

Chandigarh Panchayat Election Rules, 1994

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Rule CHANDIGARH-PANCHAYAT-ELECTION-RULES-1994 of 1994

- Published on 26 September 1994
- Commenced on 26 September 1994
- [This is the version of this document from 26 September 1994.]
- [Note: The original publication document is not available and this content could not be verified.]

Chandigarh Panchayat Election Rules, 1994 Published Vide Chandigarh Administration Notification No. UTF II(10)/94/12716, dated 26.9.1994. No. UTF II(10)/94/12716. - With reference to Chandigarh Administration, Finance Department, Notification bearing No. UTFII(10)/94/12453, dated 20th September, 1994 and in exercise of the powers conferred under sub-section (1) of Section 227 of the Punjab Panchayati Raj Act, 1994 as extended to the Union Territory, Chandigarh, the Administrator Union Territory, Chandigarh is pleased to formulate the following rules :-

1.

(1) These rules may be called the Chandigarh Panchayat Election Rules, 1994. (2) They shall come into force on the date of their publication in the official Gazette. (3) They shall apply to the Gram Panchayats, Panchayat Samitis and Zila Parishads constituted under the Punjab Panchayati Raj Act, 1994 as extended to the Union Territory of Chandigarh.

2. Definitions and Explanations.

- In these rules, unless the context otherwise requires:- (a) "Agent" means any person appointed in writing by a candidate at an election to be his agent of the purposes of these rules, with the acceptance by such persons of the office of such election agent; (b) "Backward Classes" means castes, races or classes declared as Backward Classes by the Chandigarh Administration from time to time; (c) "Commission" means the Election Commission for the Union Territory, Chandigarh; (d) "Election" means election of a Panch, Sarpanch of a Gram Panchayat, member of Panchayat Samiti, Zila Parishad whether by direct election or out of the representative of Sarpanches or Chairman or Vice- Chairman of the Panchayat Samiti or Zila Parishad, as the case may be; (e) "Elector" means a person whose name is entered in the electoral roll of Gram Panchayat and are in force for the time being; (f) "Forms" means a form appended to these rules; (g) "Government" means the Administrator appointed under Article 239 of the Constitution of

India;(h)"Scheduled Castes" means any of the Scheduled Castes specified in Part II of the Schedule to the Constitution (Scheduled Castes) Union Territories Order, 1951;(i)"Public Holiday" means holiday declared under Negotiable Instrument Act, 1881.

3. Electoral Rolls.

(1)For every Panchayat constituency, there shall be an electoral roll which shall be prepared and maintained under the superintendence, direction and control of the Election Commission.(2)Every person who is eligible to be registered in relevant part of electoral rolls of Chandigarh Parliamentary Constituency as per provisions and rules contained in Representation of the People Act, 1950 and the rules made thereunder, shall be entitled to be registered as Elector in Panchayat Constituency's Electoral Rolls.(3)Such part of electoral roll of Parliamentary Constituency of Chandigarh, Union Territory as relates to Panchayat Constituency for the time being in force, shall also be Electoral Roll for the election of Panchayat, Zila Parishad and Panchayat Samitis as the case may be and shall be deemed to be as prepared under sub-rule (2) above.(4)Nothing shall prohibit Election Commission to prepare fresh Electoral Roll of Panchayat Constituency in reference to a qualifying date as fixed by the Administrator from time to time or to get revised or upto date said electoral roll as prescribed in sub-rule (3) under his superintendence, direction and control for holding General or bye election of Gram Panchayat/Panchayat Samitis or Zila Parishad, as the case may be hereafter.

4. Appointment of Electoral Registration Officers and Assistant Electoral Registration Officer.

(1)The Commission may appoint one or more Electoral Registration Officers or Assistant Electoral Registration Officers for the preparation or revision of electoral rolls as the case may be for the Panchayat in a sub-division.(2)The Assistant Electoral Registration Officer can perform any or all the functions of the Electoral Registration Officer subject to the directions, superintendence and control of Electoral Registration Officer.(3)The Electoral Registration Officer may appoint necessary staff to assist him.

5. Notification of election and preparation of electoral Rolls.

- As soon as a notification under Section 209(1) of the Punjab Panchayati Raj Act, 1994 (as extended to the Union Territory, Chandigarh) is issued by the Government, the Election Commission shall take action to hold elections as soon as possible.

6. Appointment of Returning Officer and Assistant Returning Officer.

(1)The Election Commission may appoint Returning Officers for every Gram Sabha/Panchayat Samiti/Zila Parishad; provided that every such person shall be an Officer of Government:Provided that nothing in this rule shall prevent the Election Commission from designating or nominating or appointing the same person to be the returning Officer for more than one ward as the case may be.(2)Assistant Returning Officer :-(1)The Election Commission may appoint one or more persons

to assist any Returning Officer in the performance of his functions; provided that every such person shall be an Officer of Government;(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 Officers:Provided that no Assistant Returning Officer shall perform any of the functions of the Returning Officer which relate to the scrutiny of a nomination unless the Returning Officer is unavoidably prevented from performing the said functions;(3)Reference in these Rules to the Returning Officer shall, unless the context otherwise requires, be deemed to include an Assistant Returning Officer performing any function; which he is authorised to take under rules or perform under sub-rule (2) above.

7. Publication of election programme/Appointment of dates for nominations, etc.

(1)As soon as the election programme is notified under Rule 7, the Returning Officer in the Constitutionality for which he has been appointed as such shall publish the details of the election programme in form 1A by pasting the same outside his office and at conspicuous places in the Gram Sabha area included in that constituency.(2)As soon as the notification calling upon elector of constituency to elect a member or members is issued, Election Commission shall, by notification in the official Gazette, appoint :- (a)The last date for making nominations, which shall be the fifth day after the date of publication of the first mentioned notification, or if that day is a public holiday, the next succeeding day which is not a public holiday;(b)the date for the scrutiny of nomination which shall be the day immediately following the last date for making nominations or, if that day is a public holiday, the next succeeding day which is not a public holiday.(c)the last date for the withdrawal of candidatures, 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 date or dates on which a poll shall if necessary, be taken which or the first of which shall be a date not earlier than the seventh day after the last date for the withdrawal of candidatures, and(e)the date before which the election shall be completed :Provided that Election Commission may extend the period of completion of election, if necessary by issuing a Notification to this effect in the official Gazette.

8. Notification of Symbols.

- The Commission shall by Notification in the official Gazette publish lists of symbols for use in the Panchayat election, and may amend such list if so required thereafter.

9. Presentation of Nomination.

(1)Nomination papers, shall be presented to the Returning Officer in Form IVA in person by the candidate himself on dates, time and place fixed for filing the nomination papers.(2)The nomination papers of a member of Scheduled Castes or Backward Classes shall also be accompanied by a declaration in Form IV-A :Provided that no person shall propose or second more than one candidate and the candidate himself shall not propose or second the name of any other candidate.Provided

further that the Proposer and Secunder should be an elector from the same Sabha/Panchayat Samiti/Zila Parishad :Provided also that the candidate contesting for Gram Panchayat should be an elector in the Sabha Area and candidate contesting for Panchayat Samiti should be an elector in the concerned constituency of that Samiti Area and candidate contesting for a Zila Parishad should be an elector in the concerned constituency or that Zila Parishad Area.(3)The nomination of each candidate shall be made on a separate nomination Form as specified in sub-rule (1) and must be subscribed by the candidate himself as assenting to the nomination.(4)The nomination of a member of Scheduled Castes from a constituency reserved for Scheduled Castes or Backward Classes, as the case may be, shall be accompanied by a Certificate issued by the Competent Authority.(5)The nomination paper shall be accompanied by a fee of Rs. 100 for a Panch or Sarpanch of the Gram Panchayat, Rs. 200 for member of the Panchayat Samiti and Rs. 400 for member of the Zila Parishad :Provided that the said fee shall be deposited in cash with concerned Returning Officer before filing nomination paper :Provided that for Scheduled Castes and Backward Classes the fee will be half of the fee specified in sub-rule (5) above.

10. Scrutiny of Nomination Papers and decision on objections.

(1)The Returning Officer shall scrutinize the nomination papers at the time appointed in this behalf, hear objections, if any, presented by the objectors in person as to the eligibility of any candidate and determine these objections after such inquiry as he may consider necessary. The decision rejecting or accepting a nomination paper and a brief statement of reasons thereof shall be endorsed on the nomination paper duly signed by the Returning Officer :Provided that the Returning Officer may :
(a)permit any clerical error in the nomination paper in regard to names or numbers to be corrected in order to bring them in conformity with the corresponding entries in the electoral rolls;
and(b)Where necessary, direct that any clerical or printing error in the said entries in electoral roll shall be overlooked.(2)The person objecting under sub-rule (1) must be a candidate of the concerned Gram Panchayat or Sabha, Samiti, Parishad Area as the case may be.

11. Withdrawal of Nomination.

- Any candidate may withdraw his candidature by a notice to Returning Officer in writing on prescribed dates which shall contain the particulars as given in Form IV-B.

12. Allocation of Symbols.

- The Returning Officer shall, on the expiry of the time fixed for withdrawal of candidatures allocate by draw of lot to each validly nominated candidate hereinafter called the contesting candidate a symbol out of Symbols as prescribed by Election Commission.

13. Publication of list of Contesting Candidates.

- The particulars of the validly contesting candidates shall be displayed outside the office and published in Official Gazette by the Returning Officer in Form V and will contain the names

according to English alphabetical order along with the particulars of the candidates and Symbols allotted to each of the candidates.

14. Appointment of Presiding Officer and Polling Officer.

- The Returning Officer shall appoint Presiding Officers and such number of Polling Officers as may be necessary for the conduct of poll at each Polling Station. The Presiding Officer shall in addition to other duties imposed upon him by these rules, be in general in-charge of all arrangements at the Polling Station and may issue orders as to the manner in which the persons shall be admitted to the Polling Station and for the maintenance of peace and order at or in the vicinity of the Polling Station. It shall be the duty of the Polling Officer and Polling Assistants at the Polling Station to assist the Presiding Officer of such Station in the performance of his functioning. Nothing shall prohibit First Polling Officer to act as Presiding Officer in case the Presiding Officer becomes all of sudden ill or unable to attend his duties due to unavoidable circumstances beyond his control or during temporary absence of Presiding Officer, during hours of poll.

15. Distinguish Mark.

- Before any Ballot Paper is delivered to a voter at the Polling Station, it shall be marked in hand or with Rubber Stamp on top right corner on the back of Ballot Paper, with such distinguished mark as may be specified. Every Ballot Paper shall be signed in full on its back at the foot by the Presiding Officer :Provided further that the Presiding Officer shall enter electoral serial number in the counter foil of each Ballot Paper and obtain signature or Thumb Impression of Voter on it, before handing over Ballot Paper to Voter.

16.

(1)Every Elector shall allow his left fore-finger to be inspected by the Presiding Officer or Polling Officer and indelible ink mark to be put on it. If any elector refuses to show his left fore-finger or does any act with a view to removing the ink mark, he shall not be supplied with any Ballot Paper or allowed to Vote.(2)Any reference in this rule to the left fore-finger of a voter shall, in the case where the elector has 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 fore-finger or any other finger of his right hand and shall in the case where all his fingers on both hands are missing be construed as a reference to such extremity of his left or right arms as he possesses.

17. Design of Ballot Boxes.

- Every Ballot Box shall be of such design as may be approved by the Election Commission.

18. Material to be supplied at the Polling Station.

- The Returning Officer shall provide at the Polling Station the following namely :-(1)The adequate number of Ballot Boxes;(2)Sufficient number of Ballot Papers;(3)Copies of the relevant parts of the electoral roll;(4)Distinguishing mark for stamping the Ballot Papers;(5)Other necessary material; from covers etc. for conduct of poll.

19. Admission to the Polling Station.

- The Presiding Officer shall regulate the number of electors to be admitted at any one time inside the Polling Station and may exclude therefrom all persons other than -(a)Polling Officer;(b)Public Servants on duty in connection with the Election;(c)Persons authorised by Election Commission; in writing;(d)Candidates, their election agents or their polling agents on production of Identity Card;(e)The child in arms accompanying an elector;(f)A person accompanying a blind, old or an infirm elector who cannot move without help; and(g)Such other persons as the Returning Officer or Presiding Officer may allow.

20. Candidate and his Agent to be allowed to enter Polling Station.

- The Presiding Officer shall allow the candidate or his Polling Agent to enter in the Polling Station, during the polling except the Polling Compartment :Provided that if a candidate wants to appoint a Polling Agent or change a Polling Agent for any reason he shall inform the Presiding Officer giving his name and complete address of the person in writing before commencement of poll. All the Polling Agents to shall obey the lawful directions of Presiding Officer for smooth conduct of poll.

21. Procedure before Commencement of Polls.

- Immediately before the commencement of the poll, the Presiding Officer shall show the empty Ballot Boxes to the Polling Agents who may be present at the Polling Station, so that they may see the Ballot Boxes are empty.The Presiding Officer shall secure and seal the Ballot Boxes in manner as prescribed by Commission that the slit for insertion of Ballot Papers remains open.Every Ballot Box used at the Polling Station shall bear labels both inside and outside, marked with the following, namely :-(a)the serial number, if any, and the name of constituency;(b)the serial number and name of the Polling Station;(c)the serial number of the Ballot Box (to be filled in the end of poll on the label outside the ballot box only); and(d)the date of poll.The Ballot Boxes shall be closed, sealed and secured and placed in full view of the Presiding Officer and Polling Agents, provided that only one box shall be used at a time for an election.

22.

(1)Voting shall be by secret ballot and every elector wishing to record his vote shall do so in person by means of a ballot paper specified by the Election Commission to be supplied to a voter which shall have a serial number, names of the Candidates and such symbols as are allowed to the

candidates, such other particulars of the candidates and such official marks as may be specified by the Commission. Every elector shall be entitled to cast single non-transferable vote :Provided that a voter who is eligible to participate in such election and in service shall be entitled to vote by post. The following persons shall subject to their fulfilling the requirements specified below be entitled to vote by post namely :-(a)Votes having service qualification defined in Section 20(3) of Representation of Peoples Act, 1950 and one entered in its last para of the relevant Electoral Roll;(b)Voters on election duty;(c)Electors subject to the preventive detentions; and(d)Any other electors as may be specified by the Election Commission in this behalf. The voters who wants to vote at a Panchayat Election may send, a request in writing to the Returning Officer concerned of their intention in Form VI for the supply of postal Ballot Paper and such applications should reach the Returning Officer five days before the date of poll.(2)A postal Ballot Paper shall be sent by the post under certificate of positing to the Elector by the concerned Returning Officer five days before the date of actual poll to voters who apply for the same. The elector will mark the ballot paper as per instructions of the Commission as per his choice and return the same in sealed cover to the Returning Officer so that the postal ballot paper reaches the Returning Officer on or before the commencement of counting of voters.(3)The Returning Officer shall also make a mention thereof on the relevant marked copy of the Electoral Roll which relates to the service voters.(4)Returning Officer will then keep the Ballot-papers so received in a separate packet which shall be opened at the time of counting and scrutinize these in accordance with instruction given by the Commission. The votes secured by each candidate shall be added in the result sheet at the end at the time of counting.

23. Commencement and Close of Poll.

- The poll shall commence and close at the date and hours fixed by the Commission for the purpose :Provided that :(a)all electors present at the place fixed for the poll before it is so closed shall be entitled to have their votes recorded; and(b)if for any reason, it is not possible to commence the poll at a Polling Station at the hours appointed or if by reason of disorder at the polling station or for any other reason, polling for a certain time has to be stopped the Presiding Officer shall keep the polling station open for a further period equal to that which lapses between the hours appointed for the commencement of poll and the hour at which it was actually opened or the time during which the polling was stopped as the case may be. The Presiding Officer, shall inform the Returning Officer concerned of such incident at once who will further inform the Commission without any delay.

24. Seating arrangement of the Polling Officers.

- The table of the Polling Officers shall be so placed that when a voter arrives at the Polling Station and meets the first Polling Officer inside the polling station who will speak out his name so that if a polling agent ants to challenge his identity he may do so. If no challenge is made and the voter has been identified, the Polling Officer will underline in the marked copy of electoral roll and also make a tick mark against woman voter to be counted at the end and issue an identity slip after locating his name in the Electoral Roll. Then he will proceed to the second Polling Officer who will mark his left hand fore-finger in the manner given in rule 15. Thereafter he will proceed to the third Polling Officer who will give the ballot paper and marking stamp to him after obtaining his signature on counterfoil of Ballot Paper. He will then go to the polling compartment where he has to mark and

cast his vote and after that put the same in the Ballot Box after folding it properly. In case the Government decides to hold the elections to the Gram Panchayats, Panchayat Samiti and Zila Parishad, simultaneously, the Commission may post additional Polling Officers. Each additional Polling Officer(s) will be custodian of ballot papers for Gram Panchayat, Panchayat Samiti and Zila Parishad Constituency, as the case may be and ballot-papers will be given to the elector in prescribed order.

25. Tendered votes.

(1) If a person claiming himself to be a particular voter and whose name is entered in the electoral roll, comes after another person who already has voted as such by successful impersonation subject to the satisfaction of the Presiding Officer be allowed to vote but his vote will be considered to be a tendered vote which shall be handed over to the Presiding Officer separately and not in the Ballot Box. The ballot-paper to be given to such voters will be of the last of the series being used on the polling station. The words 'Tendered Ballot Paper' will be stamped or written in hand on the back side of the Ballot Paper before issue. The Presiding Officer will pack tendered votes in separate cover and all such covers shall be put in a separate envelope meant for tendered votes and electoral roll and the name of the polling station to which the roll relates shall be entered in a list bearing the heading "Tendered Votes List." The person tendering such ballot-paper shall sign his name and address thereon or affix his thumb- impression against the entry of that list. (2) The "Tendered Votes List" shall be prepared by the Presiding Officer in Form VII.

26. Challenged Votes.

- If any candidate or polling agent challenges the identity of a voter who has come to cast his vote, shall pay Rs. 2 to the Presiding Officer. The Presiding Officer shall enter the particulars of such person in the list of challenged votes, his name and address or if he is unable to write, to fix his thumb impression therein and may further require such person to produce evidence for his identification. If after summary enquiry the Presiding Officer is satisfied that he is a genuine voter, he shall be allowed to vote. If the challenged person is not found to be genuine he may be handed over to the nearest Police Station with a report for registration of a case of impersonation against him. In such cases the amount of Rs. 2 shall be refunded to the challenger. The amount forfeited shall be paid to Returning Officer for further deposit in Government Treasury. The Presiding Officer shall at the close of the poll, prepare a list of challenged votes in Form VIII.

27. Spoilt Ballot Papers.

- A voter who has inadvertently spoilt his ballot- paper in such a way that it cannot conveniently be used as a ballot-paper may, on returning it to the Presiding Officer and satisfying him of his inadvertence, obtain another ballot-paper in place of the spoilt ballot-paper and the former shall be marked as cancelled. All such ballot-papers shall be put in a separate packet marked "Cancelled Votes" and a note made in the Ballot Paper account.

28. Returning of ballot-papers by voter.

(1) If a voter 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 Presiding Officer and the ballot paper so returned shall then be marked, "cancelled returned" and kept in a separate packet set apart for the purpose and record shall be kept by the Presiding Officer of all such ballot papers. (2) If any ballot-paper which has been issued to any voter for the purpose of recording his vote has not been put in the ballot-box but has been left by the voter at the Polling Station or the Polling Compartment it shall be presumed as cancelled and dealt with in accordance with the provisions of sub-rule (1) as if it has been returned to the Presiding Officer.

29. Recording of vote of infirm voter.

(1) If the Presiding Officer is satisfied that owing to blindness, old age or other physical infirmity an elector is unable to recognise the symbol on the ballot-paper and to insert the ballot paper in the ballot-box, the Presiding Officer shall permit the elector to take with him a companion of not less than eighteen years of age to the voting compartment for marking and putting the ballot-paper in the ballot-box on his behalf, and in accordance with his wishes. No person shall act as companion for more than once for an election. (2) The Presiding Officer shall keep a brief record of all such instances without indicating the manner in which the votes have been cast. (3) The Presiding Officer shall maintain the account of the ballot paper so received and issued by him on form prescribed by Election Commission and shall forward the true copy to Returning Officer with Ballot Box. (4) The copy of ballot paper account may be shown to polling agent and Presiding Officer may give copy thereof on request.

30. Fresh poll in case of destruction of Ballot-boxes.

(1) If at an election any ballot-box or boxes is/are unlawfully taken out of the custody of the Presiding Officer or is/are in any way tampered with or is/are either accidentally or intentionally destroyed or lost, the election in respect of Polling Station to which the ballot-box or boxes relate may be declared void by the Election Commission. (2) Whenever the polling at any polling station is liable to be declared void under sub-rule (1), the Presiding Officer shall as soon as practicable after the act or even causing such contingency has come to his knowledge, report the matter to Returning Officer at once and Returning Officer shall further inform the Election Commission who shall, after holding such enquiry as he may deem necessary, declare such polling to be void and shall appoint a day for the taking of a fresh poll, in such polling station or stations, as the case may be, and fix the hours during which the poll shall be taken; and the votes cast earlier during the said election shall not counted. (3) All the relevant provisions of the rules shall apply to every such fresh poll as they apply to the original poll.

31. Adjournment of Polls in emergencies.

(1) The Returning Officer, the Presiding Officer or the Election Commission may adjourn the poll in

a Sabha area or constituency at any time in case the poll is interrupted or obstructed by :-(i)any riot to violence; or(ii)a direct or indirect threat to the election process or conduct of poll; or(iii)an action or snatching or destroying the ballot-paper;OR(iv)any type of natural calamity; or(v)) booth-capturing at the polling station.OR(vi)any other sufficient reason to be recorded in writing.(2)Whenever the polling is adjourned in terms of the provisions of sub-rule (1) the Returning Officer shall as soon practicable, report the matter to the Election Commission who shall appoint a day for a fresh poll and shall fix the time at which such poll shall be held.

32. Cancellation of Election Programme.

(1)Subject to the provisions of rule 30, the Election Commission for reasons to be recorded in writing may by an order cancel the election programme at any time, before the commencement of the poll, if:(i)electors are threatened or prevented from exercising their franchise, in free and fair manner;(ii)Candidates are threatened or prevented directly or indirectly not to contest the elections.(iii)there is any type of natural calamity;(iv)death of any contesting candidate takes place or any corrupt practice;(v)on any reason beyond the control and adjustment and commence.(2)Death of contesting candidate. - In case death of any contesting candidate takes place and such information has been received by Returning Officer before commencement of poll and on being satisfied about death of candidate, the Returning Officer shall countermand the poll of that constituency immediately under intimation to Election Commission.The Returning Officer shall commence the election process as afresh provided no fresh nomination paper shall be entertained for the purpose of the election of said Constituency.(3)Whenever an election programme is cancelled in terms of the provisions of sub-rule (1), the Election Commission shall frame a fresh election programme in respect of that Sabha area or Constituency.

33.

The Returning Officer shall under his direction and control hold counting of votes at such venue, time and date(s) as notified by Election Commission in the presence of any candidate or his agent who may be present :-(a)Inspect and also allow an opportunity to candidates or their Election agent/counting agents to inspect the ballot-boxes and their seals to satisfy themselves that they are in order;(b)open the ballot-box, after checking the mark or marks made on the box and the lables affixed, take out the ballot papers from the box and arrange them in convenient bundles, separating the ballot-papers which he deems valid from those he rejects;(c)allow the candidates and their agents who may be present, reasonable opportunity to inspect all ballot-papers, which in the opinion of the Returning Officer, are liable to be rejected but shall not allow them to handle those there or any other ballot-papers. The Returning Officer shall on every ballot-paper which is rejected, endorse the word "rejected" and record briefly on such ballot-paper the grounds for its rejection. A brief record shall be kept of the serial number of all ballot-papers rejected.(d)Sort out the valid ballot-paper candidate-wise and count the valid votes given to each candidate with the aid of persons appointed to assist in the counting of votes and declare the election of the candidate who is found to have obtained the largest number of valid votes, or, if more than one member is to be elected for the Gram Panchayat, then the candidates who are found to have obtained the largest number of valid votes shall be declared to have been elected.

34.

(1) In a Gram Sabha where there is more than one Polling Station, the Presiding Officer of each Polling Station shall, as soon as practicable, after the close of the poll close the ballot-boxes used at the Polling Station in such manner as the Election Commissioner may direct and forward them to the Returning Officer. (2) When the ballot boxes used at all the Polling Stations, in his Sabha or Constituency area have been received, the Returning Officer shall, as soon as practicable, follow the procedure prescribed in rule 33 for the counting of votes and the declaration of results : Provided that in case of Constituency of a Panchayat Samiti and Zila Parishad ballot boxes from all the polling stations of a constituency may be kept at a secured place and counting may be done on a day fixed for counting by the Returning Officer and at a place to be notified in advance : Provided further that separate counting staff will be deployed for counting and the candidate may also deploy one counting agent for each counting table and one more counting agent for the table of the Returning Officer. The counting will be done by the counting staff and at the end of the each round the result of counting shall be compiled.

35. Procedure in case of tie.

- If, after the counting of votes is completed, votes polled by two candidates are equal and the addition of one vote will entitle any of these candidates to be declared elected, the Returning Officer shall forthwith decide between those candidates by draw of lots and proceed as if the candidate in whose favour the lot falls has received an additional votes. The decision of Returning Officer in this regard shall be final.

36. Rejection of ballot-papers.

- A ballot-paper contained in a ballot-box shall be rejected if :-(a) It bears any mark other than prescribed by Election Commission for making the vote or writing or mark by which the voter can be identified; (b) It does not contain the distinguished mark; (c) The Returning Officer, is satisfied that the ballot-paper is spurious; (d) It has been so damaged or mutilated that its identity as a genuine ballot-paper cannot be established; (e) It has not been marked in favour of any candidate or has been marked in favour of more than one; (f) It has not been marked clearly as to in whose favour the vote is recovered.

37. Preparation of return.

- When the counting of votes has been completed and the result has been declared, the Returning Officer, shall forthwith prepare a return containing the following, namely :-(i) the names of contesting candidates; (ii) the number of valid votes obtained by each candidate; (iii) the names(s) of the candidate(s) declared to have been elected ; and shall forthwith forward a copy of the return to the Election Commission and to any other Officer authorised by it in this behalf and a certified copy containing names of the candidates declared elected may also be given to the elected candidates.

38.

The Returning Officer shall put the following election paper in separate covers on the outside of which shall be endorsed a description of their contents and after sealing them in a separate packets and store these in steel trunk in the Treasury or at a completely protected place. (a) the ballot-papers counted as valid; (b) the ballot-papers rejected as invalid; (c) the unissued ballot-papers; (d) the spilt ballot-papers; (e) the cancelled/returned ballot-papers; (f) the tendered votes list; (g) the list of challenged votes; (h) account of ballot papers and (i) the marked copy of electoral roll; (j) the tender ballot-papers, ballot-paper accounts; (k) counter-foil of ballot-papers; (l) any other relevant papers as prescribed by Commission.

39. Custody of Election Papers.

(1) The Returning Officer shall retain the packets of sealed documents as mentioned in rule 38 in secured place or as directed by the Election Commission, until the expiry of one year from the date of the election or till the conclusion of an election petition, if any pending, whichever is later and shall then, subject to any direction given by the Election Commission, cause them to be destroyed. (2) A candidate may apply to the Returning Officer for inspection or supply of certified copies of any document relating to an election other than mention at (a) (b) (c) (d) (e) (f) and (g) in Rule 38 on payment of Rs. 5 by means of adhesive stamps and such certified copies shall be supplied in accordance with the procedure to be followed for similar application in respect of case dealt with by a Revenue Officer.

40. Penalty for contravention of the order of Commission.

- Penalty for contravention of any order regarding election matters issued by Election Commission, shall be punishable with a fine of Rs. 200 which shall be recovered as an arrear of land revenue and his order shall be final.

41.

The Election Commission may fix expenses to be incurred by a candidate for any office which may vary from office to office and may also specify the proforma in which the expenditure statement will be submitted by the candidate to the Commission within one month of the declaration of the result.

42. Staff.

- The Government may provide such staff and all other administrative assistance to the Election Commission and the Election Tribunal as may be considered necessary. (i) The Government shall make available to Election Commission such staff and administrative assistance as it may require for the performance of duties in connection with the preparation of revision of Electoral Rolls, and for conducting the election in respect of Panchayat. (ii) Such staff shall work under the direction of Election Commission and shall be in its disciplinary control till the Electoral Roll is prepared or

completion of election process as the case may be.

43. Election of Representatives of Sarpanches.

- As soon as a notification under Section 209 of the Punjab Panchayati Raj Act, 1994 as extended to the Union Territory, Chandigarh is issued by the Government to hold the election of the members of the Panchayat Samiti, the Director of Panchayats, Union Territory, Chandigarh shall initiate the process of the preparation of such list which shall contain the names and addresses of the Sarpanches of the Gram Panchayats falling under the jurisdiction of a Panchayat Samiti and shall publish it by pasting the names at some conspicuous places in his office, the office of the Panchayat Samiti concerned and the Sub Divisional Magistrate. (a) Any Sarpanch whose name has not been included in the list may file a claim with the Director of Panchayats, U.T. Chandigarh for inclusion of his name within three days of the publication of the list. (b) Any elector from the concerned Panchayat Samiti may file any objection with the concerned Director of Panchayats, U.T. Chandigarh regarding inclusion of any name of person whose is not a Sarpanch. (2) The concerned Director of Panchayats, U.T., Chandigarh shall summon such objector and may dispose of claim or, objection after summary inquiry within three days from the receipt of the claim or objection and publish the final list in the manner given under sub-rule (1) : Provided that any clerical or printing error may be rectified by the Director of Panchayats, U.T., Chandigarh at any time, thereafter.

44. Appointment of Returning Officer.

(1) The Election Commission may appoint Returning Officer for conduct of such election as prescribed in these rules. (2) The Election Commission shall fix a schedule of election of representative from and by Sarpanches of Gram Panchayats as specified in clause (b) of Sub Section (1) of Section 99 of the Punjab Panchayati Raj Act, 1994 as extended to the Union Territory, Chandigarh and holding election to elect the representatives of the Sarpanches in accordance with the provisions of these rules as far as prescribed. (3) The election of representatives of the Sarpanches of every Panchayat Samiti shall be notified by the Government.

45. Election of Chairman of Panchayat Samiti and Zila Parishad.

(1) After the election of directly elected members and representatives of Sarpanches in case of Panchayat is notified by the Government and the above members have taken the oath of affirmation under Section 104 of the Punjab Panchayati Raj Act, 1994 (as extended to the Union Territory, Chandigarh) the Deputy Commissioner or any other Officer appointed by him in this behalf, not below the rank of Extra Assistant Commissioner shall call a meeting as laid down under Section 105 and 168 of the Punjab Panchayati Raj Act, 1994 (as extended to the Union Territory, Chandigarh) after giving seven days notice in Form X to such member to elect Chairman and Vice Chairman of the Panchayat Samiti or Zila Parishad, as the case may be in separate meetings in accordance with the provisions of these rules : Provided that where the seat of Chairman and Vice Chairman of the Panchayat Samiti or Zila Parishad as the case may be is reserved for Scheduled Caste or Women the proposer or seconder shall propose or second the name of the persons belonging to such reserved categories only. (2) Two-third of the total number of members shall constitute a quorum. (3) If at the

first meeting there be an quorum as specified in sub-rule (2), the Presiding Officer shall adjourn the meeting.(4)When a meeting is adjourned under sub-rule (3) another meeting shall be convened by the Presiding Officer by giving not less than twenty four hours notice to the members.(5)No quorum shall be necessary for the Second meeting.(6)As soon as the members have assembled at the appointed time and place, the Presiding Officer shall call upon the members present to propose candidates for the two offices and every proposal shall also be seconded by a member. The names of the candidates, their proposers and seconders shall be recorded in Form XI and read out by the Presiding Officer to the members present.(7)If there are two or more such candidates for the seat of Chairman and Vice-Chairman the votes of the members present at the meeting shall be taken by the ballot in Form XII.The copy of the result of the election in respect of Chairman and Vice Chairman of Panchayat Samiti or Zila Parishad as the case may be, shall be immediately sent by the concerned Officer to the Election Commission and the Government and a certified copy of the result may also be given to the elected candidate.

46. Powers of Election Commission to issue instructions.

(1)The Commission may from time to time issue instructions to carry out the preparation of electoral rolls and conduct of election. The instructions so issued by the Commission shall be complied with by the concerned Officer and officials.

47. Final Authority for the interpretation of rules.

(1)If any question arises regarding the interpretation of the rules otherwise than in connection with an election petition which has actually been presented, it shall be referred by the person interested or the official concerned to the Government whose decision shall be final.(2)In case any doubt over interpretation of any of these rules arises or if any procedure which has not been prescribed in detail in these rules and becomes necessary to determine for conduct of election, the explanation and procedure as such given in Representation of Peoples Act, 1950 and rules framed thereunder on the question/subject shall be so constructed or followed as the case may be.

48.

(1)No election shall be called in question except by an election petition presented to the Election Tribunal within fifteen days from the date of the publication of the result of the election.(2)An election petition calling in question any election may be presented on the grounds specified in sub-rule (1) of rule 49 by any candidate at such election.(3)A petition shall join as respondents to his petition all the candidates at the election.

49. Contents of Petition.

(1)An election petition :-(a)shall contain a concise statement of the material facts on which the petitioner relies;(b)shall, with sufficient particulars, set forth the ground or grounds on which the election is called in question; and(c)shall be signed by the petitioner and verified in the manner laid

down in the Code of Civil Procedure, 1908 (5 of 1908) for the verification of pleadings.(2)Subject to the provisions of sub-rule (3) if the Tribunal is of opinion :(a)that on the date of his election a returned candidate was not qualified or was disqualified, to be chosen as such under this Act; or(b)that any corrupt practice has been committed by a returned candidate or his agent or by any other person with the consent of a returned candidate or his agents; or(c)that any nomination paper has been improperly rejected; or(d)that the result of the election, in so far as it concerns a returned candidate; has been materially affected :-(i)by the improper acceptance of any nomination; or(ii)by any corrupt practice committed in the interest of the returned candidate by a person other than that candidate or his agent or a person acting with the consent of such candidate or agent; or(iii)by the improper acceptance or refusal of any vote or reception of any vote which is void; or(iv)by the non-compliance with the provisions of the Act or of any rules or order made thereunder, the Tribunal shall declare the election of the returned candidate to be void.(3)If in the opinion of the Tribunal, a returned candidate has been guilty by an agent of any corrupt practice, but the Tribunal is satisfied:-(a)that no such corrupt practice was committed at the election by the candidate and every such corrupt practice was committed contrary to the orders, and without the consent of the candidate;(b)that the candidate took all reasonable means for preventing the commission of corrupt practices at the election; and(c)that in all other respects the election was free from any corrupt practice on the part of the candidate or any of his agents, then, the Tribunal may decide that the election of the returned candidate is not void.

50. Deposit to be made.

(1)At the time of, or before, presenting an election petition, the petitioner or petitioners shall deposit in the treasury a sum of Rs. Two hundred towards securities.(2)If the petitioner by whom the deposit referred to in sub-rule (1) withdraws this election petition and in any other case, after final orders have been passed on the election petition, the deposit shall, after such amount as may be ordered to be paid as costs, charged and expenses has been deducted be returned to the petitioner by whom it was made, and if the petitioner dies during the course of the enquiry into the election petition, any such deposit if made by him, shall after the amount of such costs as may be ordered to be paid, have been deducted be returned to his legal heirs.(3)All applications for the refund of a deposit shall be made to the Election Tribunal who shall pass orders thereon in accordance with these rules.

51. Petitions to be dismissed for non-compliance of rules.

- If any of the provisions of rules 49 and 50 has not been complied with the Election Tribunal may pass an order of dismissing the election petition and such order shall be final.

52. Withdrawal of Petitions.

- An election petition may be withdrawn only by leave of the Election Tribunal.

53. Repeal.

- The following sets of rules are hereby repealed, namely :-(1)The Punjab Gram Panchayat Election Rules, 1960;(2)The Punjab Panchayat Samitis (Primary Members) Election Rules, 1961.(3)The Punjab Panchayat Samitis Co-option of Members Rules, 1961.(4)The Punjab Panchayat Samitis and Zila Parishads Election of Members Rules, 1961.(5)The Punjab Zila Parishad (Co-option of Members) Rules, 1961; and(6)The Punjab Panchayat Samitis and Zila Parishads (Chairman and Vice- Chairman) Rules, 1961; as applicable in the Union Territory of Chandigarh :Provided that any order made or action taken under the rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these rules.

Form I[See Rule 6(1)(a)]Claim application for inclusion of name in the electoral roll

ToThe Electoral Registration Officer.
 _____ Sir,I request that my name be included in the electoral roll
 for the Gram Sabha/Constituency _____ relating to _____ My
 name (in full) _____ My Father's/Mother's/Husband's
 name _____ Particulars of my place of residence are

:-Village _____ Post Office _____ Police Station/
 Tehsil _____ District _____ I hereby declare that to the best of my
 knowledge and belief :-(i)I am a citizen of India;(ii)My age on the first day of January/last
 was _____ years and _____ months;(iii)I am ordinarily resident at the address
 given above ;(iv)I have not applied for the inclusion of my name in the electoral roll for any other
 Gram Sabha area/Constituency.(v)My name has not been included in the electoral roll for this or
 any other Gram Sabha/Constituency. Signature or thumb impression of Claimant. The application in
 Form I of Shri/Shrimati/Kumari _____ Address _____ has been

:- (a)Accepted and his/her name has been included in the Electoral roll,- vide Serial
 No. _____ (b)Rejected for the reason _____ Electoral Registration
 Officer Date _____ (Address) _____ (Perforation) Receipt of Application Received the
 application in Form 1 from Shri/Shrimati/Kumari _____
 Address _____ Electoral Registration Officer or Officer nominated by
 him. Dated _____ (Address) _____ Form II[See rule 6(1)
 (b)]Objection to inclusion of name ToThe Electoral Registration Officer.

_____ Sir,I object to the inclusion of the name
 of _____ Serial No. _____ in the electoral roll of Gram Sabha/ _____ of the
 election for the following reason(s)

:- _____
 _____ I hereby
 declare that the facts mentioned above are true to the best of my knowledge and belief. I am elector
 for this Gram Sabha and my particulars in the electoral roll for this Sabha are as follow :-Name in
 full _____ Sex _____
 Father's/Husband's/Mother's name _____ Serial
 No. _____ Part No. _____ (Signature/Thumb impression) Date
 _____ Full Postal Address _____ Intimation of action taken The
 objections in Form-II lodged by Shri/Shrimati/Kumari _____
 Address _____ has been :-(a)accepted and the name of
 Shri/Shrimati/Kumari _____ as appearing at Serial No. _____ in Gram

Sabha/Constituency _____ has been deleted.(b)rejected for the reason _____ Electoral Registration Officer,Dated _____ Address _____ (Perforation)Receipt of ApplicationReceived the application in Form-II from Shri/Shrimati/Kumari _____ Address _____ Electoral Registration Officer,Dated _____ Address _____ *To be filled in by the applicantFORM III[See rule 6(1)(c)]ToThe Electoral Registration Officer _____ Sir,I submit that the entry relating to myself which appears at Serial No. _____ in Gram Sabha/Constituency _____ of the electoral rolls as _____ is not correct. It shall be corrected to read as follows :-" _____ Place _____

Signature of Thumb impression of the elector.Date _____ Intimation or Action TakenThe objection in Form III lodged by Shri/Shrimati/Kumari _____ address _____ has been(a)accepted and the relevant entry has been corrected to read as follows :-(b)rejected for the reasonDated _____ Electoral Registration Officer(Address) _____ Receipt of applicationReceived the application in Form III from Shri/Shrimati/Kumari _____ Address _____ Electoral Registration Officer(Address) _____ Form IV(See Rule 7)Public Notice of ElectionNotice is hereby given that :-(1)an election is to be held on _____ (2)Forms of nomination paper may be obtained at the offices of the officers specified in paragraph 6 between the hours of _____ and _____ from _____ (date) to _____ (date) ;(3)Nomination papers may be delivered between the hours of 11 in the morning and 3 in the afternoon by a candidate or his proposer to any of the officers specified in paragraph (6) at his office on any day other than public holiday and not later than the _____ day of _____ ;(4)the nomination papers will be taken up for scrutiny at _____ (hour) on _____ (date) at _____ (place) ;(5)Notice of withdrawal of candidature may be delivered by a candidate or his proposer or his election agent to any one of the officers specified in paragraph (6) at his office before 3 in the afternoon on _____ ;(6)Nomination papers and notices of withdrawal may be delivered to the* _____ at his office;(7)In the event of the election being contested, the poll will take place on _____ between the hours _____ and _____ Date _____ Returning Officer.Place _____ Ward.*Here insert the name and designation of the Officer(s) to whom and the place at which the nomination papers and notice of withdrawal are to be delivered.Form V(See rule 9)Nomination PaperName of Gram Sabha/Constituency area _____ Name of Office _____ Name of the candidate _____ father's/husband's/mother's name _____ Age _____ Sex _____ Occupation _____ Address _____ :Whether the candidate is a member of the Scheduled Castes, the particular caste to which the candidate belongs _____ Serial Number of the candidate on the electoral roll pertaining to the Gram Sabha/Constituency area _____

is _____ in part No. _____ Name of the proposer _____ Serial
 Number of the proposer on the electoral roll pertaining to the Gram Sabha/Constituency
 area _____ in part of No. _____ (Signature of the Proposer) Name of the Secondar _____
 Serial Number of the Secondar on the electoral roll pertaining to the Gram Sabha/Constituency
 area _____ in part No. _____ (Signature of the Secondar) (To be filled by the Returning
 Officer after the nomination paper has been delivered to him) Form V-A Declaration By Candidate I
 hereby declare that I agree to this nomination. Signature of Candidate Declaration By A Candidate
 Who Is A Member Of scheduled Castes I male/Female do hereby declare that I am a member of
 the _____ caste which has been recognised as Scheduled Caste/Backward Classes, for the
 Union Territory of Chandigarh. Date _____ (Signature of
 Candidate) Undertaking By A Candidate Who Is a Member Of Parliament I hereby undertake to
 resign the membership of Parliament if elected as Sarpanch or Panch of Gram Panchayat or member
 of Panchayat Samiti and Zila Parishad as the case may be, before taking the oath under Section 13,
 104 and 167 of the Punjab Panchayati Raj Act, 1994 as extended to the Union Territory,
 Chandigarh. Dated _____ Signature of the candidate (To be filled in by Returning
 Officer) Serial No. _____ This nomination paper was delivered to me at my Office
 at _____ (date and hour) _____ Date _____ Signature of
 Returning Officer Certificate of Scrutiny I have scrutinised the eligibility of the candidate and find
 that he is eligible to contest the election, and I therefore, accept the
 nomination _____ (ii) I have scrutinised this nomination and reject it for following
 reasons _____. Signature of Officer scrutinising the nomination paper The symbol assigned to the
 candidate _____ Signature of Returning Officer Form
 V-B (See rule 10) Notice for withdrawal of candidature. I _____ resident of
 Village _____ Block _____ District _____ do hereby
 give notice to withdraw my candidature from the office of member/Panchayat Samiti/Gram
 Panchayat/Zila Parishad _____ Date and Time _____ Signature of the candidate To The Returning
 Officer. Order of the Returning Officer. Signature of Returning Officer. Form VI (See rule 13) List of
 contesting candidates for Election of _____ Election of Sarpanch/Panches of Gram
 Panchayat/Member of Panchayat Samiti/Zila Parishad _____

Sr. No. Name of candidate Address of candidate Whether SC./ST Woman Symbol Allotted

1 2 3 4 5

Signature of Returning Officer Form VII (See rule 22(1)(d)) To The Returning Officer, Gram
 Panchayat/Panchayat Samiti/Zila Parishad Election _____ Subject :- Supply of Ballot
 Paper for Polling by post. Sir, I _____

s/o _____ Age _____ am resident of
 village _____ of Gram Sabha/Panchayat Samiti/Zila Parishad

_____ is scheduled to take place on _____ I being elector of the said
 Gram Panchayat/Panchayat Samiti/Zila Parishad intend to cast my vote by post. Kindly supply me a
 ballot paper to enable me to cast my vote. Yours

faithfully, Name _____ S/o _____ Village _____ Block _____

: District _____ Form VIII (See sub-rule (2) of rule 25) Tendered votes list for the
 election of _____ Name of the Gram

Sabha/Constituency_____Polling Station_____

Sr. No.	Name of voter	Number in Electoral roll	Signature of Voter, if literate or thumb-impression if illiterate with his address.
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Date: _____ Signature of Presiding Officer. Form IX (See rule 26) Challenged Voters
 List for the election of _____ Polling
 Station _____ Signature Sheet
 No. _____

Name of Gram Sabha Constituency	Number on electoral roll	Name and address	Signature of Voter or thumb impression if voter, is illiterate	Name of identifier if any	Name of challenger	Order of Presiding Officer in each case
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Dated _____ Signature of Presiding Officer. Form X [(See rule 33(2)(e))] Statement of total number of Votes Statement of votes polled for the election of Panches/Sarpanch of Gram Panchayat/member of Panchayat Samiti/Zila Parishad _____ Name of Gram Sabha/Constituency area _____ Polling
 Station _____

Sr. No.	Name of the candidate	Number of valid ballot papers polled by him	Number of rejected ballot papers
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Total Number of : (a) Valid Votes _____ (b) Rejected votes _____ (c) Votes polled _____ Dated _____ Signature of Returning Officer. Form XI [See rule 45(1)] Notice is hereby given to Shri _____ Member of Panchayat Samiti/Zila Parishad _____ that a special meeting of the Panchayat Samiti/Parishad will be held at _____ (time) on _____ (date) _____ at its office for the election of the Chairman and Vice-Chairman. The members are requested to make it convenient to attend the meeting. Signature
 _____ Designation _____ (SEAL) Form XII [See rule 45(3)] Election of Chairman and Vice-Chairman of Panchayat Samiti/Zila Parishad.

1. Name of District. _____

2. Name of Panchayat Samiti/Zila Parishad _____

3. Place of meeting _____

4. Date and hour of meeting _____

5. Name of candidates proposed for the Chairman with names of their Proposers and Seconders -

Sr. No.	Name of the candidate	Name of Proposer	Name of Seconder	If candidate has withdrawn note fact and take candidate'sSignature or thumb mark.
(1)				
(2)				
(3)				

6. Name of the candidates for Vice-Chairman and their proposers and seconders-

Sr. No.	Name of the candidate	Name of Proposer	Name of Seconder	If candidate has withdrawn note fact and take candidate'ssignature or thumb impression.
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Date_____ Signature of the Presiding Officer. Form XIII

Part I – Ballot Paper Account

Election to the _____ Number and name of polling station_____ Serial numbers, Total numbers

1. Ballot papers received

2. Ballot papers not used

3. Ballot papers issued to voters

4. Ballot papers cancelled

5. Number of tendered votes cast at the polling station

Date_____ Signature of Presiding Officer.

Part II – Result of Counting

Name of candidate_____ Number of valid votes cast_____ Rejected ballot papers_____ Total No. of ballot papers found in the Ballot box(es)_____ Date_____ Signature of counting SupervisorSignature of

the Returning Officer