

The U.P. Antarim Zila Parishad (Election of Representatives of Gaon Sabhas) Rules, 1961

UTTAR PRADESH

India

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Rule

THE-U-P-ANTARIM-ZILA-PARISHAD-ELECTION-OF-REPRESENTATIVES OF 1961

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048.

RULES

1. Definition.

"The Act" means the Antarim Zila Parishad Act, 1958, as amended from time to time.(2)"Election Agent" means a person who by means of a writing signed by a candidate whose name appears in the list of contesting candidates prepared under rule 6 has been nominated by such candidate as his election agent.(3)"Form" means a form appended to these rules.

2. Returning Officers and Assistant Returning Officers.

(1)For every election of representative or representatives of Gaon Sabhas in a Block in the Antarim Zila Parishad of a district, there shall be a Returning Officer who shall be such officer of Government as the District Magistrate may nominate or designate.(2)The District Magistrate may appoint one or more persons to be Assistant Returning Officer to assist the Returning Officer or to perform all or any of the functions of the Returning Officer in his absence.

3. List of Pradhans.

(1)The Returning Officer shall cause to be prepared a list of the Pradhans of Gaon Sabhas of the Block entitled to vote at the election under the third proviso to sub-section (2) of section 4 of the Act and shall have a copy of such list hung for a period of six days at the Block headquarters and at the headquarter of the Tahsil or each of the Tahsils in which the Block lies. The list shall be open to inspection free of charge.(2)Advance limitation of the date on which the list is proposed to be hung and of the date by which and the place at which claims and objection can be filed shall be sent to the office of each Gaon Panchayat in the Block.(3)Any person may within six days after the date of hanging of the list under sub-rule (1) file before the Returning Officer a claim for the inclusion of his name in the list or an objection to the inclusion of any name in the list or to any particulars entered in the list. The Returning Officer as soon as may be after filing of the claim or objection but in any case before the date fixed for the making of nominations decide the claim or objection and make necessary consequential changes in the list:Provided that the name of any person entered in the list shall not be removed without affording him an opportunity of meeting the objections filed to the inclusion of his name:[Provided further that if the date of issue of notice under rule 4 is subsequent to the date of hanging list of Pradhans under sub-rule (1), the Returning Officer shall include in the list the names of all those Pradhans, if any, who may have been declared elected between the date of hanging of the list and the date of issue of notice and shall likewise delete from the list the name of each such Pradhan, if any, as has during the aforesaid period, died or resigned or has been removed from office or has become ineligible for partaking in the election by reason of a Pradhan having been elected at a general election held in 1961 or has otherwise ceased to be a Pradhan:] [Numbered as such by Notification No., ZP-266/IX-A-8-AZP-61, dated May 17, 1961][Provided also that no deletion of any name otherwise than on the ground of death shall be made under the preceding proviso without, according to the person concerned an opportunity to show cause why his name be not deleted and the addition of any name under that proviso be subject to the result of any objection which may be made by any person within four days of the communication by the Returning Officer to the office of Gaon Panchayat concerned of the fact of addition:] [Numbered as such by Notification No., ZP-266/IX-A-8-AZP-61, dated May 17, 1961][Provided lastly that if the Returning Officer discovered that there were errors in the preparation of the list under sub-rule (1) which remained unrectified even after the decision of claims and objections afresh under this rule and if notice of election has already been issued under rule 4, cancel that notice too and send information of cancellation in the manner provided in that rule for issue of notice.] [Numbered as such by Notification No., ZP-266/IX-A-8-AZP-61, dated May 17, 1961](4)The list as amended under sub-rule (3) shall be final for the purpose of the election:Provided that the non-issue of notice of election under rule 4 to a person whose name is later on included in the list as a result of a decision of the claim or the issue of such notice to a person whose name is later on deleted from the list as a result of a decision of an objection shall have no effect on the election proceedings or the result of election.(5)The Returning Officer may at any time correct any clerical, printing or typing error in the list.(6)All references hereinafter to a Pradhan of a Gaon Sabha shall mean a Pradhan whose name is entered in the list prepared under rule 3.

4. Notice of Election.

- [(1)] [Numbered as such by Notification No., ZP-266/IX-A-8-AZP-61, dated May 17, 1961] At least a week before the date fixed for making of nomination the Returning Officer shall give a written notice in Form I of the proposed election by causing to be affixed one copy of the notice on the notice board at the Block headquarter of another copy on notice board at headquarter of the Tahsil or each of the Tahsils in which the Block lines and shall also issue one copy of the notice to each of the Pradhans of Gaon Sabhas whose names are entered in the list of Pradhans mentioned in rule 3. The notice may be served personally or if the Pradhan is not found through a male adult of his household or by sending by registered post as the Returning Officer may think fit in each case and shall specify (i)the date, place and the hours of the filing of nomination papers by the intending candidates for election in the office of representative of Gaon abhas of the Block on the Antarim Zila Parishad and the name of the Returning Officer who will receive the nomination paper; and(ii)the date, place and hours for taking the poll.(2)[The Returning Officer may if he so finds it necessary at any time change the date, place or the hours specified under clause (i) or clause (ii) of sub-rule (1) and give notice of the change to the Pardhans in the manner and subject to the condition of at least a week's notice provided under that sub-rule for issue of notice.(3)If at the taking of poll the proceedings are interrupted or obstructed by any riot or violence or it is not possible to take the poll for any other reason the Returning Officer shall announce an adjournment of poll to a date to be notified later in the manner and subject to the condition of at least a week's notice provided under sub-rule (1) of rule 4:Provided that if the votes of some Pradhans have already been cast and the ballot box has not been tempered with the votes of only those Pradhans would be allowed to be cast at the adjourned poll who had not voted of already and the notice of the date of the adjourned poll shall be sent to such Pradhans only.] [Added by Notification No. ZP-266/XI-A-8-AZP-61 dated May 17, 1961]

5. Nomination and scrutiny.

(1)Any Pradhan of Gaon Subha within the Block may be nominated as a cadidate by presenting either himself or by a proposer who must be a Pradhan of Gaon Sabha within the Block a nomination paper in Form 2 signed by the proposer and the candidate, The nomination paper shall be presented to the Returning Officer within the hours specified in the notice under rule 4 and a written acknowledgment of the receipt of the nomination paper specifying the time of receipt shall be forth with be given by the Returning Officer to the presenter of the nomination paper, Any nomination paper received after the expiry of time fixed for the making shall frothwith be rejected.(2)The Returning Officer shall on the expiry of the time fixed for making of nomination announce to those present the names of candidates whose nomination papers have been received in time and the names of their proposers and shall also cause to be prepared and affixed to the notice board kept at the place a list of such candidate and their proposers.(3)The Returning Officer shall at the time given for the scrutiny of nominations in the notice under rule 4 summarily scrutinize the nomination papers received in time under sub-rule (1) and reject those which any name other than that of a Pradhan of a Gaon Sabhas within the block has been proposed or the proposer is not a pradhan of a Gaon Sabha within the Block. He shall also reject a nomination paper where it does not bear the signature of the candidate or of his proposer or was not presented by the candidate or his

proposer.(4)Immediately after the scrutiny and rejection, if any, of nomination papers, the Returning Officer shall announce the names of candidate duly nominated and also the place at which and the date and hour by which, any duly nominated candidate desiring to withdraw his nomination may do so by presenting to the Returning Officer a writing signed by-himself declaring unequivocally his intention to withdraw. The Returning Officer shall also cause to be affixed immediately thereafter on the notice -board kept at the place a notice giving the names in Hindi alphabetical order of the persons duly nominated.(5)If no nominations are filed or all the nominations filed are rejected no further proceedings relating to election shall be taken by the Returning Officer and the fact shall be reported to the State Government which may direct that the vacancy or vacancies be left unfilled or that the proceedings to fill the vacancy be taken afresh.

6. List of the contesting candidates and declaration of result in uncontested election.

(1)On the expiry of the hour by which withdrawals could be made under sub-rule (4) of rule 5 and Returning Officer shall prepare a list of candidates, being duly nominated candidates who have not withdrawn their candidatures, and cause it to be affixed on the notice board kept at the place. The names in the list shall be arranged in Hindi alphabetical order.(2)If one seat is to be filled and there is only one contesting candidate or two seats are to be filled and the number of contesting candidate is two, the Returning Officer shall declare the contesting candidate or candidates as the case may be, as duly elected.(3)If the number of seats to be filled is two and there is only one contesting candidate, the Returning Officer shall declare the contesting candidate as duly elected to one seat and shall report the fact of the other remaining unfilled to the State Government which may direct that the seat be left unfilled or that fresh proceedings be taken to fill it.(4)If there is no contesting candidate then too the facts shall be reported to State Government which may direct that the seat or seats be left unfilled or that fresh proceedings be taken to fill the same.

7. Votes to be cast in person.

- Votes shall be cast in person and no votes shall be received by proxy. Every voter shall have one or two votes according as the number of seats to be filled is one or two.

8. Ballot Papers.

- Ballot papers to be used at the election shall be in Hindi and in Forms 3 annexed to this rule and the names of the contesting candidates shall be given therein Hindi in the same order as in the list of contesting candidate. The ballot papers may be handwritten, typewritten, cyclostyled or printed.

9. Ballot Box.

(1)The ballot box to be used at the poll shall be any of the types of boxes approved by the [Director of Election (Local Bodies) under sub-paragraph (2) of paragraph 37 of the U.P. Municipalities (Conduct of Election of Members) Order, 1953] [Substituted by Notification No.

ZP-266/IX-S-AZP-61, dated May 17, 1961].(2)The Returning Officer shall, immediately before the commencement of the poll, allow inspection of the ballot box to be used at the poll to such candidates as may be present at the place of voting.(3)The Returning Officer shall then secure and seal the box in such manner that the slit for insertion of ballot paper remains open, and shall also allow such candidates as may present to affix their own seals if they so desire.

10. Taking of poll.

(1)The Returning Officer shall exclude from the place of polling all person except the candidates, their, election agents, the Pradhans of Gaon Sabhas within the Block, and such other person as the Returning Officer may from time to time admit for the purpose of assisting him in taking the poll.(2)The Returning Officer shall have before him the list of Pradhan of Gaon Sabhas within the Block prepared under rule 3.(3)The Returning Officer shall at the time of delivery of the ballot paper to the Pradhan place against his serial number in the list a mark to denote that the Pradhan has received a ballot paper and shall also note against the name of the Pradhan the serial number of the ballot paper supplied to him.(4)Before delivery of ballot paper to a Pradhan the Returning Officer shall satisfy himself about the identity of the Pradhan and for that purpose he may take the assistance of such persons as he may think fit.(5)If in the case of any person, the Returning Officer is not satisfied about his identity, he may refuse to deliver a ballot paper to him after recording a brief note about the circumstances in which the refusal was made.(6)A member who has inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used a ballot paper may on delivering it to the Returning Officer and on satisfying him of the inadvertence, obtain another ballot paper so delivered, and the latter shall be marked as cancelled by the Returning Officer. Any ballot paper so cancelled shall be kept in a separate envelope set a part for the purpose. ,(7)If a Pradhan after obtaining any ballot paper for the purpose of recording his vote decides not to use the same, he shall return the ballot paper to the Returning Officer who shall mark it "Returned and cancelled" and keep it in an envelope.(8)The Returning Officer shall close the place of polling at the hour fixed under rule 4 and shall not admit their any member after that hour:Provided that all Pradhans of Gaon Sabhas within the Block present inside the place before it is so closed shall be entitled to have their votes recorded.(9)As soon as the issue of ballot papers is finished, the Returning Officer shall count the unissued ballot papers and place them in a cover and close and seal the same. He shall also place in an envelope the list referred to in sub-rule (3) and close and seal that envelope and the envelopes referred to in sub-rules (6) and (7).(10)Unless the counting of votes is proceeded with just after the close of the poll, the Returning Officer shall after the close of the poll in the presence of any candidates and their election agents who may be present close the slit for insertion of ballot papers in the ballot box of each ballot box used and seal and secure the same and shall allow the candidates or their election agents who may so desire to sign on the paper pasted over the slit.

11. Casting of vote.

(1)A Pradhan, in giving his vote, shall enter a polling compartment provided at the place of polling and screened from observation and shall make a mark against the name of the candidate whom he chooses. If two seats are to be filled, he can make a mark against the name of one or more candidate

whom he chooses. After making the ballot paper, the Pradhan shall fold the ballot paper and put it into the ballot box through the slit provided for the purpose. The ballot box shall be kept in view of the Returning Officer and the candidates who may be present.(2)The Returning Officer shall, if required by a Pradhan, explain to him the instructions contained on the ballot paper for the recording of votes.(3)If owing to physical incapacity or want of knowledge of Hindi a Pradhan is unable to make a mark on the ballot paper or to read it, the Returning Officer shall on being so requested by the Pradhan record the vote in the ballot paper according to the direction of the Pradhan. The Pradhan shall then himself or with the assistance of the Returning Officer put the ballot paper folded up into the ballot box. The Returning Officer shall have this done with as much secrecy as is feasible and shall keep a brief record of each such instance without indicating the manner in which the votes has been cast.

12. Counting of votes.

(1)As soon as the poll is. closed or at a later hour which shall be announced; by the Returning Officer at the time of close of the poll, the Returning Officer shall, in the presence of the candidates and their election agents and the Pradhans who may be present proceed to count the votes in the following manner:(i)The Returning Officer shall open the ballot box and take out therefrom the ballot papers and examine them.(ii)The Returning Officer shall reject a ballot paper if it bears any mark or writing by which the elector can be identified, or if it is a spurious ballot paper, or if it has been so damaged or mutilated that its identity as a genuine ballot paper cannot be established or if votes are given on it in favour of more candidates than there are seats to be filled or if no votes is recorded thereon.(iii)A vote recorded in a ballot paper shall be rejected if the mark indicating the vote is placed on the ballot paper in such manner as too make it doubtful to which candidate the vote has been given:Provided that where more than one seat is to be filled and a ballot paper has not been rejected under the preceding sub-clause the vote or votes other than the rejected shall be duly counted.(iv)The Returning Officer shall ascertain the number of valid votes cast in favour of each candidate and declare the candidate obtaining the highest number of votes as duly elected : Provided that if two seats are to be filled then he will be duly elected the two candidates obtaining the highest number of votes.(2)The Returning Officer shall place in separate covers the valid and rejected ballot papers and seal and secure such covers.(3)If after the counting of the votes is completed, and equality of votes is found to exist between the candidates, and the 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 had received an additional vote.(4)As soon as may be after the declaration of election the Returning Officer shall prepare in writing under his signatures a return of election containing a list of the candidates and the votes secured by each of them and a declaration of the name or the names of candidates declared elected and report the result to the State Government and the Collector by sending to each a copy of such return. He shall also cause a copy of the return to be affixed on the notice board at the place of the polling.(5)The Returning Officer shall also prepare a statement of account showing the total number of ballot papers received the number of ballot papers issued to the Pradhans, the number of unused ballot papers, the number of ballot paper found in the ballot box or ballot boxes at the time of counting and the number of ballot papers cancelled under sub-rules (6) and (7) of rule 10.

13. Disputes as to election.

- Any dispute relating to the results of election brought to the notice of the Collector shall be referred by him to the State Government whose decision shall be final.

14. Custody, Inspection, issue of copies and disposal of election papers.

(1) The Returning Officer shall, after reporting the result under sub-rule (4) of rule 12, forward the sealed envelopes and covers referred to in the preceding rules and also the records, referred to in sub-rule (3) of rule 11, the return of election prepared under sub-rule (4) of rule 12, and the statement of account prepared under sub-rule (5) of that rule, each placed in a separate sealed envelope to the District Magistrate. Each envelope or cover shall have written over it specification of the contents thereof. (2) While in the custody of the District Magistrate, the covers of ballot papers whether unissued, cancelled, valid or rejected and the list of Pradhans used while issuing ballot papers shall not be opened and their contents shall not be inspected by or produced before any person of authority except under the orders of a competent Court or of the State Government when a dispute is referred to it under rule 13. Inspection of other paper shall be allowed by the District Magistrate to any person within such hours as may be fixed for the purpose. (3) Inspection of election papers whether allowed by a competent Court or the State Government or the District Magistrate under sub-rule (2), shall be subject to the condition of payment of a fee of Rs. 2 per day on which the inspection is made and the copies of the return prepared under sub-rule (4) and of the statement prepared under sub-rule (5) of rule 12 shall be furnished by the District Magistrate to any person who may ask for the same on payment of a fee of Rs. 2 for each copy. (4) Election papers referred to in sub-rule (1) shall be retained for a period of one year and shall thereafter be destroyed subject to any direction to the contrary given by the State Government or the competent Court.

Form I (Rule 4) Notice Whereas one representative/two representatives of Gaon Sabhas from Block.....are to be elected under the provisions of the third proviso to sub-section (2) of section 4 of the U.P. Antarim Zila Parishad Act, 1959, on the Antarim Zila Parishad.....I,the Returning Officer for the said election do hereby give the following notice to all the pradhans of Gaon Sabhas within the Block above named to elect the aforesaid representative (s). (i) Nomination papers may be delivered to the undersigned at.....(place), or, if he is unavoidably prevented from receiving the same, to.....They shall be presented between.....(hours) on..... date. (ii) The nomination papers will be taken up for scrutiny on....., (date) at.....(Time). (iii) In the event of the election being contested, the poll will take place on ..(date) between the hours of.....and.....at.....(place). Date.....Address.....Returning Officer

Note - Forms of nomination paper may be obtained at the office of the between the hours.....(hours) and.....(hours) from..... (date).....to.....(date).

FORM II (Rule 5) Nomination Form For membership of.....Antarim Zila Parishad. Election of Representative (s) of Gaon Sabhas from.....Block. Name of candidate.....Name of Gaon Sabha, the Pradhan of which is the candidate.....Name of proposer.....Name of Gaon Sabha, the Pradhan of which is the proposer.....Signature of the proposer.....Signature of the candidate signifying his.....approval to the proposal.....

FORM 3 (Rule 8) Ballot paper Antarim Zila Parishad.....Election of Representative (s) of Gaon Sabhas of

Block.....

Serial No. Names of candidates Space for marking.

1 2 3

BACKInstructionsSerial no

- 1. The number of member to be elected is one/two and you can vote for one/two candidate(s) only.**
- 2. Place a mark opposite the name of the candidate/each of the candidates for whom you wish to vote.**
- 3. The mark should be so placed as to indicate clearly and beyond doubt to which candidate(s) you are giving your vote(s).**