on it. Immediately before commencement of the poll the

Returning Officer shall allow such persons as may be admitted to the polling station to examine the box so that they may see that it is empty, and shall then lock the box and place a seal upon it in such a manner as to prevent its being opened without breaking the seal, and shall keep it locked and sealed and place it in a compartment in which electors can record their votes screened from observation, but which can be guarded by a Polling Officer.

34. Form of ballot papers.

- The ballot paper shall be in Form No. 2 and the particulars therein shall be printed in Hindi. Every ballot paper shall bear a serial number and such official mark if any as the Collector may direct.

35. Admission to polling stations.

(1)The Polling Officer shall regulate the number of electors to be admitted at any one time inside the Polling Station and shall exclude therefrom all other persons except -(a)the Assistant Polling Officers if any;(b)each candidate and not more than two persons appointed by each candidate as polling agents by a written authority delivered to the Polling Officer before the commencement of the poll;(c)the Police Officers and other persons on duty;(d)the companions of blind or infirm electors who cannot move without help, and(e)Such other persons as the Polling Officer may from time to time admit for the purpose of identifying electors or otherwise assisting him in taking the poll.

36. Procedure before recording votes.

(1)The Collector on entering the polling station shall approach the Polling Officer in charge of the electoral roll, who shall ascertain the elector's name and address and such other particulars as appear on the roll and after having checked these by reference to the roll, shall deliver a ballot paper to the elector. Such Polling Officer shall at the time of delivery of the ballot paper place against the serial number of elector in the electoral roll a mark to denote that the elector has received a ballot paper. The elector shall then sign or put his thumb impression against his name in the said copy of the electoral roll in token of his receipt of the ballot paper. No other mark or writing shall be put against the name in such list and no ballot paper shall be delivered unless the elector has given such receipt.(2)In deciding the right of a person to obtain a ballot paper under this rule the Polling Officer at any Polling Station may interpret an entry in the electoral roll and in doing so overlook any clerical error.

37. Elector to be questioned in case of doubt as to his identity.

- At any time before a ballot paper is delivered to an elector the Returning Officer or Polling Officer may, of his own motion, if has reasons to doubt the identity of the elector or his right to vote at such election, and shall, if so required by a candidate or polling agent, put to the elector the following question: -(1)Are you the person enrolled as follows:-(Reading the whole entry from the electoral roll)?(2)Have you already voted at the present election?The elector shall not be supplied with a

ballot paper if he refuses to answer any of these questions and unless he answers the first question in the affirmative and the second question in negative.

38. Manner of recording votes.

- The elector, on receiving a ballot paper, shall proceed for the purpose of recording his vote into a polling compartment provided for the purpose and shall then, before quitting the polling compartment put the ballot paper into the ballot box of the candidate he wants to vote for. (2) Every elector shall vote without undue delay and shall quit the polling station as soon as he has put his ballot paper into the ballot box.

39. Instructions for the recording of votes to be explained by the Polling Officer when requested.

- The Polling Officer at a polling booth shall, when he is so requested by an elector, explain to him the manner for the recording of votes.

40. Illiterate and infirm votes.

- If the voter is illiterate or by reason of blindness or by any physical infirmity is unable to vote in the manner prescribed by rule 38 and desires that the Polling Officer should put the ballot paper for him, the Officer shall at his request put the ballot paper in the ballot box indicated by the elector.

41. Voting to be within hours fixed.

- The Polling Officer shall not hand over a ballot paper to an elector except during the hours appointed for the polling. But if an elector has entered the polling station during the appointed hours, but has not recorded his vote, he shall be allowed a reasonable opportunity for doing so after the closing hour. If any question arises whether any elector has or has not so entered, the Polling Officer's decision shall be final.

42. Tendered votes.

- If a person representing himself to be a particular elector, applied for a ballot paper after another person has voted as such elector, he shall, after duly answering such questions as the Polling Officer may ask, be entitled to record his vote in the same manner as any other voter. In such case his signature or thumb impression and the signature of his identifying witness shall be taken on a list bearing the heading "tendered votes list" (which shall be in form 4). The ballot paper which he shall receive shall not be placed in the ballot box after his vote has been recorded thereon, but shall be given to the Polling Officer and endorsed by him with the name given by the voter and number given to that name on the electoral roll. The Polling Officer shall keep all such tendered ballot papers in a separate packet.

43. Spoiled ballot paper.

- If the elector before placing the ballot paper in the ballot box inadvertently marks the paper or otherwise so deals with it that it cannot be used as a valid ballot paper he may return it to the polling officer, who if he is satisfied that the ballot paper was inadvertently spoilt, may give the elector another ballot paper and shall mark the spoilt paper and its counterfoil as cancelled.

44. Rejected ballot paper.

- If any elector has instead of inserting the ballot paper in the ballot box has placed it on the box or has thrown it elsewhere, the Polling Officer shall collect such ballot papers and mark them rejected.

45. Sealing of packets.

(1)The Polling Officer as soon as practicable after the close of the poll shall in the presence of any candidate or polling agents who may be present make up into separate packets and seal with his own seal and the seal of such candidates or agents as may desire to affix their seal.(1)each ballot box in use at the station unopened but with the key attached;(2)the counterfoils of the ballot papers;(3)the unused ballot papers;(4)the spoilt and rejected ballot papers;(5)the tendered ballot papers;(6)the tendered votes list;(7)the returned ballot papers; and(8)the marked copy or copies of the electoral roll.(9)The Polling Officer shall deliver the packets to the Returning Officer together with a statement showing the number of ballot papers received at the polling station, the number of unused, spoilt, returned, rejected and tendered ballot papers and the number of persons who have voted.Counting of Votes

46. Counting.

(a)Soon after the poll is closed, the ballot boxes shall be taken to a place directed by the Returning Officer, opened and votes counted the same day and if not possible the day next following the poll. In the meantime, the Returning Officer shall arrange for the proper custody of the ballot boxes.(b)The Returning Officer shall, after the ballot papers have been taken out from each of the ballot boxes count them or cause them to be counted and made in to parcels for each candidate and record the number in a statement of the votes polled by each candidate.

47. Who may be allowed to be present.

- No person shall be allowed to be present at the counting of the votes except such persons as the Returning Officer may appoint to assist him in the counting of votes and the candidates and one agent of each candidate authorised by him in writing in this behalf.

48. Procedure after counting of votes.

- The Returning Officer shall declare a candidate elected who has polled the highest number of votes and in case of multi-member constituency, such other candidates as have polled the next highest votes until all the seats are filled.

49. Return of election.

- The Returning Officer shall then prepare and certify a return setting forth -(1)the names of the candidates for whom votes were given;(2)the number of valid votes given for each candidate;(3)the name of the candidate elected;(4)the number of votes rejected and;(5)the number of tendered votes given, and shall permit any candidate or his representative to take a copy of or abstract from the return.

50. Sealing of ballot papers.

- Upon completion of the counting the Returning Officer shall seal up in separate packets the counted ballot papers and send them to the Collector along with the return prepared under preceding rule. Notification of Election or Removal of Members.

51. Notification of election.

- Every election of a member of the Board shall be notified in the Gazette by the Government.

52. Notification of removal of member.

- The removal of a member of the Board under section 30 of the Act shall be notified in the Rajasthan Gazette under the orders of the Government. Casual Vacancies

53. Information of vacancy.

- When a vacancy occurs by reason of the death of any member of the Board, the Chairman or Vice-Chairman shall immediately inform the Collector of the vacancy.

54. Filling up casual vacancy.

- When a casual vacancy occurs by reason of the death or resignation or removal of an elected member or by the avoidance of his election under section 21 or section 22 of the Act, the Collector, immediately on receiving information under rule 53 or after the notification of removal in the Rajasthan Gazette or on receipt of the direction by the court, as the case may be, shall by public notice, call upon the constituency to elect a person for the purpose of filling the vacancy, and shall fix a date, within one month of the date of the notice for the delivery of application for nomination papers to the Tehsildar concerned.

55. Election for filling up casual vacancy.

- Unless before the date fixed for nomination the Board have directed under section 8 of the Act that the vacancy shall remain unfilled, the Collector shall fix a date and time for the nomination of candidates and a date and time for the election and shall conduct the election in the same manner as an ordinary election. Offences

56. Obstructing Officers.

- No person shall obstruct or in any way interfere with the Collector, the Returning Officer or the Polling Officer in the performance of his duties under these rules.

57. Divulging of information.

- No person who is entrusted with any duty in connection with an election shall divulge or wilfully allow to be divulged any information as to the candidate for whom any vote is given in any particular ballot paper.

58. Defacing notices etc.

- No person shall deface, injure, disturb or remove any copy notice or other documents fixed up under these rules at the district or tehsil office or elsewhere.

59. Canvassing etc. by the servants of the Board.

- A servant of the Board shall not do canvassing at or otherwise interfere with, or in any way use his influence in an election. Preservation of Records

60. Preservation of papers regarding electoral rolls.

- The Collector shall preserve a complete copy of the electoral roll of each constituency and all papers and files relating thereto. Such papers shall be open to inspection on such condition and certified copies may be given on payment of such fees as may be determined by the Collector. The Collector shall keep all such papers until a fresh electoral roll has been prepared.

61. Preservation of nomination papers.

- The Collector shall keep the nomination papers of candidate, withdrawals of candidature and all other papers relating to nomination, for a period of 3 years and shall then destroy them. These papers shall not be open to inspection by nor shall copies be given to any person, other than a person entitled to be present on the day when the nominations were declared or authorised by a competent court.

62. Preservation of papers relating to voting and counting.

- The Collector shall retain for one year all papers relating to voting and the counting of votes including the sealed packets prescribed by these rules. The packets of ballot papers and the counterfoils shall not be opened and their contents shall not be inspected or produced except under the orders of a competent court. No other papers relating to voting and the counting of votes other than the return of the result of election shall be open to inspection except by under orders of a competent court. At the end of the year such paper shall be destroyed, unless their detention for a longer period is ordered by a competent authority.

63. Penalties.

- Every person who -(1)marks or alters any roll, list or other documents in contravention of these rules, or(2)attests the signature or thumb impression of an elector if he is not able to identify elector, or(3)wilfully makes a false answer to a question put to him under rule 37 to 42.(4)violate any of the provisions of rules 56 to 59, or(5)being required by these rules to take any act or take any proceedings, neglects or refuses to do so shall be punishable with fine which may extend to one hundred rupees. Miscellaneous

64. Election of the same person from more than one constituency.

- If a person is elected as a member of a Board from more than one constituency, then, unless within ten days from the date of publication in the Rajasthan Gazette under rule 51 of the notification regarding his election, or where such publication has been made on different dates, within ten days from the last of these dates he resigns all but one of the seats, all his seats except the one determined by the Collector shall become vacant.

65. Closing or adjournment of poll in emergency.

(1)Where before a poll is held it appears to the Returning Officer that the poll cannot be held at the appointed time on account of any natural calamity or civil commotion, he may make an announcement accordingly and in such case, a fresh date and time for the poll shall be fixed by the Collector in accordance with rule 24.(2)Where during poll, it appears at any time to the Returning Officer that the polling cannot be continued on account of a natural calamity or Civil commotion, he may make an announcement accordingly and close the poll. In such cases a poll shall be held afresh on a date and time to be fixed as aforesaid and the votes cast at such election shall not be counted until such adjourned poll shall have been completed.(3)The nomination so existing on such date shall remain and fresh nomination shall be filed in case of such subsequent polling. List showing the number of seats allotted to each District Board in Rajasthan.

(I)

S. No.1. Name of the District Board2. Number of seats to be elected.3.

1.	Alwar	35
2.	Barmer	25
3.	Banswara	20
4.	Bharatpur	23
5.	Bhilwara	30
6.	Bikaner	20
7.	Bundi	20
8.	Chittorgarh	28
9.	Churu	20
10.	Dungarpur	20
11.	Ganganagar	25
12.	Jaipur	40
13.	Jaisalmer	20
14.	Jalore	25
15.	Jhalawar	20
16.	Jhunjhunu	25
17.	Jodhpur	25
18.	Kotah	30
19.	Nagaur	30
20.	Pali	30
21.	Sawai Madhopur	30
22.	Sikar	25
23.	Sirohi	20
24.	Tonk	20
25.	Udaipur	40

Form No. 1Form of Nomination PaperDistrict Board ofElection of a member for the constituency of.....to be held onday of.....the 19...We the undersigned being electors enrolled in the electoral roll for the constituency for.....hereby.....nominate son of.....residing.....in

S. No. Name Father's name Address No. of electoral roll Signature

.....Signature of the candidate in token ofhaving assented to his nomination.Accepted or rejected (with reasons in case of rejection)DateSignature of the Returning Officer.

Form No. 2Form of Ballot Paper

S.No.	Ballot Paper	S.No.
Counterfoil	Foil	

District Board of..... District Board of.....

Constituency.....19 Constituency.....19

Form No. 3Tendered Votes ListElection to the District Board

Constituency.Date.....

S. No. of the entry	Name of electoral.	Serial No. of the elector in the electoral roll.	Address of the elector.	Signature or the thumb impression of the elector
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Date.....Signature of Returning Officer.Notifications[Notification No. 4403/57/F.22

(72)/LSG/55, dated July 11, 1957, published in Rajasthan Gazette, Part IV-C, Ordinary, dated 25-7-57]. - In exercise of the powers conferred by clause (b) of sub-section (2) of section 176, read

with section 28 of the Rajasthan District Board Act, 1954 (Rajasthan Act II of 1954), the

Government of Rajasthan is pleased to make the following amendment in the District Boards

Remuneration and T.A. rules, 1957 the same having been previously published, namely: -After rule 7

of the said Rules, the following new rule shall be inserted namely: -"8. The T.A. bills of the members

of a board shall be countersigned by the Chairman of the board and T.A. bills of the Chairman of

boards shall be countersigned by the Director of Local Bodies Rajasthan, Jaipur."