

The Sikh Gurdwaras Committee Election Rules, 1959

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Rule

THE-SIKH-GURDWARAS-COMMITTEE-ELECTION-RULES-1959 of 1959

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The Sikh Gurdwaras Committee Election Rules, 1959 Published vide Punjab Government Notification No. 1565 Gurdwaras, dated the 30th September, 1959.

1109.

1. Short title.

- The rules may be called the Sikh Gurdwaras Committee Election Rules, 1959.

2. Definitions.

- In these rules unless the context otherwise requires :-(a)"Act" means the Sikh Gurdwaras Act, 1925;(b)"agent" means any person appointed in writing by a candidate at an election to be agent for the purposes of these rules, with the acceptance in writing by such person of the office of such agent, whether as election agent, polling agent or counting agent;(c)"Commissioner, Gurdwara Elections" and "Resident" shall have the same meaning as are respectively assigned to them in the Act;(d)"Committee" means the Committee of Gurdwara or Gurdwaras whose annual monetary income exceeds three thousand rupees;(e)"constituency" means a constituency for the election of a member or members of the Committee;(f)"election" means an election to fill a seat or seats in the Board and "elector", in relation to a constituency, means a person whose name is for the time being entered in the electoral roll of be that constituency;(g)"form" means a form appended to these rules and includes a translation thereof in any other language;(h)"roll" means the electoral roll of a constituency; and(i)"Scheduled Castes" means all such castes, races or tribes or parts of or groups within such castes, races or tribes as have been specified to be Scheduled Castes, in relation to the State of Punjab under Article 341 of Constitution of India.

3. Returning Officer.

- The returning officer of a constituency shall be -(a)the General Assistant or where there are more than one General Assistant, General Assistant I or where there is no General Assistant such officer as the Commissioner, Gurdwara Elections, may appoint, if the constituency, consists of a district;(b)an officer appointed by the Commissioner, Gurdwara Elections, if the constituency extends over more than one district :(c)an Assistant Commissioner or an Extra Assistant Commissioner appointed by the General Assistant or General Assistant I and where there is no General Assistant such officer as may be appointed by the Commissioner, Gurdwara Elections, if the constituency consists of one or more tahsils not constituting a district; and(d)an officer not below the rank of Tahsildar appointed by the General Assistant or General Assistant I and where there is no General Assistant such officer as may be appointed by the Commissioner, Gurdwara Elections, if the constituency consists of an area or combination of areas less than a tahsil :Provided that if any officer appointed as a returning officer under the provisions of this rule becomes incapable of acting as such owing to his transfer, illness or other such cause the appointing authority may appointed in his place any other officer whom he might originally have appointed :Provided further that if the appointing authority is himself the returning officer he may delegate any of his duties as such to an Assistant Commissioner, or an Extra Assistant Commissioner, if he is unavoidably prevented from performing the same.

4. Dates of various stages of election.

(1)[The Chief Commissioner when in existence otherwise the Commissioner, Gurdwara Elections], [Substituted for [The Commissioner, Gurdwara Elections] vide MOH Notification No. S.O. 360(E), dated, 30.4.1998.] shall fix the date or dates on, by or within which -(i)the nomination papers shall be presented;(ii)the list of nomination papers shall be posted;(iii)(iv)applications for the revision of the orders of the authority scrutinising the nomination papers may be made to the Deputy Commissioner;(v)the revision applications shall be decided;(vi)a candidate may withdraw his candidature;(vii)the list of valid nomination papers shall be posted;(viii)the list of polling stations shall be posted;(ix)the polling shall be held; and(x)the result of election shall be declared :Provided that the last date for the nomination of candidates for election shall be fixed not less than thirty days before the date fixed for the poll and not less than fifteen days after the date of the publication of the notice under sub-rule(2) and the date for the scrutiny of nominations shall be fixed not more than seven days from the last date for the nomination of candidates.(2)The returning officer shall publish the dates fixed under sub-rule (1) by notice posted at his office and at the office of each tehsil in which the area comprising the constituency, or any part of such area, is situated, and at the office of every patwari, if any, and every post office, if any, and every Notified Sikh Gurdwara situated in such area, and if the constituency consists of a single revenue estate or of a number of specified revenue estates in which there is neither the office of the patwari nor a post office, at a place of public resort within the boundaries of each such revenue estate.(3)[The Chief Commissioner when in existence otherwise the Commissioner, Gurdwara Elections] [Substituted for [The Commissioner, Gurdwara Elections] vide MOH Notification No. S.O. 360(E), dated 30.4.1998.], may order a change in any of the dates fixed under sub-rule (1) at any time :Provided that unless the Commissioner, Gurdwara Elections, otherwise directs no such order shall be deemed to invalidate any proceedings taken

before the date of the order.

5. The electoral roll.

- The electoral roll of a constituency for the election of a member or members of a Committee shall be such portion or portions of any roll or rolls in force at the time, of any constituency or constituencies for the elections of member or members of the Board as relates or relate to the area or areas comprised in such constituency for the election of a member or members of such Committee, whether such election is held at the same time as an election of a member of the Board or at any other time.

6. Notification of Symbols.

(1)The Chief Commissioner, Gurdwara Elections, when in existence, otherwise the State Government] shall by notification in the official Gazette publish a list of symbols and may in like manner add to or vary such list.(2)In each constituency every nomination paper delivered under rule 7 shall also be accompanied by a declaration in writing specifying the particular symbols which the candidate has chosen for his first preference out of the list of symbols for the time being in force under sub-rule (1) and also specifying two other symbols out of that list which he has chosen for his second and third preferences respectively :Provided that the choice to be made by a candidate under this sub-rule shall be subject to such restrictions as the State Government may think fit to impose in that behalf.

7. Nomination of candidates.

(1)Any person not ineligible for membership of the Committee under the provisions of section 90 of the Act may be nominated as a candidate for election :Provided that -(a)on or before the date fixed for the nomination of candidates under the provisions of rule 4, between the hours of 11 o'clock in the forenoon and 3 o'clock in the afternoon, he shall deliver, either in person or by his proposer or by an agent appointed by authority in writing, signed by the candidate and verified by a magistrate, sub-registrar, sarpanch, nayaye pradhan, lambardar or member of Legislature or local body to the returning or any other officer appointed by him in this behalf, a nomination paper completed in form 1 and subscribed by the candidate himself as assenting to the nomination and by one person as proposer, whose name is included in the roll of the constituency as specified in rule 5;(b)no person shall subscribe as proposer a number of nomination paper greater than the number of members to be elected to represent the constituency in question, and if a person has subscribed a large number of nomination papers than there are vacancies to be filled, only those of the papers so subscribed which have been first received up to the number of such vacancies shall be deemed to be valid.(2)On the presentation of a nomination paper, the returning officer shall satisfy himself that the names and electoral roll numbers of the candidates and his proposer as entered in the nomination paper are the same as those entered in the electoral rolls:Provided that the returning officer may -(a)permit any clerical error in the nomination paper in regard to the said 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 shall be

overlooked.

8. Deposits.

(1) On or before the date appointed for the nomination of candidates, each candidate shall deposit or cause to be deposited with the returning officer in the treasury or a sub-treasury of Reserve Bank a sum of one hundred rupees and no candidate shall be deemed to be duly nominated unless such deposit has been made : Provided that not more than one such deposit need be made by any candidate in respect of his candidature for any one constituency : Provided further that where the candidate is a member of the Scheduled Castes, the amount to be deposited by him or on his behalf shall be rupees fifty. (2) If a candidate by whom or on whose behalf the deposit has been made, withdraws his candidature in the manner and within the time specified in sub-rule (1) of Rule 12, or if the nomination of any such candidate is rejected, the whole deposit shall be returned to the person by whom it was made. (3) If a candidate by whom or on whose behalf the deposit has been made, withdraws his candidature within the time specified in sub-rule (2) of rule 20, three-quarters of the deposit shall be returned to the person by whom it was made and the remaining one-quarter shall be forfeited to the State Government. (4) If a candidate by whom or on whose behalf the deposit has been made dies before the commencement of the poll, the deposits, if made by him, shall be returned in full to his legal representative or, if not made by the candidate, shall be returned in full to the person by whom it was made. (5) If a candidate by whom or on whose behalf the deposit referred to in sub-rule (1) has been made is not elected and the number of votes polled by him does not exceed the minimum as specified below, the deposit shall be forfeited to the State Government :-

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|---|---|
| (a) Where the number of candidates to be elected at the election by a constituency is one | One-eighth of the total number of votes polled. |
| (b) Where the number of candidates to be elected at the election by a constituency is two | One-half of the least number of votes polled by a candidate who has been elected at the election. |
| (c) Where the number of candidates to be elected at the election by a constituency is three | One-third of the least number of votes polled by a candidate who has been elected at the election. |
| (d) Where the number of candidates to be elected at the election by a constituency is four | One quarter of the least number of votes polled by a candidates who has been elected at the election. |
- (6) If a candidate by whom or on whose behalf the deposit, referred to in sub-rule (1), has been made is elected or is not elected, the deposit shall, if it is not forfeited under sub-rule (5), be returned to the candidate or to the person who has made this deposit on his behalf, as the case may be, after the publication of the result of the election in the Official Gazette : Provided that if a candidate is duly nominated at a general election in more constituencies than one, not more than one of the deposits made by him or on his behalf shall be returned and the remainder shall be forfeited to the State Government.

9. List of nominations to be posted.

- The returning officer shall, on the date specified under rule 4 in this behalf, post at his office a list of all the candidates, whose nomination papers have been duly presented in accordance with the

provisions of rule 5, together with descriptions similar to those contained in the nomination papers of the candidates and of the persons who have subscribed the nomination papers as proposers.

10. Candidates, etc., to be allowed to examine nomination papers.

- On the date fixed for the scrutiny of nominations under the provisions of rule 13, the candidates, one proposer of each candidate and one agent of such candidate but no other person, may attend at such time and place as the returning officer may appoint, and the returning officer shall give them all reasonable facilities for examining the nomination papers of all candidates whose names are included in the list of candidates posted under the provisions of rule 9.

11. Scrutiny of nominations and decision of objections.

(1) On the date fixed for the scrutiny of nominations under the provisions of rule 4, after facilities have been given for the examination of nomination papers under the provisions of rule 10, and if necessary on the next following day, the returning officer or, if the returning officer is the General Assistant or General Assistant I, any other officer not below the rank of Tehsildar appointed by the returning officer in this behalf, shall examine the nomination papers of all candidates whose names are included in the list of candidates posted under the provisions of rule 9, and shall decide all objections made to any nomination, and may, either on such objections or of his own motion, after such summary enquiry, if any, as he may deem necessary, reject any nomination on any of the following grounds : (a) that the candidate is ineligible for election under the provisions of section 90 of the Act; (b) that a proposer was not qualified to subscribe the nomination paper under the provisions of rule 7; (c) that there has been any failure to comply with any of the provisions of rule 7, or rule 8; (d) that the candidate or his proposer is not identical with the person whose number on the roll is given in the nomination paper as the number of such candidate or proposer, as the case may be; (e) that the signature of the candidate or his proposer is not genuine or has been obtained by force or fraud; Provided that - (i) nothing contained in clause (a) of this sub-rule shall be deemed to authorize the rejection of the nomination of any candidate on the ground that he is ineligible for election owing to his being a patit; (ii) nothing contained in clause (b), (c), (d) or (e) of this sub-rule shall be deemed to authorise the rejection of the nomination of any candidate on the ground of any irregularity in respect of a nomination paper if the candidate has been duly nominated by means of another nomination paper in respect of which no irregularity has been committed. (2) If any question arises whether a candidate is or is not able to read and write Gurumukhi, the candidate shall be deemed to fulfil that qualification if he produces a certificate from the headmaster of a Government or a recognised Khalsa School, of not below the middle standard, to the effect that the candidate can recite Shri Guru Granth Sahib in Gurumukhi and can also write Gurumukhi. (3) The returning officer or other officer appointed under the provisions of sub-rule (1) for the scrutiny of nomination papers shall endorse on each nomination paper his decision accepting or rejecting it, and if he rejects it, shall record in writing a brief statement of his reasons for so rejecting it. (4) Any person aggrieved by any order passed by an authority under sub-rule (1) or sub-rule (3), may, within the date specified under rule 13 in this behalf, present in person or by counsel or by an agent appointed by authority in writing signed by him and verified by a Magistrate, sub-registrar, sarpanch, nayaye pardhan, lambardar or a member of Legislature of local authority, to the Deputy Commissioner of the district

in which the returning officer is posted, an application for revision of such order.(5)When any application for revision of an order has been received under sub-rule (4), the Deputy Commissioner, may, after hearing the applicant or his counsel, confirm such order or, after serving the candidates for election from the constituency with a notice, either personally or by registered post or by affixing its copy to those persons residences or at the address given in their nomination papers, intimating the date on which the application will be heard, and after hearing the applicant and such other candidates, as may appear on the date so intimated, may confirm such order or set it aside and pass such order other as he may deem fit. The order so passed under this sub-rule shall be final.

12. Withdrawal of candidatures.

(1)Any candidate may withdraw his candidature by notice in writing subscribed by him and delivered by him in person or by his proposer or agent to the returning officer before 3 o'clock in the afternoon on the date specified under rule 4 in this behalf and no person who has thus withdrawn his candidature shall be allowed to cancel his withdrawal.(2)The returning officer may allow withdrawal of candidature not less than ten days previous to the date of the commencement of the poll if the number of remaining candidates is equal to the number of member or members to be elected from the constituency.

13. Assignment of symbol to candidates.

(1)If in any constituency the number of validly nominated candidate exceeds the number of seats to be filled, the returning officer shall, before preparing a list of valid nominations under rule 14, consider the choice as respects symbols expressed by candidates in the declarations referred to in sub-rule (2) of rule 6, delivered by them along with their nomination papers and shall, subject to any general or specified directions issued by the State Government in this behalf, assign a different symbol to each candidate in conformity, as far as practicable, with his choice. If more candidates than one indicate their preferences for the same symbol, the returning officer shall decide by lot to which of those candidates the symbol shall be assigned. The decision of the returning officer in assigning any symbol to a candidate under this rule shall be final.(2)In every case where a symbol has been assigned to a candidate under sub-rule (1), such candidate or his agent shall forthwith be informed of the symbol so assigned and be supplied with a specimen thereof by the returning officer.

14. List of all valid nominations to be posted.

(1)On completion of the scrutiny of nominations and after the expiry of the period within which candidatures may be withdrawn under the provisions of rule 12, the returning officer shall forthwith prepare a list of valid nominations and cause it to be posted up in some conspicuous place in his office and at such other places in the constituency as he may deem fit.(2)The list to be posted under sub-rule (1) shall contain the names in alphabetical order in Gurmukhi and address of the validly nominated candidates as given in the nomination papers and indicate the symbol assigned to each candidate.(3)If there are two candidates whose names are the same, they shall be distinguished by the addition of their occupation or their village or in such other manner as the returning officer may

think fit.

15. Death of candidate before poll.

- If a candidate dies before the poll and after the date fixed for the nomination of candidates and his nomination is or has been accepted as valid at the time of scrutiny of nomination papers, all proceedings with reference to the election of a member in the constituency or constituencies in which he was candidate shall be commenced a new in all respects as if for a fresh election. Provided that no fresh nomination shall be necessary in the case of a candidate whose name is entered on the list of valid nominations posted under the provisions of rule 9.

16. Procedure in uncontested election.

- Subject to the provisions of rule 15, if the number of candidates validly nominated in any constituency is equal to or less than the number of members to be elected for such constituency, then such candidates shall be deemed to have been elected and the returning officer shall forward a list of names of such candidates to the Commissioner, Gurdwara Elections, and if the number of such candidates is less than the number of members to be elected, the Commissioner, Gurdwara Elections, shall fix another date for the election of the remaining members.

17. Procedure in contested election.

- If the number of candidates validly nominated in any constituency is more than one, a poll shall be taken on the date or dates specified under rule 4 in this behalf for the election.

18. List of polling stations to be published and polling officers to be appointed.

(1) The returning officer shall select such number of polling stations as he may deem necessary and shall, not less than seven days before the first date or the dates fixed for the election, publish in the manner prescribed for the publication of rolls and notices in sub-rule (2) of rule 4 a list showing the polling stations so selected, the polling area for which each such station has been selected and the hours during which each such station shall remain open for the recording of votes, and no person shall be permitted to record his vote except at the polling station of the area to which according to the roll he belongs and during the hours specified in the list. (2) The returning officer shall appoint a presiding officer for each polling station and such other persons (hereinafter referred to as polling officers) to assist the presiding officer as he may deem necessary but he shall not appoint any person who has been employed by or on behalf of or has been otherwise working for, a candidate in or about the election. If the presiding officer, owing to illness or other unavoidable cause, absents himself from the polling station, his functions shall be performed by such polling officer as has been previously authorized by the returning officer to perform such functions during any such absence, and if a polling officer is absent from the polling station, the presiding officer may subject to the restriction imposed above, appoint any person who is present at the polling station to be the polling

officer and inform the returning officer accordingly. The returning officer may at any time, if he thinks fit, appoint any other person to act in place of any person previously appointed. (3) The presiding officer shall, in addition to performing any other duties imposed upon him by these rules, be in general charge of all arrangements at the polling station and may issue orders as to the manner in which persons shall be admitted to the polling station and generally for the preservation of peace and order at or in the vicinity of the polling station.

19. Materials to be supplied at polling stations.

- The Commissioner, Gurdwara Elections, may direct that before any ballot-paper is delivered to a voter at a polling station, it shall be marked with such official mark as may be specified by him in this behalf and the official mark so specified shall be kept secret. (2) The returning officer shall provide at each polling station as many ballot-boxes and ballot-papers as may be necessary, instruments for stamping the official mark on the ballot-papers when any direction in this behalf has been issued by the Commissioner, Gurdwara Elections, copies of the roll or such part thereof as contain the names of the electors entitled to vote at such station and materials sufficient for the purpose of enabling electors to mark the ballot-papers.

20. Arrangement for secrecy of voting.

- Each polling station shall be furnished with such number of polling compartments, in which electors can record their votes screened from observation, as the presiding officer thinks necessary.

21. Ballot-box.

(1) Every ballot-box shall be of such design as may be approved by the Commissioner, Gurdwara Elections, and shall be so constructed that ballot-papers can be inserted therein during the polling but cannot be withdrawn therefrom without the box being unlocked and the seals being broken. (2) One ballot-box shall, at a time, be used in a polling station and the same shall be placed for the receipt of the ballot-papers in the view of the presiding officer, candidates and their agents.

22. Notices to be exhibited.

- Outside each polling station and each polling compartment there shall be displayed prominently :- (i) a notice specifying the polling area the electors of which are entitled to vote at the polling station; (ii) a list of the validly nominated candidates; and (iii) instructions for marking the votes on the ballot-papers.

23. Procedure before commencement of poll.

(1) The presiding officer shall, immediately before the commencement of the poll, allow inspection of each ballot box to be used at the poll to the candidates, their election agents and their polling agents who may be present at the polling station, and demonstrate to them that it is empty. (2) Where it is

necessary to use a paper seal for securing the ballot-box, the presiding officer shall thereafter fix, in the space meant therefor, in each such box, a paper seal provided for the purpose.(3)He shall also affix on such paper seal his own signature and signatures or seals of the candidates or of their election or polling agents as may be present and who desire to affix such signatures or seals and shall then secure and seal each box in their presence in such a manner that the slit in the box for the insertion of the ballot-papers remains open.(4)Where it is not necessary to use a paper seal for securing a ballot-box, the presiding officer shall, after demonstration under sub-rule (1) that the ballot-box is empty secure and seal the box in such a manner that the slit in the box for insertion of papers therein remains open and shall also allow the candidates or their election or polling agents, who may be present, to affix their own seals on the box, if they se desire.(5)The paper seal or other seals used in a ballot-box shall be affixed in such a manner that it shall not be possible to open to the box without breaking such paper seal or other seals or any thread on which seals have been affixed.

24. Admission to polling station.

- The presiding officer shall regulate the number of electors to be admitted at any one time inside the place fixed for the poll and shall exclude therefrom all other persons except -(a)the polling officers;(b)every candidates, his election agent and one polling agent for each candidate;(c)persons authorised by the Commissioner, Gurdwara Elections, and the returning officer;(d)public servants on duty;(e)a child in arm accompanying an elector;(f)a person accompanying a blind or infirm elector who cannot move without help; and(g)such other persons as the presiding officer may from time to time admit for the purpose of assisting him in taking the poll.

25. Ballot-paper.

(1)The ballot-paper shall be of the design and printed in the manner as the Commissioner, Gurdwara Elections, may direct.(2)The ballot-papers shall contain a serial number, the names of the validly nominated candidates in the order in which they appear in the list thereof and the facsimile of the symbol allotted to each of the candidates.

26. Voting to be in person and not by proxy.

- The voting shall be by ballot and every elector wishing to record his vote shall do so in person and not by the proxy.

27. Questions to be put to electors.

- At any time before a ballot-paper is delivered to an elector, the presiding officer or a polling officer may of his own accord, if he has reason to doubt the identity of the elector or his right to vote at the polling station and shall, if so required by a candidate or his agent, put to the elector the following questions :-(a)Are you the person enrolled as follows :-(Reading the whole entry relating to the elector from the roll ?(b)Have you already voted at the present election ?(c)such other persons as he may deem fit or necessary; and the elector shall not be supplied with a ballot-paper unless he

answers the first question in the affirmative and the second question in the negative or if he refuses to answer any other question put to him in pursuance of this rule.

28. Special procedure for preventing resonation of electors.

(1) Subject to the other provisions of this rule, every elector who applies for a ballot-paper for the purpose of voting at a polling station shall, before receiving such ballot-paper, allow :- (a) the inspection of his left forefinger to the presiding officer or any polling officer; and (b) an indelible ink mark to be put on his left forefinger. (2) If any such elector :- (a) refuses to allow such inspection of his left forefinger; or (b) persists in doing any act with a view to remove such mark after it has been put; he shall not be entitled to be supplied with any ballot-paper or to record his vote at the election. (3) No person who already has a mark on his left forefinger at the time he enters the polling station shall be supplied any ballot-papers, he shall be liable to be arrested and prosecuted for personation. (4) Any reference in this rule or in rule 29 to the left forefinger of an elector shall, in the case where the elector has his left forefinger missing be construed as a reference to any other finger of his left hand, and shall, in the case where all the fingers of his left hand are missing, be construed as a reference to the forefinger or any other finger of his right hand and shall in the case all his fingers of both the hands are missing be construed as a reference to such extremity of his left or right arm as he possesses.

29. Procedure before recording of votes.

(1) The elector on entering the polling station shall first allow his left forefinger to be inspected by a polling officer for the purpose of ascertaining if he already has any mark of indelible ink on that finger. If there is no such mark, the polling officer-in-charge of the electoral roll 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 call out the number, name and description of the elector according to the entry in the roll. (2) On the elector's name being called out, the elector shall approach the polling officer-in-charge of the ballot-papers who shall then cause the left forefinger of the elector to be marked with indelible ink and shall thereafter deliver a ballot-paper or the requisite number of ballot-papers to the elector. Before delivering the ballot-paper or papers the polling officer shall, where a direction has been issued in this behalf under sub-rule (1) of rule 19, stamp the ballot-paper or papers with such official mark as may have been specified under that rule. Such polling officer shall at the time of delivery of the ballot-paper or papers place against the serial number of the elector in the electoral roll a mark to denote that the elector has received a ballot-paper or papers and shall also keep a record of the serial number or numbers of the ballot-paper or papers supplied to the elector in such manner as the presiding officer may, subject to any general or special instructions issued in that behalf by the Commissioner, Gurdwara Elections, direct. (3) In deciding the right of a person to obtain a ballot-paper under this rule, the presiding officer at any polling station may interpret an entry in the electoral roll so as to overlook merely clerical or printing error if he is satisfied that such person is identical with the elector to whom such entry relates.

30. Identification of elector.

- The presiding officer may employ at the polling station such person s as he thinks fit to assist him or any polling officer in identifying the electors.

31. Manner of recording votes.

(1)The elector on receiving a ballot-paper shall forthwith proceed to one of the polling compartments and there make a mark on the ballot-paper against the name of the candidate for whom he intends to vote in accordance with such instructions as the Commissioner, Gurdwara Elections, may issue in this behalf.(2)The elector shall then, before quitting the polling compartment, fold his ballot-paper so as to conceal his vote, and after showing to the presiding officer the distinguishing mark, if any, on the ballot-paper, put the ballot-paper so folded into the ballot-box in the presence of this presiding officer.(3)The presiding officer shall, when he is so requested by an elector, explain to him instructions for the recording of votes.(4)Every elector shall vote without undue delay and shall quit the polling station as soon as he has put his ballot-paper in the ballot-box. No elector shall remain in a polling compartment longer than is reasonably necessary for marking his vote.(5)No elector shall be allowed to enter a polling compartment when another elector is inside.

32. Recording of votes of infirm electors.

(1)If owing to blindness or other physical infirmity, an elector is unable to read the ballot-paper or make a mark thereon, the presiding officer shall record the vote on the ballot-paper in accordance with the wishes of the elector and fold it up so as to conceal the vote.(2)The elector shall then himself or with the assistance of the polling officer insert the ballot-paper into the ballot-box.(3)While acting under this rule the polling officer shall observe as much secrecy as feasible and shall keep a brief record of each such instance but shall not indicate therein the manner in which any vote has been given.

33. Tendered votes.

(1)It a person representing himself to be a particular elector named on the electoral roll applies for a ballot-paper after another person has already voted as such elector, he shall, after duly answering such questions as the polling officer may ask, be supplied with a ballot-paper in form II (hereinafter in the rules referred to as a tendered ballot-paper).(2)Every such person shall, before being supplied with a tendered ballot-paper, sign his name against the entry relating to him in a list in form II.(3)Such person shall thereafter record on the ballot-paper the name or names of the candidate or candidates for whom he wishes to vote; but if owing to illiteracy or any other reason he is unable to make such record the presiding officer shall do so in accordance with his wishes.(4)The procedure laid down in sub-rule (3) shall be followed with due regard to secrecy.(5)Every such tendered ballot-paper shall forthwith be placed in a separate cover which shall be sealed and all such covers containing tendered ballot-papers shall be kept in a separate packet.

34. Challenged votes.

(1) If any candidate or his agent declares and undertakes to prove that any person by applying for a ballot-paper has committed the offence of personation, the polling officer may require such person to state his name and address and shall then enter such name and address in the list of challenged votes in form VI and shall require such person to sign such entry or, if he is unable to write, to affix his thumb impression thereto and the polling officer shall sign his name across such impression and may further require such person to produce evidence of identification: Provided that no action shall be taken by the polling officer under this sub-rule unless a sum of two rupees has been deposited in cash with the polling officer by the candidate or his agent for each challenge he makes. (2) If the person so challenged refuses to comply with such requisition, he shall not be permitted to vote. But if such person does so comply and on being questioned in the manner provided in rule 27 answers the first question in the affirmative and the second question in the negative and replies satisfactorily to any other question put to him in pursuance of that rule, and if having been required to produce evidence of identification he produces evidence, which the polling officer considers satisfactory, he shall be allowed to vote after he has been informed of the penalty for personation. (3) If the presiding officer after such inquiry on the spot as he thinks necessary is of opinion that the challenge made by the candidate or his agent under sub-rule (1) is frivolous and has not been made in a good faith; he shall direct the deposit made under sub-rule (1) to be forfeited to Government and his order in this respect shall be final. (4) If the deposit made under sub-rule (1) is not forfeited under sub-rule (3), it shall be returned forthwith to the person by whom it was made. (5) The presiding officer shall in every case, whether or not the person challenged is allowed to vote, make a note of the circumstances in the list of challenged votes.

35. Spoilt ballot papers.

- A voter who has inadvertently dealt with his ballot-paper in such a manner that it cannot conveniently be used as a ballot-paper may, after delivering such ballot paper to the polling officer and satisfying him of such inadvertence, obtain another ballot-paper in place of the spoilt paper, and the latter shall be marked as cancelled.

36. Recording of votes by staff on duty at polling station at which they are not entitled to vote.

(1) A presiding officer, a polling officer, any other public servant or a polling agent, who is an elector in a constituency and is, by reason of his being on duty at a polling station, unable to vote at the polling station where he is entitled to do so may, on application, be allowed to record his vote in that constituency by means of the ballot-paper prescribed for the constituency concerned, to be returned to the returning officer of that constituency by post so as to reach him before the date fixed for the declaration of result under rule 4. (2) Every such application shall be addressed to the returning officer of the constituency, shall specify the name of the elector, his address and his electoral roll number and shall be made at least ten days before the date fixed for the poll. (3) If the returning officer is satisfied that the applicant is entitled to vote under sub-rule (1), he shall make

arrangements for the supply to him of that ballot-paper by adding the word "postal" thereon.

37. Return of ballot-paper by elector.

- If an elector 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 as "cancelled - returned" and kept in a separate envelope set apart for the purpose and a record shall be kept by the polling officer of all such ballot-papers.

38. Closing of polling station.

- The presiding officer shall close the polling station each day at the hour appointed under the provisions of sub-rule (1) of rule 18 and no ballot-paper shall be issued to any elector after such hour, but all electors present at the place fixed for the poll before it is so closed shall be entitled to have their votes recorded :Provided that if for any reason it was not possible to open the polling station at the hour appointed under the provisions of sub-rule (1) of rule 18, or if by reason of disorder at the polling station, or for any other reason the polling was stopped for a certain time, the presiding officer shall keep the polling station open for a further period equal to the period that elapsed between the hour appointed for the opening of the polling station and the hour at which it was actually opened or the time during which polling was stopped, as the case may be.

39. Procedure at close of poll.

(1)The presiding officer of each polling station shall, as soon as practicable after the close of the polling in the presence of the candidates or their agents who may be present, prepare an account of ballot-papers in form V.(2)He shall also make up into separate packets -(i)the unused ballot-papers;(ii)the tendered ballot-papers;(iii)the cancelled ballot-papers (returned as well as spoilt);(iv)the marked copy of the electoral roll;(v)the tendered votes list;(vi)the list of challenged votes;(vii)any other paper directed by the returning officer to be kept in a sealed packet;and shall seal each such packet with his own seal and the seals of such candidates or election or polling agents as may desire to affix their seals thereon.(3)He shall forward the account of ballot-papers referred to in sub-rule (1) and the packets referred to in sub-rule (2) to the returning officer, along with the packets referred to in rule 43.

40. Fresh poll in case of destruction of ballot-boxes.

(1)If at any election any ballot-box or boxes is or are unlawfully taken out of the custody of the presiding officer or is or are in any way tampered with, or is or are either accidentally or intentionally destroyed or lost, the election to which such ballot-box or boxes relate shall be liable to be declared as void, but only in respect of the polling station or stations provided for the poll, as the case may be, at which such ballot-box or boxes was or were used and no further.(2)Whenever the polling at any polling station or stations or at the place fixed for the poll shall be liable to be declared as void under sub-rule (1), the presiding officer shall, as soon as practicable after the act or event

causing such voidance has come to his knowledge, report the matter to the returning officer, Deputy Commissioner and the Commissioner, Gurdwara Elections. The Deputy Commissioner shall, in the event of his being satisfied, declare the election void and the returning officer shall with the approval of the Commissioner, Gurdwara Elections, appoint a day for the taking of a fresh poll in such or every such polling station or in such place fixed for the poll and fix the hours during which the poll will be taken :Provided that no fresh poll shall be taken if the difference between the votes secured by the candidate who is found to have obtained the least number of votes up to the number of members to be elected and by the candidate who has polled the largest number of votes from amongst the remaining candidates is more than the total number of voters entitled to vote at such a polling station or polling stations in the constituency.(3)The provisions of these rules shall apply to every such fresh poll as they apply to the original poll.

41. Adjournment of polling in emergencies.

(1)If at an election the proceedings at any polling station provided under rule 18 are interrupted or obstructed by any riot or open violence, or if at an election it is not possible to take the poll at any polling station on account of any natural calamity, or any other sufficient cause, the presiding officer shall announce an adjournment of the poll to a date to be specified later, and shall forthwith inform the returning officer.(2)Whenever a poll is adjourned under sub-rule (1), the returning officer shall immediately report the circumstances to the Commissioner, Gurdwara Elections, and shall as soon as may be with the approval of the Commissioner, Gurdwara Elections, appoint the day on which the poll shall recommence and fix the hours during which the poll will be taken and the votes cast at that polling station shall not be counted until such adjourned poll shall have been completed :Provided that no adjourned poll shall be taken if the difference between the votes secured by the two candidates who have obtained the largest number of votes is more than the total number of voters entitled to vote at such a polling station.

42. Counting of votes to be done by presiding office at the polling station.

- Immediately after the formalities referred to in sub-rules (1) and (2) of rule 39 are completed, the presiding officer shall proceed with the counting of votes as follows:-(a)He shall allow the candidates and their agents, who may be present, to inspect all seals on the ballot-box or ballot-boxes used at the polling station and satisfy them that they are in order.(b)He shall satisfy himself that none of the ballot-boxes has been tampered with.(c)If the presiding officer is satisfied that any ballot-box has been tampered with, he shall not count the ballot-papers contained in any ballot-box used at the polling station and shall follow the procedure laid down in rule 40.(d)If the presiding officer is satisfied that all the ballot-boxes used at the polling station are intact and have not been tampered with, he shall open them and take out the ballot-papers contained therein and allow the candidates and their agents, who may be present, to inspect the boxes and satisfy them that they are empty.

43. Scrutiny and rejection of ballot-papers.

(1)The ballot-papers so taken out shall be arranged in convenient bundles and scrutinised.(2)The presiding officer shall reject a ballot-paper :- (a)if it bears any mark or writing by which the elector can be identified; or (b)if it is a spurious ballot-paper; or (c)if it has been so damaged or mutilated that its identity as a genuine ballot-paper cannot be established; or (d)if it bears a serial number, or is of a design, different from the serial number, or the design, as the case may be, of the ballot-papers authorised for use at the particular polling station; or (e)if it does not bear any mark which it should have borne under the provisions of rule 19; or (f)if votes are given on it in favour of more than one candidate; or (g)if no vote is recorded thereon; or (h)if the mark indicating the vote is placed on the ballot-papers in such a manner as to make it doubtful to which candidate the vote has been given.(3)Before rejecting any ballot-papers under sub-rule (2), the presiding officer shall allow each candidate, his election agent and one of the other agents, who may be present, reasonable opportunity to inspect the ballot-paper, but shall not allow them to handle it or any other ballot-paper.(4)The presiding officer shall endorse the letter 'R' on every ballot-paper which he rejects and shall keep a brief record in form VI of every case of rejection.(5)All ballot-papers used at the polling station which are rejected under this rule shall be kept in a separate packet.

44. Counting of valid votes.

(1)Every ballot-paper which is not rejected under rule 51, shall be deemed to be valid and the votes recorded thereon shall be counted.(2)The presiding officer shall prepare a result sheet in form VII in respect of all ballot-papers taken out of the ballot-boxes.(3)After the counting of votes recorded on the ballot-papers contained in the ballot-boxes used at the polling station has been completed and the entry in respect thereof made in form VII, the presiding officer shall announce the particulars in such entry.(4)After such announcement has been made, a candidate or, in his absence, his election or counting agent may apply in writing to the presiding officer for a recount of all or any of the ballot-papers already counted stating the grounds on which he demands such recount.(5)On such an application being made, the presiding officer shall decide the matter and may allow the application in whole or in part or may reject it in toto if it appears to him to be frivolous or unreasonable.(6)Every decision of the presiding officer under sub-rule (5) shall be in writing and contain the reasons thereof.(7)If the presiding officer decides under sub-rule (5) to allow an application either in whole or in part, he shall -(a)count the ballot-papers again in accordance with his decision;(b)amend the result sheet to the extent necessary after such recount; and (c)announce the amendments so made by him.(8)After the particulars of entry have been announced under sub-rule (3) or, in case of recount, under sub-rule (7), the presiding officer shall sign the result sheet and no application for a recount shall be entertained thereafter.(9)After the result sheet has been signed by presiding officer, the ballot-papers shall be kept in a separate packet which shall be sealed and on which shall be recorded the following particulars, namely :- (a)the name of the constituency;(b)the particulars of the polling station where the ballot-box(es) was/were used;(c)the names of the candidates; and (d)the date of the poll.(10)Each packet of rejected ballot-papers referred to in sub-rule (5) of rule 43 shall be sealed and the particulars specified in sub-rule (9) shall be recorded thereon.

45. Declaration of elected candidates and procedure in case of equality of votes. -

(1)The presiding officer shall forward the packets containing the valid and rejected ballot-papers and the result sheet in form VII referred to in rule 44 to the returning officer immediately.(2)On the date fixed for the declaration of result, the returning officer shall open the covers containing the ballot-papers returned to him under rule 36, take out the ballot-paper from each such cover and shall scrutinize the same in the manner laid down in rule 34. The ballot-papers rejected by the returning officer shall be kept by him in a separate packet.(3)The returning officer shall then count the votes recorded on the ballot-papers not rejected by him under sub-rule (2) and shall prepare a result sheet in form VII.(4)After the counting of votes recorded on the ballot-papers have been completed and the entry in respect thereof made in form VII, the returning officer shall announce the particulars in such entry.(5)After all the valid votes recorded on the ballot-papers have been counted, they shall be kept in a separate packet which shall be sealed and on which shall be recorded the following particulars, namely :-(a)the name of the constituency;(b)the names of the candidates; and(c)the date of counting.(6)The packet of rejected ballot-papers referred to in sub-rule (2) shall be sealed and the particulars specified in sub-rule (5) shall be recorded thereon.(7)The returning officer shall then consolidate the result in from VIII from the result sheets received by him from all the presiding officers in the constituency and the result sheet prepared by him under sub-rule (3) and shall declare it in the following manner :-(a)The candidates who are found to have obtained the largest numbers of valid votes up to the number of members to be elected shall be declared to have been elected;(b)If, after the counting of votes, it is impossible to determine which candidates have obtained the largest numbers of votes up to the number of members to be elected, owing to the fact that two or more candidates have obtained an equal number of votes, the returning officer shall decide by lot which of such candidates shall be deemed to have been elected and shall declare them elected accordingly.

46. Return of result of election and publication of names of elected persons in Gazette.

(1)When the counting of votes has been concluded and the result has been declared, the returning officer shall prepare and forward to the State Government and to the Commissioner, Gurdwara Elections, a return showing the names of the candidates, the number of valid votes recorded for each and the name and address of the elected candidate and shall post a copy of the return in a conspicuous place at his office.(2)After such returns have been received from all the returning officers, the State Government shall publish the names of the persons so elected in the Official Gazette.

47. Custody, production and inspection of election papers.

(1)The returning officer shall seal up the parcels of issued and unissued ballot-papers and such parcels together with all other parcels received from the polling station shall remain in his custody until the expiry of one year from the date of the election when they shall be destroyed subject to any

direction to the contrary made by the State Government or by a competent court or by a Tribunal appointed to hold an enquiry into an election.(2)While in the custody of the returning officer, the packet of ballot-papers, whether valid, rejected, or tendered and of the marked copy of the electoral roll shall not be opened and their contents shall not be inspected by, or produced before, any person or authority except under the order of a competent court or of a Tribunal. All other papers relating to the election shall be open to public inspection subject to such conditions and to the payment of such fee, if any, as the State Government may direct.(3)Copies of returns forwarded by the returning officers under rule 46 shall be furnished by the Commissioner, Gurdwara Elections, on payment of fee of two rupees for each such copy.

48. Procedure for filling vacancy.

- When a vacancy occurs among the elected members of the Board by the death, resignation or removal of any member and a new member has to be elected in his place in accordance with the provisions of section 96 of the Act, such election shall be conducted in the manner prescribed in these rules for a general election and the programme of the election shall be framed as soon as may be convenient after the occurrence of the vacancy and the electoral roll in force under the provisions of rule 5 shall be deemed to be the electoral roll for the purpose of holding the election.

49. Final authority for interpretation of these rules.

- If any question arises regarding the interpretation of these rules otherwise than in connection with an election petition which has actually been presented, the question shall be referred to the Commissioner, Gurdwara Elections who may decide it himself, or if he thinks fit, may refer it to the State Government. The decision of the Commissioner, Gurdwara Elections, or the State Government, as the case may be, shall be final.

50. Repeal.

- The Sikh Gurdwaras Board Election Rules, 1954, are hereby repealed:Provided that any order made, notification issued or anything done or any action taken under any of the said rules shall be deemed to have been made, issued, done or taken under the corresponding provisions of these rules.
Form I(See rule 7)NOMINATION PAPER
Election to the Committee of Management of Gurdwara(s)
Name of the Gurdwara and number in Schedule I of the Sikh Gurdwara Act,

1925.

Name of the Gurdwara with name of village or town, if it is a notified Sikh Gurdwara under Section 9 or 17of the Act

(To be filled by the proposer)I have by nominate_____as a candidate for election from the Committee constituency

name of proposer _____ (2) Serial number of proposer in the electoral roll of the constituency in which the candidate is being nominated for election _____ Thana or Zail/Patwar circle and name of _____ town _____

of the candidate's Father/Husband _____ (4) Full postal address of candidate _____

on electoral roll of which the candidate is registered as an elector _____ (6) Serial Number of the candidate in the electoral roll of the constituency in which he is registered as elector _____, and name of Thana or Zail/Patwar

Circle _____ Town _____

_____, *Signature of proposer. _____

includes thumb-impression. Note. - The nomination paper will not be valid unless it is delivered by the candidate either in person or by his proposer or by an agent appointed by authority in writing signed by the candidate and verified by a magistrate, sub-registrar, sarpanch, nayaye pardhan, lambardar or member of legislature or local body to the returning officer or other person authorised to receive it at his office within the prescribed time. (To be filled by the candidate) I, the above mentioned candidate, assent to this nomination and hereby declare that the symbols I have chosen are in order of preference :- (i) _____; (ii) _____;

and (iii) _____; Date _____ Signature of

Candidate _____ (Further

declaration to be made by a Schedule Caste Candidate) I hereby declare that I am a member of the _____ caste which has been declared to be a scheduled caste for the State of

Punjab. Date _____ Signature of

Candidate. Attested Magistrate _____

be filled by the Returning Officer) Serial number of nomination paper

_____ This nomination was delivered to me at any office at

_____ (hour) on _____ (date) by the candidate/proposer/duly

authorised agent. Date _____ Returning

Officer _____ DECISION

OF RETURNING OFFICER ACCEPTING OR REJECTING THE NOMINATION PAPER I have scrutinised the eligibility of the candidate and proposer and find that they are respectively qualified to stand for election and to propose the nomination and therefore accept the nomination. ORI have scrutinised this nomination and reject it for the following reasons : Date _____

_____. Signature of Officer scrutinising the nomination Signature of Returning Officer. The symbol assigned to the candidate is _____ Signature of Returning

Officer. _____ Receipt

for nomination paper and notice of scrutiny (To be handed over to the person presenting the

nomination paper) Serial No of nomination paper _____ The nomination

paper of _____ a candidate for election from the _____ Committee constituency,

was delivered to me at my office at _____ (hour) on _____ (date) by the

candidate/proposer/duly authorised agent. All nomination papers will be taken up for scrutiny at

_____ (hour) on _____ (date) at _____ (place). Date _____ Returning

Officer. Form II [See rule 33] Tendered ballot paper Serial No. _____ Election for

____ Constituency _____ 19 Polling Station
 _____ Name of voter
 _____ Number in electoral roll
 _____ Name of candidate for whom this is tendered
 _____ Signature of the Presiding Officer. Date
 _____ Name of candidate for whom this is tendered
 _____ Date _____, Signature of the Presiding
 Officer. Form III (See rule 33) Tendered votes list Polling Station _____

Name of constituency	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 the Presiding Officer. Form IV (See rule 34) List of
 Challenged Votes Polling Station _____ Signature Sheet No. _____

Name of constituency	No. on electoral roll	Signature of voter, if literate, or thumb-impression, of voter, if illiterate	Name of identifier if any	Order of Presiding Officer (in each case)
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Form V [See rule 39(1)] Account of ballot-papers Constituency _____
 _____ Polling Station _____ District
 _____ Ballot-Papers

From To Total

Received

Issued

Unissued

Account of Total Ballot-papers Issued

Total issued Total returned spoilt Balance total in parcel

Tendered Ballot Papers

From To Total

Received

Issued

Unissued

Account of Total Tendered Ballot Papers Issued

Total issued Total returned spoilt Balance total in parcel

Date _____ Signature of the Presiding Officer. Form VI [See rule 43(4)] Record
 of rejected ballot-papers Election f
 or _____ Constituency _____ Serial number and name of
 polling station _____

Serial No. of entry	Serial No. of ballot-paper	Brief grounds of rejection	Serial No. of entry	Serial No. of the ballot-paper	Brief grounds of rejection
------------------------	-------------------------------	-------------------------------	------------------------	-----------------------------------	-------------------------------

Plate _____ Date _____ Signature of Presiding
Officer Form VII [See rules 44(2) and 45(3)] Result Sheet Election
for _____ Constituency _____ Serial number and name of
polling station _____

Serial No.	Name of candidate	Number of valid votes	Number of rejected votes	Total number of votes
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Place _____ Date _____ Signature of Presiding
Officer/Returning Officer. Form VIII [See rule 45(7)] Final Result Sheet Election
fro _____, Constituency _____

Polling Station Number of valid votes cast in favour of Number of votes polled

..

..

REMARKS

Serial Name ABCD Valid Rejected Total for Polling Station.

Votes polled by post. Total number of votes polled in the

constituency _____ Place _____ Date _____ Sign
of Returning Officer.