

# Panchayat Election Manual

## 2022

**Volume - I**

West Bengal State Election Commission

Panchayat Election Manual, 2022

**Volume I**

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## **INTRODUCTION**

The West Bengal State Election Commission is an independent Constitutional Authority created under article 243K of the Constitution of India. It has the mandate to conduct all elections to the Panchayats and the Urban Local Bodies within the State. The Commission started to function from 1994 after the enactment of the West Bengal State Election Commission Act, 1994.

It has conducted Panchayat General Election 1998, 2003, 2008, 2013 & 2018 and also for 1999, 2004, 2009 & 2015 (for Siliguri Mahakuma Parishad).

An effort has been made to bring together the important statutes relating to election of Panchayat Bodies within the frame of one book in two volumes.

Excerpts from the Constitution, the relevant acts, rules and orders have been incorporated in this book.



**THE WEST BENGAL  
PANCHAYAT  
ELECTIONS ACT, 2003**



**THE WEST BENGAL PANCHAYAT ELECTIONS  
ACT, 2003**  
**WEST BENGAL ACT XXI of 2003**

**PART I**

**CHAPTER I**

**Preliminary**

- Short title,  
extent and  
Commencement.
1. (1) This Act may be called the West Bengal Panchayat Elections Act, 2003.  
(2) It extends to the whole of West Bengal, except the areas referred to in sub-section (2) of section 1 of the West Bengal Panchayat Act, 1973.
- (3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.
- Definitions.
2. In this Act, unless the context otherwise requires,—
- (1) “article” means an article of Constitution;  
(2) “Assistant Panchayat Electoral Registration Officer” means an officer appointed as such under sub-section (3) of section 6 of the West Bengal State Election Commission Act, 1994;
- (3) “Assistant Panchayat Returning Officer” means an officer appointed as such under sub-section (3) of section 6 of the West Bengal State Election Commission Act, 1994;
- (4) “cognizable offence” has the same meaning as in clause (c) of section 2 of the Code of Criminal Procedure, 1973;
- (5) “Commission” means the West Bengal State Election Commission referred to in sub-section (1) of section 3 of the West Bengal State Election Commission Act, 1994;
- (6) “Constitution” means the Constitution of India;
- (7) “corrupt practice” has the same meaning as specified in section 123 of the Representation of the People Act, 1951;
- (8) “District Panchayat Election Officer” means an officer appointed as such by the State Election Commissioner under sub-section (1) of section 6 of
- West Bengal  
Act XLI of  
1973.
- West Bengal  
Act VIII of  
1994.
- 43 of 1951

the West Bengal State Election Commission Act, 1994;

- (9) “election” means the election to fill a seat or seats in a Gram Panchayat, Panchayat Samiti and Zilla Parishad or Siliguri Mahakuma Parishad, as the case may be;
- (10) “elector”, in relation to a constituency of a Gram Panchayat, Panchayat Samiti, Zilla Parishad or Siliguri Mahakuma Parishad, means the person whose name is entered in the electoral roll of that Gram Panchayat, Panchayat Samiti, Zilla Parishad or Siliguri Mahakuma Parishad, for the time being in force, and who is not subject to any of the disqualifications mentioned in section 16 of the Representation of the People Act, 1950; 43 of 1950.
- (11) “local party” means a party recognized as such by the Commission;
- (12) “member” means a person elected at an election to fill seats in a Gram Panchayat, Panchayat Samiti, Zilla Parishad or Siliguri Mahakuma Parishad;
- (13) “notification” means a notification published in the Official Gazette;
- (14) “Presiding Officer” includes any polling officer when performing any of the functions of a Presiding Officer;
- (15) “polling station” in relation to an election means the place for taking poll of that election;
- (16) “panchayat area” means the territorial area of a Panchayat as referred to in clause (e) of article 243 of the Constitution;
- (17) “Panchayat Electoral Registration Officer” means an officer appointed as such by the State Election Commissioner under sub-section (1) of section 6 of the West Bengal State Election Commission Act, 1994 and includes an Assistant Panchayat Electoral Registration Officer; West Bengal Act VIII of 1994.
- (18) “Panchayat Returning Officer” means an officer appointed as such by the State Election Commissioner under sub-section (1) of section 6 of the West Bengal State Election Commission

Act, 1994 and includes an Assistant Panchayat Returning Officer;

- (19) “prescribed” means prescribed by rules made under this Act;
- (20) “prescribed authority” means an authority appointed by the State Government, by notification, for all or any of the purposes of the Act;
- (21) “public holiday” means any day which is a public holiday for the purposes of section 25 of the Negotiable Instruments Act, 1881;
- (22) “qualifying date” means the date specified as such by the Commission by notification for the purposes of this Act;
- (23) “recognized political party” means a National party or a State party recognized as such by the Election Commission of India by notification for the time being in force;
- (24) “sign” in relation to a person who is unable to write his name, means to authenticate in such manner as may be prescribed;
- (25) “State Election Commissioner” means the State Election Commissioner referred to in sub-section (1) of section 3 of the West Bengal State Election Commission Act, 1994;
- (26) “State Government” has the same meaning as in the West Bengal Panchayat Act, 1973;
- (27) “voter on election duty” means any presiding officer, polling officer, any other public servant or any polling agent who is a voter and is, by reason of his being on election duty, unable to vote at the polling station where he is entitled to vote;
- (28) Other expressions used in this Act have the meanings respectively assigned to them in the West Bengal Panchayat Act, 1973 and the West Bengal State Election Commission Act, 1994.

3. For the purpose of election of members of Panchayats, the Commission shall, having regard to the number of electors, issue direction, by any general or special order, for the prescribed authority for division of any Panchayat area into such number of constituencies in accordance with such rules as

West Bengal  
Act XIL of  
1973.

Power to  
delimit  
Panchayat  
areas into  
constituencies.

may be prescribed by the State Government in this behalf, subject to the provisions of the West Bengal Panchayat Act, 1973.

## PART II

### Qualifications And Disqualifications

#### CHAPTER II

##### Qualifications

Qualifications for membership of a Gram Panchayat.

**4.**

A person shall be qualified to be chosen to fill a seat in a Gram Panchayat, if—

- (a) such person is a citizen of India and his name is included in the electoral roll prepared in accordance with such rules made by the State Government in this behalf and in force on such date as the State Election Commissioner may declare for the purpose of an election pertaining to the area comprised in that Gram Panchayat and he is not less than twenty-one years of age on the date fixed for scrutiny of the nomination papers of an election;
- (b) such person is a member of any of the scheduled castes and is an elector in relation to that Gram Panchayat, in the case of a seat reserved for the Scheduled Castes;
- (c) such person is a member of any of the scheduled tribes and is an elector in relation to that Gram Panchayat, in the case of a seat reserved for the Scheduled Tribes;
- (d) such person is a woman and is an elector in relation to that Gram Panchayat, in the case of a seat reserved for Women;
- (e) such person is an elector in relation to that Gram Panchayat, in the case of any other seat.

Qualifications for membership of a Panchayat Samiti

**5.**

A person shall be qualified to be chosen to fill up a seat in a Panchayat Samiti, if—

- (a) such person is a citizen of India and his name is included in the electoral roll prepared in accordance with such rules made by the State Government in this behalf and in force on such

date as the State Election Commissioner may declare for the purpose of an election pertaining to any Gram comprised in the Block and is not less than twenty-one years of age on the date fixed for scrutiny of the nomination papers of an election;

- (b) such person is a member of any of the scheduled castes and is an elector in relation to that Panchayat Samiti in the case of a seat reserved for the Scheduled Castes;
- (c) such person is a member of and of the scheduled tribes and is an elector in relation to that Panchayat Samiti in the case of a seat reserved for the Scheduled Tribes;
- (d) such person is a woman and is an elector in relation to that Panchayat Samiti in the case of a seat reserved for Women;
- (e) such person is an elector in relation to that Panchayat Samiti in the case of any other seat.

Qualifications for membership of a Zilla Parishad or the Siliguri Mahakuma Parishad.

**6.** A person shall be qualified to be chosen to fill up a seat in a Zilla Parishad or the Siliguri Mahakuma Parishad, if —

- (a) such person is a citizen of India and his name is included in the electoral roll prepared in accordance with such rules made by the State Government in this behalf and in force on such date as the State Election Commissioner may declare for purposes of an election pertaining to any Block within the District and is not less than twenty-one years of age on the date fixed for scrutiny of the nomination papers of an election;
- (b) such person is a member of any of the scheduled castes and is an elector in relation to that Zilla Parishad or the Siliguri Mahakuma Parishad in the case of a seat reserved for the Scheduled Castes;
- (c) such person is a member of any of the scheduled tribes and is an elector in relation to that Zilla Parishad or the Siliguri Mahakuma Parishad in the case of a seat reserved for the Scheduled Tribes;

- (d) such person is a woman and is an elector in relation to that Zilla Parishad or the Siliguri Mahakuma Parishad in the case of a seat reserved for Women;
- (e) such person is an elector in relation to that Zilla Parishad or the Siliguri Mahakuma Parishad in the case of any other seat.

## CHAPTER III

### Disqualifications

Disqualifications **7.**  
for membership  
of Gram  
Panchayat,  
Panchayat  
Samiti, Zilla  
Parishad  
or Siliguri  
Mahakuma  
Parishad.

- A person shall not be qualified to be member of a Gram Panchayat, Panchayat Samiti, Zilla Parishad or Siliguri Mahakuma Parishad, as the case may be, if -
- (a) he is a member of a municipal authority constituted under any of the Acts referred to in sub-section (2) of section 1 of the West Bengal Panchayat Act, 1973; or
  - (b) he is in service of the Central or the State Government or a Gram Panchayat or a Panchayat Samiti or a Zilla Parishad or the Siliguri Mahakuma Parishad or the Council.

West Bengal.  
Act XLI of  
1973.

**Explanation.** - For the purposes of this clause, a person in the service of any Undertaking of the Central or the State Government or any Statutory Body or Corporation or any Public or Government Company or any Local Authority or any Co-operative Society or any Banking Company or any University or any Government sponsored Institution or any educational or other institution or Undertaking or Body receiving any aid from the State Government by way of grant or otherwise or a person not under the rule-making authority of the Central or the State Government or a person receiving any remuneration from any undertaking or body or organization or association of persons as an employee or being in service of such undertaking or body or organization or association of persons out of funds provided or grants made or aid given by the Central or the State Government shall not be deemed to be in the service of the Central or the State Government; or

(c) he has, -

- (i) in case of a Gram Panchayat, directly or indirectly by himself or by his partner or employer or an employee, any share or interest in any contract with, by or on behalf of the Gram Panchayat or the Panchayat Samiti of the Block comprising the Gram concerned or the Zilla Parishad or the Siliguri Mahakuma Parishad of the District or in the case of a Gram Panchayat in Darjeeling District or the Council:

Provided that no person shall be deemed to be disqualified for being elected a member of a Gram Panchayat by reason only of his having a share or interest in any public company as defined in the Companies Act, 1956 which contracts with or is employed by the Gram Panchayat or Panchayat Samiti of the Block comprising the Gram or the Zilla Parishad or the Siliguri Mahakuma Parishad or the Council; or

1 of 1956

- (ii) in case of a Panchayat Samiti, directly or indirectly by himself or by his partner or employer or an employee, any share or interest in any contract with, by or on behalf of, the Panchayat Samiti or a Gram Panchayat within the Block concerned or the Zilla Parishad or the Siliguri Mahakuma Parishad or in the case of Panchayat Samiti in Darjeeling District or the Council:

Provided that no person shall be deemed to be disqualified for being elected a member of a Panchayat Samiti by reason only of his having a share or interest in any public company as defined in the Companies Act, 1956 which contract with or is employed by the Panchayat Samiti or any such Gram Panchayat or Zilla Parishad or the Siliguri Mahakuma Parishad or the Council;

- (iii) in the case of Zilla Parishad, or the Siliguri Mahakuma Parishad, directly or indirectly by himself or by his partner or employer or an employee, any share or interest in any contract with, by or on behalf of the Zilla Parishad, or

the Siliguri Mahakuma Parishad, or a Gram Panchayat or a Panchayat Samiti within the district or in the case of Siliguri Mahakuma Parishad or the Council:

Provided that no person shall be deemed to be disqualified for being elected a member of a Zilla Parishad, or the Siliguri Mahakuma Parishad by reason only of his having a share or interest in any public company as defined in the Companies Act, 1956 which contracts with or is employed by a Gram Panchayat or a Panchayat Samiti, within the district or the Zilla Parishad or the Siliguri Mahakuma Parishad or the Council; or

1 of 1956.

- (d) he has been dismissed from the service of the Central or a State Government or a local authority or a co-operative society or a Government company or a corporation owned or controlled by the Central or State Government for misconduct involving moral turpitude and five years have not elapsed from the date of such dismissal; or
- (e) he has been adjudged by a competent court to be of unsound mind; or
- (f) he is an undischarged insolvent; or
- (g) he being a discharged insolvent has not obtained a certificate from the court a certificate that his insolvency was caused by misfortune without any misconduct on his part; or
- (h) he has been convicted by a court -
  - (A) of an offence involving moral turpitude punishable with imprisonment for a period of more than six months, or
  - (B) of an offence under Chapter IXA of the Indian Penal Code, or
  - (C) under section 3 or section 9 of the West Bengal Local Bodies (Electoral Offences and Miscellaneous Provisions) Act, 1952
- (i) he is disqualified for the purpose of election to the State Legislature under the provisions of

West Bengal  
Act X of 1952.

Chapter III of Part II of the Representation of  
the People Act, 1951; or

43 of 1951.

- (j) he has been convicted under section 189 of the West Bengal Panchayat Act, 1973, at any time during the last ten years; or
- (k) he has been surcharged or charged under section 192 of the West Bengal Panchayat Act, 1973, at any time during the last ten years; or
- (l) he has been removed under section 213 of the West Bengal Panchayat Act, 1973, at any time during the period of last five years; or
- (m) he has been convicted under section 9A of the West Bengal Panchayat Act, 1973.

**8.** No person, while standing as a candidate for election as a member -

- (a) of a Gram Panchayat, shall be entitled to stand as a candidate for election as a member of a Panchayat Samiti or the Zilla Parishad or the Siliguri Mahakuma Parishad;
- (b) of a Panchayat Samiti, shall be entitled to stand as a candidate for election as a member of a Gram Panchayat or the Zilla Parishad or the Siliguri Mahakuma Parishad;
- (c) of a Zilla Parishad, or the Siliguri Mahakuma Parishad, shall be entitled to stand as a candidate for election as a member of a Gram Panchayat or a Panchayat Samiti:

Provided that no person shall be entitled to stand as a candidate for election for more than one constituency or seat, as the case may be, in a General Election.

**9.** A member, -

- (a) of a Gram Panchayat on being elected a member of a Panchayat Samiti or a Zilla Parishad or Siliguri Mahakuma Parishad shall cease to be the member of a Gram Panchayat with effect from the date on which he is declared elected to such Panchayat Samiti or Zilla Parishad or Siliguri Mahakuma Parishad, and continue to be a member of such Panchayat Samiti or Zilla Parishad or Siliguri Mahakuma Parishad, as the case may be, to which he is elected;

West Bengal  
Act XLI of  
1973.

Bar to  
simultaneous  
candidature for  
election.

Bar to  
simultaneous  
membership.

- (b) of a Panchayat Samiti on being elected a member of a Gram Panchayat or a Zilla Parishad or Siliguri Mahakuma Parishad shall cease to be the member of such Panchayat Samiti with effect from the date on which he is declared elected to such Gram Panchayat or Zilla Parishad or Siliguri Mahakuma Parishad, and shall continue to be a member of such Gram Panchayat or Zilla Parishad or Siliguri Mahakuma Parishad, as the case may be, to which he is elected;
- (c) of a Zilla Parishad or Siliguri Mahakuma Parishad, on being elected a member of a Gram Panchayat or a Panchayat Samiti shall cease to be the member of such Zilla Parishad or the Siliguri Mahakuma Parishad, with effect from the date on which he is declared elected to such Gram Panchayat or Panchayat Samiti, and shall continue to be a member of such Gram Panchayat or Panchayat Samiti, as the case may be, to which he is elected.

- 10.** <sup>1</sup>[(1) A member of Gram Panchayat, on being elected to the Legislative Assembly or the Parliament or a member of the Legislative Assembly or the Parliament, on being elected to the Gram Panchayat, shall tender his resignation immediately from any of the elected offices in order to participate subsequently as a member in other elected office. Simultaneous membership to Assembly or Parliament and Panchayats in respect of a member of Panchayat Samiti or Zilla Parishad or Siliguri Mahakuma Parishad.
- (2) A member of Panchayat Samiti or Zilla Parishad or Siliguri Mahakuma Parishad, on being elected to the Legislative Assembly or the Parliament or a member of the Legislative Assembly or the Parliament, on being elected to the Panchayat Samiti or Zilla Parishad or Siliguri Mahakuma Parishad, may hold simultaneous membership to the Assembly or Parliament along with the Panchayat Samiti or Zilla Parishad or Siliguri Mahakuma Parishad.]
- 11.** Notwithstanding anything contained elsewhere in this Act, if at any time the whole of the area Cessation of membership when character of the constituency is altered or changed.

<sup>1</sup> Substitute by Section 2 of the West Bengal Panchayat Elections (Amendment) Act, 2017 (West Bengal Act XXXVIII of 2017), which was earlier as follows:

“A member of a Gram Panchayat or Panchayat Samiti or Zilla Parishad or Siliguri Mahakuma Parishad, on being elected to the Legislative Assembly or the Parliament, or a member of the Legislative Assembly or the Parliament, on being elected to the Gram Panchayat or Panchayat Samiti or Zilla Parishad or Siliguri Mahakuma Parishad, shall tender his resignation immediately from any of the elected offices in order to participate subsequently as a member in the other elected office.”

of a constituency or a portion thereof of a Gram Panchayat or Panchayat Samiti or Zilla Parishad or Siliguri Mahakuma Parishad is included in a municipality, town committee or a cantonment, member or members elected from such constituency to such Gram Panchayat or Panchayat Samiti or Zilla Parishad or Siliguri Mahakuma Parishad, shall cease to be a member of such Gram Panchayat or Panchayat Samiti or Zilla Parishad or Siliguri Mahakuma Parishad from the date of such inclusion.

## PART III

### CHAPTER IV

#### Allocation and Reservation of Seats

- West Ben. Act  
XLI of 1973.
- <sup>1</sup>[12. Subject to the provision of sub-section (2) of section 4 of the West Bengal Panchayat Act, 1973, the prescribed authority shall determine the total number of members to be elected to a Gram Panchayat on the following basis, namely:-
- (i) in the hill areas, one member for every two hundred and fifty voters and one additional member for every fraction thereof;
  - (ii) in the case of other areas, one member for every nine hundred voters and one additional member for every fraction thereof.]
- <sup>2</sup>[13. The prescribed authority shall divide the area of a *Gram* into such number of constituencies and allocate to each such constituency such number of seats not exceeding two as may conform to the number of members determined under clause (i) or
- Total number of members in a Gram Panchayat.
- Allocation of seats by the prescribed authority.

<sup>1</sup> Section 12 was substituted by S.2 of the West Bengal Panchayat Elections (Amendment) Act, 2007 (West Bengal Act XIX of 2007), which was earlier as follows:

12. Subject to the provision of sub-section (2) of section 4 of the West Bengal Panchayat Act, 1973, prescribed authority shall allocate to each constituency, the number of members to be elected to a Gram Panchayat as far as practicable be on the following basis, namely :—

- (i) in the case of hill areas, one member for every two hundred and fifty voters and one additional member for every fraction thereof;
- (ii) in the case of other areas, one member for every seven hundred voters and one additional member for every fraction thereof.

<sup>2</sup> Section 13 was substituted by S.3 of the West Bengal Panchayat Elections (Amendment) Act, 2007 (West Bengal Act XIX of 2007), which was earlier as follows:

13. The prescribed authority shall allocate to each constituency such number of seats not exceeding two as may conform to the number of voters determined under clauses (i) and (ii) of section 12.

clause (ii), as the case may be, of section 12 and such division of constituencies and such allocation of seats shall be made in such manner that a member may represent, as far as practicable, same number of voters.]

- Total number of members in a Panchayat Samiti.
- 14.** (1) The number of members to be elected to a Panchayat Samiti from a Gram in hill areas shall be —  
(i) one, if the number of voters in such Gram is 1200, or less;  
(ii) two, if the number of voters in such Gram is more than 1200 but less than 2001; and  
(iii) three, if the number of voters in such Gram is 2001 and above.  
(2) The number of members to be elected to a Panchayat Samiti from a Gram in the areas other than hill areas shall be -  
(i) one, if the number of voters in such Gram is 4500, or less;  
(ii) two, if the number of voters in such Gram is more than 4500 but less than 9001; and  
(iii) three, if the number of the voters in such Gram is 9001 and above.
- Total number of members in a Zilla Parishad or Siliguri Mahakuma Parishad.
- 15.** The number of members to be elected to a Zilla Parishad or the Siliguri Mahakuma Parishad from a Block shall be -  
(i) one, if the number of voters in the Block is 60000, or less;  
(ii) two, if the number of voters in the Block is more than 60000 but less than 120001; and  
(iii) three, if the number of the voters in the Block is 120001 and above.
- Determination of constituencies of Gram Panchayat, Panchayat Samiti and Zilla Parishad or the Siliguri Mahakuma Parishad, as the case may be, shall be done according to the procedure as may be prescribed.
- 16.** Determination of constituencies of Gram Panchayat, Panchayat Samiti and Zilla Parishad or the Siliguri Mahakuma Parishad.

17. (1) Seats shall be reserved for the Scheduled Castes in every Gram Panchayat, Panchayat Samiti, Zilla Parishad or the Siliguri Mahakuma Parishad in such manner as may be prescribed and the number of the seats so reserved shall bear as nearly as may be, the same proportion with the total number of seats to be filled by direct election to the Gram Panchayat, Panchayat Samiti, Zilla Parishad or the Siliguri Mahakuma Parishad, as the case may be, as the population of the Scheduled Castes in the area of the Gram Panchayat, Panchayat Samiti, Zilla Parishad or the Siliguri Mahakuma Parishad, as the case may be, bears with the total population of that area, and such seats may be allotted by rotation to different constituencies of that Gram Panchayat, Panchayat Samiti, Zilla Parishad or the Siliguri Mahakuma Parishad in such manner as may be prescribed.
- (2) Seats shall be reserved for the Scheduled Tribes in every Gram Panchayat, Panchayat Samiti, Zilla Parishad or the Siliguri Mahakuma Parishad in such manner as may be prescribed and the number of seats so reserved shall bear as nearly as may be, the same proportion with the total number of seats to be filled by direct election to the Gram Panchayat, Panchayat Samiti, Zilla Parishad or the Siliguri Mahakuma Parishad, as the case may be, as the population of the Scheduled Tribes in the area of the Gram Panchayat, Panchayat Samiti, Zilla Parishad or the Siliguri Mahakuma Parishad, as the case may be, bears with the total population of that area, and such seats may be allotted by rotation to different constituencies of that Gram Panchayat, Panchayat Samiti, Zilla Parishad or the Siliguri Mahakuma Parishad in such manner as may be prescribed.
- <sup>2</sup>(A) Seats shall be reserved for the Backward Classes in every Gram Panchayat, Panchayat Samiti, Zilla Parishad or the Siliguri Mahakuma Parishad in such manner as may be prescribed and the number of seats so reserved shall bear as nearly as may be, the

Reservation of seats for Scheduled Castes, Scheduled Tribes; <sup>1</sup>[Backward Classes] and Woman candidates.

<sup>1</sup> Inserted by Sec. 2(1) of the West Bengal Panchayat Elections (Amendment) Act, 2012 (West Bengal Act XXIII of 2012).

<sup>2</sup> Inserted by Sec. 2(2) of the West Bengal Panchayat Elections (Amendment) Act, 2012 (West Bengal Act XXIII of 2012).

same proportion with the total number of seats to be filled by direct election to the Gram Panchayat, the Panchayat Samiti, the Zilla Parishad or the Siliguri Mahakuma Parishad, as the case may be, as the population of the Backward Classes in the area of the Gram Panchayat, Panchayat Samiti, Zilla Parishad or the Siliguri Mahakuma Parishad, as the case may be, bears with the total population of that area, and such seats may be allotted by rotation to different constituencies of that Gram Panchayat, Panchayat Samiti, Zilla Parishad or the Siliguri Mahakuma Parishad in such manner as may be prescribed.]

- <sup>1</sup>[(2B) Notwithstanding anything contained in sub-sections(1), (2) and (2A), the total number of seats so reserved for the Scheduled Castes, the Scheduled Tribes and the Backward Classes, severally or jointly, as the case may be, shall not exceed fifty percent of the total number of seats in any Gram Panchayat, Panchayat Samiti, Zilla Parishad or the Mahakuma Parishad as determined under section 12, section 14 or section 15, as the case may be:

Provided that reservation of seats in favour of the Scheduled Castes and the Scheduled Tribes in a Gram Panchayat, Panchayat Samiti, Zilla Parishad or the Siliguri Mahakuma Parishad, as the case may be, shall be determined in terms of sub-section (1) and sub-section (2), as the case may be, at the first stage subject to the ceiling limit of fifty percent of the total seats in any of such Panchayat bodies and then the balance number of seats within the ceiling limit of fifty percent of the total seats shall be reserved for the Backward Classes subject to the proportion of total population of Backward Classes to the total population in the said Panchayat body:

Provided further that if and when the number of seats determined for reservation in favour of the Scheduled Castes and the Scheduled Tribes in terms of sub-section (1) and sub-section (2), as the case may be, severally or jointly exceeds fifty percent of the total number of seats in a Panchayat body, such reserved seats in favour of the Scheduled

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<sup>1</sup> Inserted by Sec. 2 of the West Bengal Panchayat Elections ( Second Amendment) Act, 2012 (West Bengal Act XXVI of 2012).

Castes and the Scheduled Tribes shall, within the ceiling limit of fifty percent of the total number of seats in that Panchayat body, be apportioned in the same ratio of proportion of population of the Scheduled Castes and the Scheduled Tribes to the total population in that Panchayat body:

Provided also that when the number of seats determined for reservation in favour of the Scheduled Castes and the Scheduled Tribes in terms of sub-section (1) and sub-section (2), as the case may be, severally or jointly reaches fifty percent of the total number of seats in a Panchayat body, there shall be no reservation of seats in favour of the Backward Classes, notwithstanding that there is sizeable proportion of the Backward Class population in such Panchayat body.]

- <sup>1</sup>[(3) As nearly as practicable one-half but not exceeding one-half of the total number of seats reserved under sub-section (1), sub-section (2) and sub-section (2A), shall be reserved for women belonging to the Scheduled Castes or the Scheduled Tribes or the Backward Classes, as the case may be, in such manner as may be prescribed.]
- <sup>2</sup>[(4) As nearly as practicable one-half but not exceeding one-half of the total number of seats, including the seats reserved for women belonging to the Scheduled Castes, the Scheduled Tribes and the Backward Classes under sub-section (3), to be filled

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<sup>1</sup> Substituted by Sec 2(3) of the West Bengal Panchayat elections (Amendment) Act, 2012 (West Bengal Act XXIII of 2012), which was earlier as follows:

(3) “not less than one-third of the total number of seats reserved under sub-section (1) and sub-section (2) shall be reserved for Women belonging to the Scheduled Castes, or the Scheduled Tribes, as the case may be, in such manner as may be prescribed.”

<sup>2</sup> Substituted by Sec 2(4) of the West Bengal Panchayat elections (Amendment) Act, 2012 (West Bengal Act XXIII of 2012), which was earlier as follows:

(4) “Not less than one-third of the total number of seats, including the seats reserved for Women belonging to the Scheduled Castes and the Scheduled Tribes under sub-section (3), to be filled by direct election to a Gram Panchayat, Panchayat Samiti, Zilla Parishad or the Siliguri Mahakuma Parishad shall be reserved for Women, and such seats may be allotted by rotation to different constituencies of the Gram Panchayat, Panchayat Samiti, Zilla Parishad or the Siliguri Mahakuma Parishad as the case may be, in such manner as may be prescribed.”

Explanation-A member of the Scheduled Castes or the Scheduled Tribes or Women shall not be disqualified to hold a seat not reserved for members of the Scheduled Castes or Scheduled Tribes or Women if he is otherwise qualified to hold such seat under this Act.

by direct election to a Gram Panchayat, Panchayat Samiti, Zilla Parishad or the Siliguri Mahakuma Parishad shall be reserved for the women, and such seats may be allotted by rotation to different constituencies of the Gram Panchayat, Panchayat Samiti, Zilla Parishad or the Siliguri Mahakuma Parishad, as the case may be, in such manner as may be prescribed.

Explanation. - A member of the Scheduled Castes or the Scheduled Tribes or the Backward Classes or Women shall not be disqualified to hold a seat not reserved for members of the Scheduled Castes or the Scheduled Tribes or the Backward Classes or Women if such member is otherwise qualified to hold such seat under this Act.]

Reservation  
of seats for  
office bearers  
of Gram  
Panchayat and  
Panchayat  
Samiti.

- <sup>1</sup>[18.(1) Offices of the Pradhan and Upa-Pradhan in the Gram Panchayats in a district shall be reserved for

<sup>1</sup> Substituted by Sec. 3 of the West Bengal Panchayat elections (Amendment) Act, 2012 (West Bengal Act XXIII of 2012), which was as earlier follows:

18. (1) Offices of the ‘Pradhan’ and ‘Upa-Pradhan’ in the Gram Panchayats in a district shall be reserved for the Scheduled Castes and the Scheduled Tribes by rotation in such manner as may be prescribed and the number of the offices so reserved shall bear, as nearly as may be, the same proportion with the total number of the offices of the ‘Pradhan’ or the ‘Upa-Pradhan’, as the case may be, in the district as the population of the Scheduled Castes or the Scheduled Tribes, as the case may be, in all the Blocks within the district bears with the total population in the same area.
- (2) Not less than one-third of the total number of offices reserved under sub-section (1) shall be reserved by rotation in such manner as may be prescribed, for women belonging to the Scheduled Castes or the Scheduled Tribes, as the case may be.
- (3) Not less than one-third of the total number of offices, including the seats reserved for Women belonging to the Scheduled Castes and the Scheduled Tribes under sub-section (2) shall be reserved for Women by rotation in such manner, as may be prescribed.
- (4) For the purpose of reservation under sub-sections (1), (2) and (3) preference shall be given to reservation of the offices of the Pradhan and after such reservation, office of the Upa-Pradhan shall not be reserved in the same Gram Panchayat.
- (5) Notwithstanding anything contained elsewhere in this Act, if in a district, for any term of election, the number of offices of the Upa-Pradhan, available for reservation after exclusion of the Grams where offices of the Pradhan have been reserved for that term of election, is less than the number of offices determined under sub-section (1) or sub-section (2) or sub-section (3), such number of offices of the Upa-Pradhan as are available for reservation shall be reserved for that term of election, and the number of offices determined under sub-section (1) or sub-section (2) or sub-section (3), as the case may be, shall be deemed to be redetermined accordingly.
- (6) Offices of the ‘Sabhapati’ and the ‘Sahakari Sabhapati’ in Panchayat Samitis in a district shall be reserved for the Scheduled Castes and the Scheduled Tribes by rotation in such manner, as may be prescribed, and

the Scheduled Castes, the Scheduled Tribes and the Backward classes by rotation in such manner as may be prescribed and the number of the offices so reserved shall bear, as nearly as may be, the same proportion with the total number of the offices of the Pradhan or the Upa-Pradhan, as the case may be, in the district as the population of the Scheduled Castes or the Scheduled Tribes, or the Backward Classes as the case may be, in all the Blocks within the district bears with the total population in the same area.

<sup>1</sup>[Provided that the total number of offices of the Pradhan or the Upa- Pradhan in any district reserved for the Scheduled Castes, the Scheduled Tribes and the Backward Classes, severally or jointly, as the case may be, shall not exceed fifty percent of the total number of offices of the Pradhan or the

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the number of the offices so reserved shall bear, as nearly as may be, the same proportion with the total number of the offices of the ‘Sabhapati’ and the ‘Sahakari Sabhapati’, as the case may be, in the district as the population of the Scheduled Castes or the Scheduled Tribes, as the case may be, in all the Blocks within the districts bears with the total population in the same area.

- (7) Not less than one-third of the total number of offices, reserved under sub-section (6), shall be reserved by rotation in such manner as may be prescribed, for Women belonging to the Scheduled Castes or the Scheduled Tribes, as the case may be.
- (8) Not less than one-third of the total number of offices including the seats reserved for Women belonging to the Scheduled Castes or the Scheduled Tribes under sub-section (7) shall be reserved for Women by rotation in such manner as may be prescribed.
- (9) For the purpose of reservation under sub-sections (6), (7) and (8) preference shall be given to reservation of the offices of the Sabhapati and after such reservation, offices of the Sahakari Sabhapati shall not be reserved in the same Block.
- (10) Notwithstanding anything contained in this Act, if in a district for any term of election, the number of offices of Sahakari Sabhapati, available for reservation after exclusion of the Blocks where offices of the Sabhapati have been reserved for that term of election, is less than the number of offices determined under sub-section (6) or sub-section (7) or sub-section (8), such number of offices of the Sahakari Sabhapati as are available for reservation shall be reserved for that term of election, and the number of offices determined under sub-section (6) or subsection (7) or sub-section (8), as the case may be, shall be deemed to be redetermined accordingly.

Explanation. - A member of the Scheduled Castes or the Scheduled Tribes or Women shall not be disqualified to hold an office of the ‘Pradhan’, ‘Upa-Pradhan’, ‘Sabhapati’ or ‘Sahakari Sabhapati’ not reserved for the Scheduled Castes, Scheduled Tribes or Women, as the case may be, if such member is otherwise qualified to hold such office under this Act.

<sup>1</sup> Inserted by Sec. 3(1) of the West Bengal Panchayat Elections (Second Amendment) Act, 2012 (West Bengal Act XXVI of 2012).

Upa- Pradhan within the district determined in the aforesaid manner:

Provided further that reservation of offices of the Pradhan or the Upa- Pradhan in any district in favour of the Scheduled Castes and the Scheduled Tribes shall be determined at the first stage following the provisions under sub-section (1) subject to the ceiling limit of fifty percent of the total offices of the Pradhan or the Upa- Pradhan in the district and then the balance number of offices of the Pradhan or the Upa- Pradhan in the district within the ceiling limit of fifty percent of the total offices of the Pradhan or the Upa-Pradhan in the district shall be reserved for the Backward Classes subject to the proportion of total population of the Backward Classes to the total population in the said district:

Provided also that if and when the number of offices of the Pradhan or the Upa- Pradhan in any district determined for reservation in favour of the Scheduled Castes and the Scheduled Tribes in terms of sub-section (1) severally or jointly exceeds fifty percent of the total number of offices of the Pradhan or the Upa- Pradhan in the district, such reserved offices in favour of Scheduled Castes and the Scheduled Tribes shall, within the ceiling limit of fifty percent of the total number of offices of the Pradhan or the Upa- Pradhan in the district, be apportioned in the same ratio of proportion of population of Scheduled Castes and the Scheduled Tribes to the total population in that district:

Provided also that if and when the number of offices of the Pradhan or the Upa- Pradhan in any district determined for reservation in favour of the Scheduled Castes and the Scheduled Tribes in terms of sub- section (1), severally or jointly reaches fifty percent of the total number of offices of the Pradhan or the Upa- Pradhan in the district, there shall be no reservation of offices of the Pradhan or the Upa-Pradhan in the district in favour of the Backward Classes, notwithstanding that there is sizeable proportion of the Backward Class population in the district.]

- (2) As nearly as practicable one-half but not exceeding one-half of the total number of offices reserved under sub-section (1) shall be reserved by rotation in such manner as may be prescribed, for the women belonging to the Scheduled Castes or the Scheduled Tribes or the Backward Classes, as the case may be.
- (3) As nearly as practicable one-half but not exceeding one-half of the total number of offices, including the offices reserved for Women belonging to the Scheduled Castes, the Scheduled Tribes and the Backward Classes under sub-section (2) shall be reserved for the women by rotation in such manner, as may be prescribed.
- (4) For the purpose of reservation under sub-sections (1), (2) and (3) in a particular term of election, preference shall be given for reservation to the offices of the Pradhan and if the office of the Pradhan is so reserved, office of the Upa-Pradhan shall not be reserved in the same Gram Panchayat, in the same term of General Elections.
- (5) Notwithstanding anything contained elsewhere in this section, if in a district, for any term of election, the number of offices of the Upa-Pradhan, available for reservation after exclusion of the Grams where offices of the Pradhan have been reserved for that term of election, is less than the number of offices determined under sub-section (1) or sub-section (2) or sub-section (3), such number of offices of the Upa-Pradhan as are available for reservation shall be reserved for that term of election, and the number of offices determined under sub-section (1) or sub-section (2) or sub-section (3), as the case may be, shall be deemed to be redetermined accordingly.
- (6) Offices of the Sabhapati and the Sahakari Sabhapati in the Panchayat Samitis in a district shall be reserved for the Scheduled Castes, Scheduled Tribes and the Backward Classes by rotation in such manner, as may be prescribed, and the number of the offices so reserved shall bear, as nearly as may be, the same proportion with the total number of the offices of the Sabhapati and the Sahakari Sabhapati, as the case may be, in the district as the population of

the Scheduled Castes or the Scheduled Tribes or the Backward Classes, as the case may be, in all the Blocks within the districts bears with the total population in the same area.

<sup>1</sup>[Provided that the number of offices of the Sabhapati or the Sahakari Sabhadipati in the Panchayat Samitis in a district reserved for the Scheduled Castes, the Scheduled Tribes and the Backward Classes, severally or jointly, as the case may be, shall not exceed fifty percent of the total number of offices of the Sabhapati or the Sahakari Sabhapati in the Panchayat Samitis in the district determined in the aforesaid manner:

Provided further that reservation of offices of the Sabhapati or the Sahakari Sabhapati in the Panchayat Samitis in any district in favour of the Scheduled Castes and the Scheduled Tribes shall be determined at the first stage in terms of sub- section (6) subject to the ceiling limit of fifty percent of the total offices of the Sabhapati or the Sahakari Sabhapati in the district and then the balance number of offices of the Sabhapati or the Sahakari Sabhapati in the district within the ceiling limit of fifty percent of the total offices of the Sabhapati or the Sahakari Sabhapati in the district shall be reserved for the Backward Classes subject to the proportion of total population of the Backward Classes to the total population in the said district:

Provided also that if and when the number of offices of the Sabhapati or the Sahakari Sabhapati of Panchayat Samitis in any district determined for reservation in favour of the Scheduled Castes and Scheduled Tribes in terms of sub- section (6) severally or jointly exceeds fifty percent of the total number of offices of the Sabhapati or the Sahakari Sabhapati in the district, such reserved offices in favour of the Scheduled Castes and Scheduled Tribes shall, within the ceiling limit of fifty percent of the total number of offices of the Sabhapati or the Sahakari Sabhapati in the district, be apportioned in the same ratio of proportion of population of the

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<sup>1</sup> Inserted by Sec. 3(2) of the West Bengal Panchayat Elections (Second Amendment) Act, 2012 ( West Bengal Act XXVI of 2012).

Scheduled Castes and the Scheduled Tribes with the total population in that district:

Provided also that when the number of offices of the Sabhapati or the Sahakari Sabhapati of Panchayat Samitis in any district determined for reservation in favour of the Scheduled Castes and the Scheduled Tribes in terms of sub- section (6) severally or jointly reaches fifty percent of the total number of offices of the Sabhapati or the Sahakari Sabhapati in the district, there shall be no reservation of offices of the Sabhapati or Sahakari Sabhapati in the district in favour of the Backward Classes, notwithstanding that there is sizeable proportion of the Backward Class population in that district.]

- (7) As nearly as practicable one-half but not exceeding one-half of the total number of offices, reserved under sub-section (6), shall be reserved by rotation in such manner as may be prescribed, for women belonging to the Scheduled Castes or the Scheduled Tribes or the Backward Classes, as the case may be.
- (8) As nearly as practicable one-half but not exceeding one-half of the total number of offices including the offices reserved for women belonging to the Scheduled Castes or the Scheduled Tribes or the Backward Classes under sub-section (7) shall be reserved for women by rotation in such manner as may be prescribed.
- (9) For the purpose of reservation under sub-sections (6), (7) and (8) preference shall be given to reservation of the offices of the Sabhapati and after such reservation, offices of the Sahakari Sabhapati shall not be reserved in the same Panchayat Samiti, in the same term of General Elections.
- (10) Notwithstanding anything contained in this section, if in a district for any term of election, the number of offices of Sahakari Sabhapati, available for reservation after exclusion of the Panchayat Samitis where offices of the Sabhapati have been reserved for that term of election, is less than the number of offices determined under sub-section (6) or sub-section (7) or sub-section (8), such number

of offices of the Sahakari Sabhapati as are available for reservation shall be reserved for that term of election, and the number of offices determined under sub-section (6) or sub-section (7) or sub-section (8), as the case may be, shall be deemed to be redetermined accordingly.

Explanation. - A member of the Scheduled Castes or the Scheduled Tribes or the Backward Classes or Women shall not be disqualified to hold an office of the Pradhan, Upa-Pradhan, Sabhapati or Sahakari Sabhapati not reserved for the Scheduled Castes, the Scheduled Tribes, the Backward Classes or Women, as the case may be, if such member is otherwise qualified to hold such office under this Act.]

Reservation  
of office  
bearers of  
Zilla Parishnd  
or Siliguri  
Mahakuma  
Parishnd.

**19.<sup>1</sup>[(1) Offices of the ‘Sabhadhipati’ and ‘Sahakari Sabhadhipati’ of Zilla Parishads or the Siliguri**

<sup>1</sup> Substituted by Sec. 4 of the West Bengal Panchayat Elections (Amendment) Act, 2012 (West Bengal Act XXIII of 2012), which was earlier as follows:

19. (1) Offices of the ‘Sabhadhipati’ and ‘Sahakari Sabhadhipati’ of Zilla Parishads or the Siliguri Mahakuma Parishad shall be reserved for the Scheduled Castes and the Scheduled Tribes by rotation in such manner, as may be prescribed, and the number of offices so reserved shall bear, as nearly as may be, the same proportion with the total number of the offices of the Sabhadhipati and the Sahakari Sabhadhipati in the State as the population of the Scheduled Castes or the Scheduled Tribes, as the case may be, in the Blocks under the jurisdiction of all Zilla Parishads and the Siliguri Mahakuma Parishad within the State bears with total population in the same area.
- (2) Not less than one-third of the total number of offices, reserved under sub-section (1), shall be reserved by rotation in such manner as may be prescribed, for Women belonging to the Scheduled Castes or the Scheduled Tribes, as the case may be.
- (3) Not less than one-third of the total number of offices including the seats reserved for Women belonging to the Scheduled Castes and the Scheduled Tribes under sub-section (2) shall be reserved for Women by rotation in such manner, as may be prescribed.
- (4) For the purpose of reservation under sub-sections (1), (2) and (3) preference shall be given to reservation of the offices of the Sabhadhipati and after such reservation, offices of the Sahakari Sabhadhipati shall not be reserved in the same Zilla Parishad or the Siliguri Mahakuma Parishad, as the case may be.
- (5) Notwithstanding anything contained in this Act, if in a district, for any term of election, the number of offices of the Sahakari Sabhadhipati, available for reservation after exclusion of the Zilla Parishads or the Siliguri Mahakuma Parishad, as the case may be, where offices of the Sabhadhipati have been reserved for that term of election, is less than the number of offices determined under sub-section (1) or sub-section (2) or sub-section (3), such number of offices of the Sahakari Sabhadhipati as are available shall be reserved for that term of election, and the number of offices determined under sub-section (1) or sub-section (2) or sub-section (3), as the case may be, shall be deemed to be redetermined accordingly.

Mahakuma Parishad shall be reserved for the Scheduled Castes, the Scheduled Tribes and the Backward Classes by rotation in such manner, as may be prescribed, and the number of offices so reserved shall bear, as nearly as may be, the same proportion with the total number of the offices of the Sabhadhipati and the Sahakari Sabhadhipati in the State as the population of the Scheduled Castes or the Scheduled Tribes or the Backward Classes, as the case may be, in the Blocks under the jurisdiction of all Zilla Parishads and the Siliguri Mahakuma Parishad within the State bears with total population in the same area.]

<sup>1</sup>[Provided that the total number of offices of the Sabhadhipati or the Sahakari Sabhadhipati of the Zilla Parishads or the Siliguri Mahakuma Parishad in the State reserved for the Scheduled Castes, the Scheduled Tribes and the Backward Classes, severally or jointly, as the case may be, shall not exceed fifty percent of the total number of such offices of the Sabhadhipati or the Sahakari Sabhadhipati in the State determined in the aforesaid manner:

Provided further that reservation of offices of the Sabhadhipati or the Sahakari Sabhadhipati of the Zilla Parishads or the Siliguri Mahakuma Parishad in the State in favour of the Scheduled Castes and the Scheduled Tribes shall be determined at the first stage in terms of sub-section (1) subject to the ceiling limit of fifty percent of the total such offices of the Sabhadhipati or the Sahakari Sabhadhipati in the State and then the balance number of offices of the Sabhadhipati or the Sahakari Sabhadhipati in the State within the ceiling limit of fifty percent of the total offices of the Sabhadhipati or the Sahakari Sabhadhipati in the State shall be reserved for the Backward Classes subject to the proportion of total

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Explanation. - A member of the Scheduled Castes or the Scheduled Tribes or Women shall not be disqualified to hold an office of the Sabhadhipati or Sahakari Sabhadhipati not reserved for the Scheduled Castes, Scheduled Tribes or Women, as the case may be, if such member is otherwise qualified to hold such office under this Act.

<sup>1</sup> Inserted by Sec 4 of the West Bengal Panchayat Election (Second Amendment) Act, 2012 (West Bengal Act XXVI of 2012).

population of the Backward Classes to the total population in the State:

Provided also that if and when the number of offices of the Sabhadhipati or the Sahakari Sabhadhipati of the Zilla Parishads or the Siliguri Mahakuma Parishad in the State determined for reservation in favour of the Scheduled Castes and the Scheduled Tribes in terms of sub-section (1), severally or jointly exceeds fifty percent of the total number of offices of the Sabhadhipati or the Sahakari Sabhadhipati in the State, such reserved offices in favour of the Scheduled Castes and the Scheduled Tribes shall, within the ceiling limit of fifty percent of the total number of offices of the Sabhadhipati or the Sahakari Sabhadhipati in the State, be apportioned in the same ratio of proportion of population of the Scheduled Castes and the Scheduled Tribes to the total population in the State:

Provided also that when the number of offices of the Sabhadhipati or the Sahakari Sabhadhipati of the Zilla Parishads or the Siliguri Mahakuma Parishad in the State determined for reservation in favour of the Scheduled Castes and the Scheduled Tribes in terms of sub-section (1), severally or jointly reaches fifty percent of the total number of offices of the Sabhadhipati or the Sahakari Sabhadhipati in the State, there shall be no reservation of offices of the Sabhadhipati or the Sahakari Sabhadhipati in the State in favour of the Backward Classes, notwithstanding that there is sizeable proportion of the Backward Class population in the State.]

- (2) As nearly as practicable one-half but not exceeding one-half of the total number of offices, reserved under sub-section (1), shall be reserved by rotation in such manner as may be prescribed, for women belonging to the Scheduled Castes or the Scheduled Tribes or the Backward Classes, as the case may be.
- (3) As nearly as practicable one-half but not exceeding one-half of the total number of offices including the offices reserved for women belonging to the Scheduled Castes, the Scheduled Tribes and the

Backward Classes under sub-section (2) shall be reserved for Women by rotation in such manner, as may be prescribed.

- (4) For the purpose of reservation under sub-sections (1), (2) and (3) preference shall be given to reservation of the offices of the Sabhadhipati and after such reservation, offices of the Sahakari Sabhadhipati shall not be reserved in the same Zilla Parishad or the Siliguri Mahakuma Parishad, as the case may be, in the same term of General Elections.
- (5) Notwithstanding anything contained in this section, if in a district, for any term of election, the number of offices of the Sahakari Sabhadhipati, available for reservation after exclusion of the Zilla Parishads or the Siliguri Mahakuma Parishad, as the case may be, where offices of the Sabhadhipati have been reserved for that term of election, is less than the number of offices determined under sub-section (1) or sub-section (2) or sub-section (3), such number of offices of the Sahakari Sabhadhipati as are available shall be reserved for that term of election, and the number of offices determined under sub-section (1) or sub-section (2) or sub-section (3), as the case may be, shall be deemed to be re-determined accordingly.

Explanation. - A member of the Scheduled Castes or the Scheduled Tribes or the Backward Classes or Women shall not be disqualified to hold an office of the Sabhadhipati or Sahakari Sabhadhipati not reserved for the Scheduled Castes, Scheduled Tribes, Backward Classes or Women, as the case may be, if such member is otherwise qualified to hold such office under this Act.]

- 20.** In case of non-availability of persons of reserved category for filling up the office of Pradhan or Upa-Pradhan, Sabhapati or Sahakari Sabhapati and Sabhadhipati or Sahakari Sabhadhipati so reserved, a person of that reserved category may be co-opted to fill up of that office after swearing in an oath of affirmation before the authority as may be specified:
- Co-option  
of persons  
in respective  
category.

Provided that such person so co-opted shall have to be elected within six months from the date of his

co-option in regard to that office against a suitable casual vacancy of that body:

Provided further that the person so co-opted shall have the powers and obligations of an ordinary member.

## PART IV

### CHAPTER V

#### Administrative Machinery for Election

Officers.

- 21.** The officers for the purpose of election, shall be appointed in accordance with the provisions of section 6 of the West Bengal State Election Commission Act, 1994, and they shall exercise powers and perform functions in accordance with the provisions of this Act and the West Bengal State Election Commission Act, 1994.

West Ben. Act  
VIII of 1994.

General duties  
of the District  
Panchayat  
Election  
Officer.

- 22.** (1) The District Panchayat Election Officer shall, subject to the superintendence, direction and control of the Commission, co-ordinate and supervise all work within his jurisdiction in connection with the preparation and revision of electoral rolls for, and conduct of, all elections to the Panchayats.
- (2) The District Panchayat Election Officer shall perform such other functions as may be entrusted to him by the Commission.

Panchayat  
Returning  
Officer.

- 23.** (1) There shall be a Panchayat Returning Officer, appointed in accordance with the provisions of sub-section (1) of section 6 of the West Bengal State Election Commission Act, 1994 for every constituency to fill up a seat or seats in the Panchayats.
- (2) The Panchayat Returning Officer, subject to the direction and control of the Commission, shall do all such acts and things as may be necessary for effectually conducting the election in the manner provided under this Act.

Assistant  
Panchayat  
Returning  
Officer.

- 24.** The District Panchayat Election Officer shall, subject to the direction and control of the Commission appoint, from amongst the officers of the State Government, as many Assistant Panchayat

Returning Officers as may be necessary, for one or more Zilla Parishad or Siliguri Mahakuma Parishad constituencies within a sub-division of a district and for one or more Panchayat Samiti and Gram Panchayat constituencies within a Block. Every Assistant Panchayat Returning Officer shall, subject to the direction and control of the Panchayat Returning Officer, exercise all or any of the powers and perform all or any of the functions of the Panchayat Returning Officer, as may be prescribed.

Panchayat  
Electoral  
Registration  
Officer.

**25.** The Commission shall, in consultation with the State Government and by notification, appoint, from amongst the officers of the State Government a Panchayat Electoral Registration Officer of the Blocks comprising a sub-division of a district. Every Panchayat Electoral Registration Officer shall, subject to the direction and control of the Commission and the District Panchayat Election Officer, prepare and, as and when necessary, revise the electoral rolls for election to the Panchayats.

Assistant  
Panchayat  
Electoral  
Registration  
Officer.

**26.** The District Panchayat Election Officer shall, subject to the direction and control of the Commission, appoint, from amongst the officers of the State Government, as many Assistant Panchayat Electoral Registration Officers as may be necessary for each sub-division of a district or any administrative division thereof. Every Assistant Panchayat Electoral Registration Officer shall, subject to the direction and control of the Panchayat Electoral Registration Officer, be competent to exercise all or any of the powers and functions of the Panchayat Electoral Registration Officer as may be prescribed.

Polling stations. **27.**

The District Panchayat Election Officer shall, subject to such direction as may be issued by the Commission, provide sufficient number of polling stations for each constituency for election of members of Gram Panchayat, Panchayat Samiti, Zilla Parishad or Siliguri Mahakuma Parishad and shall, not later than twelve days before the date of poll, publish a list showing the polling stations for the areas for which they would be set up, and shall forward a copy of the list to the Commission.

Appointment  
of Presiding  
Officers  
and Polling  
Officers.

- 28.** (1) Subject to the provisions of sub-section (5) of section 6 of the West Bengal State Election Commission Act, 1994, the Panchayat Returning Officer shall, with the prior approval of the District Panchayat Election Officer, appoint a Presiding Officer for each polling station and such number of polling officer or officers to assist the Presiding Officer as he thinks necessary but 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 as a Presiding Officer or a polling officer:

West Ben. Act  
VIII of 1994.

Provided that if any polling officer is absent from the polling station, the Presiding Officer may appoint in his place any person who is present at the polling station other than a person who has been employed by, or on behalf of, or has been otherwise working for, a candidate in or about the election to be the polling officer and shall, when such appointment is made, inform the Panchayat Returning Officer accordingly.

- (2) A polling officer shall, if so directed by the Presiding Officer, perform all or any of the functions of a Presiding Officer under this Act or the rules made thereunder.
- (3) If the Presiding Officer, owing to illness or for other unavoidable causes, is obliged to absent himself from performing his functions in the polling station, his functions shall be performed by such polling officer as has been previously authorised by the Panchayat Returning Officer to perform such function during such absence.
- (4) In the event of simultaneous election of members to Gram Panchayat, Panchayat Samiti, Zilla Parishad or the Siliguri Mahakuma Parishad, or in the case of any of the two simultaneous elections, as the case may be, the same set of persons referred to in sub-section (1) shall be appointed as Presiding or polling officers to conduct the poll.

**Explanation.** - A Presiding Officer shall, unless the context otherwise requires, be deemed to include a person performing any function which he

is authorised to perform under sub-section (2) or sub-section (3), as the case may be.

- 29.** Subject to the general guidance, superintendence and control of the Panchayat Returning Officer, it shall be the general duty of the Presiding Officer, at a polling station, to keep peace and order therein and to see that the poll is fairly taken and counting of votes is done.
- 30.** It shall be the duty of a polling officer at a polling station to assist the Presiding Officer for such polling station.
- General duty of Presiding Officer.
- Duties of polling officer.

## PART V

### CHAPTER VI

#### Electoral Rolls

- West Ben. Act VIII of 1994.
- 31.** Subject to the provisions of section 4 of the West Bengal State Election Commission Act, 1994, the Panchayat Electoral Registration Officer shall prepare and revise an electoral roll for each Block within his jurisdiction:
- Preparation of electoral roll.

Provided that an electoral roll shall consist of Parts relating to the Gram Panchayat constituencies delimited for the last general elections, and such Parts shall be assigned consecutive serial numbers:

Provided further that there shall be one electoral roll in any area for elections from Gram Panchayat, Panchayat Samiti and Zilla Parishad or Siliguri Mahakuma Parishad constituencies:

Provided also that the names of electors in each Part of the electoral roll shall be arranged according to mahalla, para or house number unless the District Panchayat Election Officer, subject to any general or special order by the Commission, determines in respect of any Part that the alphabetical order is more convenient or that the names shall be arranged partly in one way and partly in another.

- Eligibility for registration.
- 32.** (1) Unless disqualified under the provisions of section 16 of the Representation of the People Act, 1950, every person in a constituency who –
- 43 of 1950.

- (a) is not less than 18 years of age on the qualifying date, and
  - (b) is ordinarily a resident in that constituency, shall be entitled to be registered in the electoral roll pertaining to that constituency.
- (2) No person shall be entitled to be registered in the electoral roll for more than one constituency.
- (3) No person shall be entitled to be registered in the electoral roll for any constituency more than once.
- Meaning of 'ordinarily resident'.
33. If, in any case, a question arises as to whether a person is ordinarily resident of any area at any relevant time, the question shall be determined by reference to all the facts of the case and such determination shall be made subject to the provisions of sub-sections (1) to (6) of section 20 of the Representation of the People Act, 1950.
- Preparation, publication and revision of electoral roll.
34. (1) The electoral roll for each Block shall be prepared with reference to a qualifying date as may be specified, by an order, by the Commission and shall come into force immediately upon its final publication after at least fifteen days of the publication of the draft of such electoral roll.
- (2) The electoral roll for a Block shall, -
- (a) unless otherwise directed by the Commission and for reasons to be recorded in writing, be revised, wholly or in part, with reference to the qualifying date referred to in sub-section (1) –
    - (i) before each general election to any Panchayat, and
    - (ii) before each by-election to fill a casual vacancy in a seat allotted to the constituency, and
  - (b) notwithstanding anything contained in clause (a), be revised in any year, if such revision has been directed by the Commission, with reference to a qualifying date as may be specified in such direction.
- (3) Notwithstanding anything contained in sub-section (2), the Commission may at any time, for reasons to be recorded in writing, direct a special revision of the electoral roll for any Block or a part thereof in such manner as it thinks fit:

Provided that subject to the other provisions of this Act, the electoral roll for a Block, as in force at the time of issue of any such direction, shall continue to be in force until the completion of the special revision so directed.

- 35.** Notwithstanding anything contained in section 34, if the Commission may, by an order in writing, adopt the electoral roll meant for election of members to the West Bengal Legislative Assembly, for the time being, to such extent, and in such manner, as may be specified in the order for the purpose of any election to the Panchayats from any Block.
- 36.** If the Panchayat Electoral Registration Officer for a Block, on an application made to him or in his own motion, is satisfied after such enquiry, as he thinks fit, that any entry in any part of an electoral roll of a constituency –
- (a) is erroneous or defective in any particular, or
  - (b) should be transposed to another place in the electoral roll on the ground that the person concerned has changed his place of ordinary residence within the jurisdiction of such constituency, or
  - (c) should be deleted on the ground that the person concerned is dead or has ceased to be ordinarily resident in such constituency or is otherwise not entitled to be registered in that electoral roll,

the Panchayat Electoral Registration Officer shall, subject to such general or special directions, if any, as may be given by the Commission in this behalf, amend, transpose or delete the entry in such part of the electoral roll:

Provided that the Panchayat Electoral Registration Officer, before taking any action on any ground under clause (a) or clause (b) or any action under clause (c) on the ground that the person concerned has ceased to be ordinarily resident within the constituency or that he is otherwise not entitled to be registered in the electoral roll of that constituency, shall give the person concerned a reasonable opportunity of being heard in respect of the action proposed to be taken in relation to him.

Adoption of  
Assembly  
electoral roll.

Correction  
of entries in  
electoral roll.

Inclusion  
of names in  
electoral roll.

- 37.** (1) Any person whose name is not included in the electoral roll of a Block may apply to the Panchayat Electoral Registration Officer in the prescribed Form for inclusion of his name in the electoral roll.
- (2) The Panchayat Electoral Registration Officer shall, if satisfied that the applicant is entitled to be registered in the electoral roll, direct his name to be included therein:

Provided that if name of the applicant is registered in the electoral roll of any Municipality or any other Panchayat, the Panchayat Electoral Registration Officer shall inform the Municipal Electoral Registration Officer of that Municipality or the Panchayat Electoral Registration Officer of the other Panchayat to that effect and the Municipal Electoral Registration Officer of that Municipality or the Panchayat Electoral Registration Officer of that other Panchayat, as the case may be, shall on receipt of the information, strike off the applicant's name from the electoral roll.

- (3) No direction for amendment, transposition or deletion of any entry shall be made under section 36, and no direction for the inclusion of a name in the electoral roll of a constituency under section 37, shall be given under this section after the last date for making nominations for an election in that constituency and before the completion of such election.

Bar to  
jurisdiction  
of the Civil  
Courts.

- 38.** No Civil Court shall have the jurisdiction –
- (a) to entertain or adjudicate upon any question whether any person is, or is not, entitled to be registered in an electoral roll for a constituency; or
- (b) to question the legality of any action by, or under, the authority of a Panchayat Electoral Registration Officer or of any decision given by any authority appointed under this Act for preparation or adoption of any such electoral roll, as the case may be.

Punishment  
for false  
declaration.

- 39.** If any person makes, in connection with, -
- (a) the preparation, revision or correction of an electoral roll, or

- (b) the inclusion or exclusion of any entry in, or from, an electoral roll, a statement or declaration in writing which is false and which he either knows or believes to be false or does not believe to be true,  
he shall be punishable with imprisonment for a term which may extend to one year or with fine or with both.
- Appeal.  
**40.** An appeal shall lie within such time, and in such manner, as may be prescribed to the District Panchayat Election Officer from any order of the Panchayat Electoral Registration Officer under section 36 or section 37.
- Fees for applications and appeals.  
**41.** Every application under section 36 or section 37 and every appeal under section 40 shall be accompanied by the prescribed fee which shall in no case be refunded.

## PART VI

### Conduct of Elections

#### CHAPTER VII

##### Nomination of Candidates

- Notification for election.  
**42.** The State Government shall, in consultation with the Commission, by notification, appoint the date or dates and hour or hours of poll for any election or bye-election.
- Appointment of dates of various stages of election.  
**43.**<sup>1</sup>[(1) After the issue of the notification under section 42, the Commission shall, by notification, appoint the dates for various stages of election in the manner as follows:-  
(a) the last date for making nomination which shall be not later than twenty-one days but earlier than thirty-five days before the date fixed for the poll;  
(b) the date for the scrutiny of nominations, which shall be the second 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;

<sup>1</sup> Section 43 was renumbered as sub-section (1) of that section by S.4 of the West Bengal Panchayat Elections (Amendment) Act, 2007 (West Bengal Act XIX of 2007).

- (c) the last date for withdrawal of candidature, which shall be the third day immediately following the date for scrutiny of nominations or, if that day is a public holiday, the next succeeding day which is not a public holiday;
- (d) the date on which a poll shall, if necessary, be taken; and
- (e) the date before which the election shall be completed:

Provided that the Commission may, for reasons which it considers sufficient, extend, by notification, the date for completion of any election.]

- <sup>1</sup>[(2) Where the Commission, at any time after the issue of the notification under section 42, is of the opinion that it is not possible to hold election on the date or dates so notified by the State Government under the said section for reasons which it considers sufficient and justified, the Commission shall refer the matter to the State Government, and the State Government shall, on being satisfied with the reasons shown by the Commission, revoke the earlier notification and the commission shall consequently revoke the notification, if any, issued by it under sub-section (1).]

Public notice of **44.**  
election.

On the issue of a notification under section 43, the District Panchayat Election Officer shall, in such manner as may be prescribed give public notice of the intended election inviting the nomination of candidates for such election and specifying the place at which the nomination papers are to be delivered.

Nomination of  
candidates.

**45.** Any person may be nominated as a candidate for election to fill a seat if he is qualified to be chosen to fill that seat under the provisions of this Act or the rules made thereunder.

Presentation  
of nomination  
papers and  
requirement  
for valid  
nomination.

- 46.** (1) On or before the date appointed under clause (a) of section 43 each candidate shall, either in person or by his proposer, between the hours as may be prescribed, deliver, to the Panchayat Returning Officer at the place specified in this behalf in the notice issued under section 44, a nomination paper

<sup>1</sup> Sub-section (2) was inserted by S.4 of the West Bengal Panchayat Elections (Amendment) Act, 2007 (West Bengal Act XIX of 2007).

completed in the prescribed form and signed by the candidate and by a voter of the constituency as proposer:

Provided that no nomination paper shall be delivered to the Panchayat Returning Officer on a day which is a public holiday.

- (2) Without prejudice to the generality of the provisions contained in sub-section (1), if the Commission, on receipt of complaints from the intending candidates or the recognized political parties, either from or through the District Panchayat Election Officer or its own machinery or any other agency, is satisfied that there is reasonable apprehension of prevention of, or obstruction to, the intending candidates from making nominations at the place or before the authority for the Gram Panchayat and Panchayat Samiti constituencies specified in the notice under section 44, the Commission may, by order, issue a direction to the Panchayat Returning Officer appointed for any Block, to depute one Assistant Panchayat Returning Officer at the office of the Sub-Divisional Officer having jurisdiction, for receiving nomination papers within the specified date and hour from the intending candidates for one or more Gram Panchayat or Panchayat Samiti constituencies, as the case may be:

Provided that the Commission may also, by the said order, extend the last date for making nomination for one day and also direct that all the nomination papers received under sub-sections (1) and (2) for any Gram Panchayat or Panchayat Samiti constituency, as the case may be, shall be taken up by the Panchayat Returning Officer for scrutiny of all such nomination papers, at one sitting, one after another, in terms of the notice under section 44:

Provided further that on receipt of such order of the Commission, the Panchayat Returning Officer shall arrange to display a notice accordingly in his office and in the office of the Sub-Divisional Officer and District Panchayat Election Officer and shall also arrange for wide publicity within the polling area.

- (3) <sup>1</sup>[The nomination paper for any seat, reserved for a candidate of the Scheduled Castes or the Scheduled Tribes or the Backward Classes, shall be accompanied by a copy of certificate of the Scheduled Castes or the Scheduled Tribes or the Backward Classes, granted by a competent authority and that the original copy of such certificate shall be produced at the time of making delivery of such nomination paper to the Panchayat Returning Officer.

Explanation. - The expression “competent authority” shall mean the authority competent to issue certificate under any specific provision of any Act or Rule or any order or notification issued by the State Government from time to time and is in force for the time being.]

- (4) Where the candidate is a person who having held any office referred to in section 9 of the Representation of the People Act, 1951 has been dismissed and a period of five years has not elapsed since such dismissal, such person shall not be qualified to be nominated as a candidate.
- (5) Any person whose name is entered in the electoral roll of a constituency for which the candidate has been nominated, and who is not otherwise disqualified, may subscribe as a proposer and he shall not subscribe as a proposer for more than one nomination:

43 of 1951

Provided that where in a constituency more than one seat are to be filled up, such person may subscribe as proposer for such number of nomination papers as there are seats to be filled up in that constituency.

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<sup>1</sup> Substituted by Sec. 5 of the West Bengal Panchayat Elections (Amendment) Act, 2012 (West Bengal Act XXIII of 2012), which was earlier as follows:

(3) The nomination paper for any seat, reserved for a candidate of the Scheduled Castes or the Scheduled Tribes, shall be accompanied by a copy of certificate of the Scheduled Castes or the Scheduled Tribes, granted by a competent authority and that the original copy of such certificate shall be produced at the time of making delivery of such nomination paper to the Panchayat Returning Officer.

Explanation - The expression ‘competent authority’ shall mean the authority competent to issue certificate under section 5 of the West Bengal Scheduled Castes and Scheduled Tribes (Identification) Act, 1994.

- (6) On the presentation of a nomination paper, the Panchayat Returning Officer shall satisfy himself that the names and serial numbers in the electoral roll of the candidate and his proposer, as entered in the nomination paper, are the same as those entered in the electoral rolls:

Provided that no misnomer or inaccurate description or clerical, technical or printing error in regard to the name of the candidate or his proposer, or in regard to any place, mentioned in the electoral roll or the nomination paper and no clerical, technical or printing error in regard to serial numbers in the electoral roll of any such person or the nomination paper, shall effect the full operation of the electoral roll or the nomination paper with respect to such person or place in any case where the description in regard to the name of the person or place is such as to be commonly understood, and the Panchayat Returning Officer shall permit any such misnomer or inaccurate description or clerical, technical or printing error to be corrected in order to bring them in conformity with the corresponding entries in the list of voters, and where necessary, direct that any such misnomer, inaccurate description, clerical, technical or printing error in the electoral roll or in the nomination paper shall be overlooked.

- (7) Nothing in this section shall prevent any candidate from being nominated by more than one nomination paper:

Provided that not more than four nomination papers shall be presented by, or on behalf of, any candidate or accepted by the Panchayat Returning Officer.

- (8) Failure to complete or a defect in the declaration as to symbol shall not be deemed to be a defect of substantial character within the meaning of sub-section (4) of section 49.

Deposits.

47. A candidate shall not be deemed to be declared nominated for election from a constituency unless he deposits or causes to be deposited in cash with the Panchayat Returning Officer concerned –

- (a) in the case of an election from a seat in a constituency of a Gram Panchayat, a sum of rupees one hundred and fifty, or where the candidate is a member of Scheduled Castes or Scheduled Tribes <sup>1</sup>[or Backward Classes] or is a Woman, a sum of rupees seventy-five;
- (b) in the case of an election from a constituency of a Panchayat Samiti, a sum of rupees five hundred or where the candidate is a member of Scheduled Castes or Scheduled Tribes <sup>2</sup>[or Backward Classes] or is a Woman rupees two hundred and fifty; and
- (c) in the case of an election from a constituency of a Zilla Parishad or the Siliguri Mahakuma Parishad, a sum of rupees one thousand or where the candidate is a member of Scheduled Castes or Scheduled Tribes <sup>3</sup>[or Backward Classes] or is a Woman, a sum of rupees five hundred:

Provided that where a candidate has been nominated by more than one nomination paper for election in the same constituency, not more than one deposit shall be required of him under this section.

Notice of  
nomination and  
the time and  
place for their  
scrutiny.

**48.**

The Panchayat Returning Officer shall on receiving the nomination paper under sub-section (1) of section 46, inform the person or persons delivering the same of the date, time and place fixed for the scrutiny of nominations, and shall incorporate in the nomination paper its serial number, and shall sign thereon a certificate stating the date on which and the hour at which the nomination paper has been delivered to him; and shall, as soon as may be thereafter, cause to be affixed in some conspicuous place in his office a notice of the nomination containing descriptions similar to those contained in the nomination paper, both of the candidate and of the proposer.

<sup>1</sup> Inserted by Sec. 6(1) of the West Bengal Panchayat Elections (Amendment) Act, 2012 (West Bengal Act XXIII of 2012).

<sup>2</sup> Inserted by Sec. 6(2) of the West Bengal Panchayat Elections (Amendment) Act, 2012 (West Bengal Act XXIII of 2012).

<sup>3</sup> Inserted by Sec. 6(3) of the West Bengal Panchayat Elections (Amendment) Act, 2012 (West Bengal Act XXIII of 2012).

Scrutiny of  
nominations

49. (1) On the date fixed for the scrutiny of nominations under section 48 the candidates or their election agents, and such other persons as may be prescribed, may attend at such time and place as the Panchayat Returning Officer may appoint; and the Panchayat Returning Officer shall give them all reasonable facilities for examining the nomination papers of all candidates which have been delivered within the time, and in the manner, laid down in section 46.
- (2) The Panchayat Returning Officer shall then examine the nomination papers and shall decide all objections which may be made to any nomination and may, either on such objection or on his own motion, after such summary enquiry, if any, as he thinks necessary, reject any nomination on any of the following grounds:-
- (a) that on the day fixed for the scrutiny of nominations the candidate either is not qualified or is disqualified for being chosen to fill the seat under any of the following provisions that may be applicable, namely:-
- (i) article 243F of the Constitution of India, and
- (ii) Part II of this Act;
- (b) that there has been a failure to comply with any of the provisions of section 45 or section 46, or section 47;
- (c) that the signature of the candidate or the proposer on the nomination paper is not genuine;
- (d) that the proposer is not a voter of the constituency concerned.
- (3) Nothing contained in clause (a) or clause (b) or clause (c) of sub-section (2) shall be deemed to authorised 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.

- (4) The Panchayat Returning Officer shall not reject any nomination paper on the ground of any defect which is not of a substantial character.
- (5) The Panchayat Returning Officer shall hold the scrutiny on the date appointed in this behalf under clause (b) of section 43 and shall not allow any adjournment of the proceedings except when such proceedings are interrupted or obstructed by riot or open violence or by causes beyond his control:

Provided that in case an objection is raised by the Panchayat Returning Officer or is made by any other person, the candidate concerned may be allowed time to rebut it not later than the next day following the date fixed for scrutiny, and the Panchayat Returning Officer shall record his decision on the date to which the proceedings have been adjourned.

- (6) The Panchayat Returning Officer shall endorse on each nomination paper his decision accepting or rejecting the same and, if the nomination paper is rejected, shall record in writing a brief statement of his reasons for such rejection.
- (7) For the purposes of this section, a certified copy of an entry in the electoral roll for the time being in force of a constituency shall be conclusive evidence of the fact that the person referred to in that entry is an elector for that constituency, unless it is proved that he is subject to a disqualification mentioned in section 16 of the Representation of People Act, 43 of 1950.
- (8) Immediately after all the nomination papers have been scrutinized and decisions accepting or rejecting the same have been recorded, the Panchayat Returning Officer shall prepare a list of validly nominated candidates, that is to say, candidates whose nominations have been found valid, and affix it on his notice board.

Withdrawal of  
candidature.

- 50.** (1) Any candidate may withdraw his candidature by a notice in writing which shall contain such particulars as may be prescribed and shall be subscribed by him and delivered before three O'clock in the afternoon on the day fixed under

clause (c) of section 43 to the Panchayat Returning Officer either by such candidate in person or by his proposer or election agent who has been authorised in this behalf in writing by such candidate.

- (2) No person who has given a notice of withdrawal of his candidature under sub-section (1) shall be allowed to cancel the notice
- (3) The Panchayat Returning Officer shall, on being satisfied as to the genuineness of a notice of withdrawal and the identity of the person delivering it under sub-section (1), cause the notice to be affixed in some conspicuous place in his office.

**51.** (1) Immediately after the expiry of the period within which candidature may be withdrawn under section 50, the Panchayat Returning Officer shall prepare, in the prescribed manner, a list of contesting candidates whose nominations have been finally accepted and who have not withdrawn their candidature.

Preparation  
of list of  
contesting  
candidates and  
allotment of  
symbol.

- (2) The said list shall contain the names in alphabetical order and the addresses of the contesting candidates as given in the nomination papers and shall be prepared in Nepali and English in the hill areas and in Bengali and English in other areas.
- (3) The alphabetical order as referred to in sub-section (2) shall be determined with reference to the surnames of the candidates where the surnames are written first. In other cases, proper names of the candidates shall be considered for determining the alphabetical order.
- (4) Where a poll becomes necessary, the Panchayat Returning Officer shall consider the choice of symbols expressed by the contesting candidates in their nomination papers and shall,-
  - (a) allot a different symbol to each contesting candidate in conformity, as far as practicable, with his choice;
  - (b) if more than one contesting candidate have indicated their preference for the same symbol, decide by lot to which of the candidates the symbols will be allotted; and

- (c) allot symbol to a candidate set up by a recognised political party or a local political party reserved for that party, as the case may be, if a declaration to that effect has been made by the candidate in his nomination paper and a notice in writing has been issued by the prescribed authority of the recognised political party or local political party in such manner as may be prescribed.
- (5) The allotment of any symbol by the Panchayat Returning Officer to a candidate shall be final.
- (6) Every candidate or his election agent shall forthwith be informed of the symbol allotted to him and be supplied with specimen thereof by the Panchayat Returning Officer.

Publication  
of list of  
contesting  
candidates.

- 52.** Immediately after the allotment of symbols under section 51, the Panchayat Returning Officer shall, in the prescribed form, cause a list of contesting candidates to be published whose names are included in the list of validly nominated candidates and who have not withdrawn their candidature. The list shall be affixed on the notice board in his office and also supply a copy thereof to each of the contesting candidates or his election agent.

Appointment of  
election agents.

## CHAPTER VIII

### CANDIDATES AND THEIR AGENTS

A candidate at an election may appoint, in the prescribed manner, any one person other than himself to be his election agent and when any such appointment is made, notice of the appointment shall be given in the prescribed manner to the Panchayat Returning Officer.

Disqualification  
for being an  
election agent.

Any person who is, disqualified under the Act shall not be eligible for appointment as an election agent.

Revocation of  
appointment,  
or death, of an  
election agent.

- 54.**
- 55.** (1) The appointment of the election agent may be revoked by the candidate at any time by a declaration in writing to be signed by the candidate and lodged with the Panchayat Returning Officer. Such revocation shall take effect from the date on which it is so lodged.

- (2) In the event of such revocation or of the death of an election agent before or during the election, the candidate may appoint, in the prescribed manner, any person to be his election agent and when such appointment is made, notice of the appointment shall be given in the prescribed manner, to the Panchayat Returning Officer.

Functions of  
election agent.

- 56.** An election agent shall perform such functions in connection with the election as are authorised by or under this Act to be performed by an election agent.

Appointment of  
polling agent.

- 57.** (1) A contesting candidate or his election agent may appoint in the prescribed manner such number of agents and relief agents as may be prescribed to act as polling agents of such candidate at each polling station.
- (2) The candidate or his election agent shall deliver the duplicate copy of the letter of appointment to the polling agent who shall, on the date fixed for the poll, present it to, and sign the declaration contained therein before the Presiding Officer and the Presiding Officer shall retain the duplicate copy presented to him in his custody. No polling agent shall be allowed to perform any duty at the polling station unless he has complied with the provisions of this sub-section.

Appointment of  
counting agent.

- 58.** (1) A contesting candidate or his election agent may appoint such number of persons, as may be prescribed, as his counting agents to be present at the counting of votes, and notice of such appointment shall be given in the prescribed manner to the Panchayat Returning Officer.
- (2) Before the commencement of the counting of votes, the candidate or his election agent shall deliver the copy of the appointment of such counting agent to the Presiding Officer concerned.
- (3) The candidate or his election agent shall also deliver the duplicate copy of the letter of appointment to the counting agent who shall, on the date fixed for the counting of votes, present it to, and sign declaration contained therein, before the Presiding Officer. The Presiding Officer shall retain the duplicate

Revocation  
of the  
appointment,  
or death, of a  
polling agent or  
counting agent.

copy presented to him, in his custody. No counting agent shall be allowed to perform any duty at the place fixed for the counting of votes, unless he has complied with the provisions of this sub-section.

**59.** (1) Any revocation of the appointment of a polling agent shall be signed by the candidate or his election agent and shall operate from the date on which it is lodged with the Panchayat Returning Officer and in the event of such a revocation or of the death of a polling agent before the close of the poll, the candidate or his election agent may appoint, in the prescribed manner, another polling agent at any time before the poll is closed and shall forthwith give notice of such appointment, in the prescribed manner, to the Panchayat Returning Officer.

(2) Any revocation of the appointment of a counting agent shall be signed by the candidate or his election agent and shall operate from the date on which it is lodged with the Panchayat Returning Officer, and in the event of such revocation or of the death of a counting agent before the commencement of the counting of votes the candidate or his election agent may appoint, in the prescribed manner, another counting agent at any time before the counting of votes is commenced and shall forthwith give notice of such appointment, in the prescribed manner, to the Panchayat Returning Officer.

Functions of  
polling agents  
and counting  
agents.

**60.** (1) A polling agent may perform such functions in connection with the poll as are authorised by or under this Act, to be performed by a polling agent.

(2) A counting agent may perform such functions in connection with the counting of votes as are authorised by or under this Act to be performed by a counting agent.

Attendance of  
a contesting  
candidate or  
his election  
agent at polling  
stations, and  
performance  
by him of the  
functions of a  
polling agent or  
counting agent.

**61.** (1) At every election where a poll is taken, each contesting candidate at such election and his election agent shall have a right to be present at any polling station provided under section 27 for the taking of the poll.

(2) A contesting Candidate or his election agent may himself do any act or thing which any polling agent or the counting agent of such contesting candidate

if appointed, would have been authorised by or under this Act to do, or may assist any polling agent or the counting agent of such contesting candidate in doing any such act or thing.

Non-attendance **62.**  
of polling  
or counting  
agents.

Where any act or thing is required or authorised by or under this Act to be done in the presence of the polling or counting agents, the non-attendance of any such agent or agents at the time and place appointed for the purpose shall not, if the act or thing is otherwise duly done, invalidate the act or thing done.

Death of  
candidate  
before poll.

**63.**

If a candidate whose nomination has been found valid on scrutiny under section 49 and who has not withdrawn his candidature under section 50 dies and a report of his death is received before the publication of the list of contesting candidates under section 52, or if a contesting candidate dies and a report of his death is received before the commencement of the poll, the Panchayat Returning Officer shall, upon being satisfied of the fact of the death of the candidate, announce countermanding of the poll and report the fact to the Commission and also to the District Panchayat Election Officer concerned and all proceedings with reference to the election shall be commenced a new in all respects as if for a new election:

Provided that no further nomination shall be necessary in the case of a person who was a contesting candidate at the time of the countermanding of the poll:

Provided further that no person who has given a notice of withdrawal of his candidature under sub-section (1) of section 50 before the countermanding of the poll shall be ineligible for being nominated as a candidate for the election after such countermanding.

**64.**

If, at any election to a Gram Panchayat, Panchayat Samiti, Zilla Parishad or Siliguri Mahakuma Parishad, -

Procedure in  
contested and  
uncontested  
elections.

(a) the number of contesting candidates is more than the number of seats to be filled in a constituency, a poll shall be taken,

- (b) the number of such candidates is equal to the number of seats to be filled in a constituency, the Panchayat Returning Officer shall forthwith declare in the prescribed manner of all such candidates to be duly elected to fill those seats,
- (c) the number of such candidates is less than the number of seats to be filled in a constituency, the Panchayat Returning Officer shall forthwith declare, in the prescribed manner, all such candidates to be duly elected and the Commission shall, by notification in the Official Gazette, call upon the constituency to elect a person or persons to fill the remaining seat or seats:

Provided that where the constituency having already been called upon under this sub-section, has failed to elect a person or the requisite number of persons, as the case may be, to fill the vacancy or vacancies, the Commission shall not be bound to call again upon the constituency, to elect a person or persons until it is satisfied that if called upon again, there will be no such failure on the part of the constituency.

## CHAPTER IX

### Poll

Fixing the time **65.** of poll.

The hours during which the poll will be taken shall be fixed in accordance with the provisions of section 8 of the West Bengal State Election Commission Act, 1994.

Adjournment of poll in emergencies.

- 66.** (1) If, at an election, the proceedings at any polling station provided under section 27 for the poll are interrupted or obstructed by any riot or open violence, or if at any 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 for such polling station at the material point of time shall announce an adjournment of the poll to a date to be notified later and where the poll is so adjourned by a Presiding Officer, he shall forthwith inform the Panchayat Returning Officer concerned.

West Bengal  
Act VIII of  
1994

- (2) Whenever a poll is adjourned under sub-section (1), the Panchayat Returning Officer shall immediately send a report stating the circumstances under which the poll is adjourned to the District Panchayat Election Officer and the Commission. On receipt of the report, the District Panchayat Election Officer shall immediately send a detailed report to the Commission. The Commission shall, by notification, fix the date on which, and the hours at which, the adjourned poll shall recommence and the District Panchayat Election Officer shall fix the polling station at which the poll shall be taken.

Fresh poll in  
the case of  
destruction,  
etc., of ballot  
boxes or voting  
machine.

- 67.** (1) If at any election –
- (a) any ballot box or any ballot paper <sup>1</sup>[or any electronic voting machine] used or intended to be used at a polling station at any time before or after the commencement of poll or during counting is unlawfully taken out of the custody of the Presiding Officer, or is accidentally or intentionally destroyed or is lost, or is damaged or tampered with, to such an extent, that the result of the poll at that polling station cannot be ascertained, or
  - (b) any voting machine develops a mechanical failure during the course of the recording of votes; or
  - (c) any such error or irregularity in procedure as is likely to vitiate the poll is committed at a polling station,
- the Presiding Officer shall forthwith report the matter to the Panchayat Returning Officer and the Panchayat Returning Officer shall forthwith report to the District Panchayat Election Officer.
- (2) Thereupon, the District Panchayat Election Officer shall, after taking all material circumstances into account, either –
- (a) declare the poll at that polling station to be void; or
  - (b) if satisfied that the result of a fresh poll at that polling station will not in any way, affect the result of the election or that the error or irregularity in procedure is not material, issue

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<sup>1</sup> The words within the square bracket were inserted by S.5 of the West Bengal Panchayat Elections (Amendment) Act, 2007 (West Bengal Act XIX of 2007).

such directions to the Panchayat Returning Officer as he may deem proper for further conduct and completion of the election:

Provided that on any such occasion referred to in clause (a) or (b), the District Panchayat Election Officer shall send a complete report to the Commission.

(3) The Commission may, -

(a) on receipt of any of the reports referred to in sub-section (2) –

(i) accept the report and proceed in terms of sub-section (4) or allow completion of the election; or

(ii) modify in any manner, as it deems fit, the order or the directions referred to in sub-section (2) by an order specifying its decision and the action thereon;

(b) in consideration of the report of the material circumstances obtained from or through the District Panchayat Election Officer, its own machinery or any other agency, may issue any order in terms of sub-section (2) and upon issue of such order, the poll at a polling station may be void and provisions of sub-section (4) shall apply mutatis mutandis.

(4) Where a poll at a polling station is declared to be void under clause (a) of sub-section (2), the District Panchayat Election Officer shall immediately report the matter to the Commission and also to the State Government. The Commission shall, by notification, fix a date and time for taking the fresh poll and thereupon the District Panchayat Election Officer shall fix the polling station at which poll shall be taken.

Adjournment  
of poll or  
countermanding  
of election on  
the ground of  
booth capturing.

**68.** (1) If at any election –

(a) booth capturing has taken place at a polling station or at a place fixed for the poll in such a manner that the result of the poll at that polling station cannot be ascertained; or

(b) booth capturing or snatching or forcible occupation of any polled ballot box or polled

ballot paper<sup>1</sup> [or polled electronic voting machine] takes place in any place for counting of votes in such a manner that the result of the counting at that place cannot be ascertained, the Panchayat Returning Officer shall forthwith report the matter to the District Panchayat Election Officer, and on receipt of the said report the District Panchayat Election Officer shall immediately send a report to the Commission.

- (2) The Commission shall, on receipt of the report from the District Panchayat Election Officer under sub-section (1) and after taking all material circumstances into account, either –
- (a) declare that the poll at that polling station be void, appoint a day, and fix the hours, for taking fresh poll at that polling station or place and notify the date so appointed and hours so fixed in such manner as it may deem fit, or
  - (b) countermand the election in that constituency, provided the Commission is satisfied that in view of the large number of polling stations involved in booth capturing, the result of the election is likely to be affected, or that booth capturing had affected counting of votes in such manner as to affect the result of the election.

Explanation. - In this section, “booth capturing” has the same meaning as in section 135A of the Representation of the People Act, 1951.

43 of 1951

- 69.** At every election where a poll is taken, votes shall be given by ballot in such manner as may be prescribed, and no votes shall be received by proxy. Manner of voting at elections.
- 70.** With a view to preventing personation of electors, provision may be made by rules made under this Act –
- (a) for the marking with indelible ink of the thumb or any other finger of every elector who applies for a ballot paper or ballot papers for the purpose of voting at a polling station before delivery of such paper or papers to him;
  - (b) for the production before the Presiding Officer or a polling officer of a polling station by every such elector as aforesaid of his identity card

<sup>1</sup> The words within the square bracket were inserted by S.6 of the West Bengal Panchayat Elections (Amendment) Act, 2007 (West Bengal Act XIX of 2007).

before the delivery of a ballot paper or ballot papers to him if, under the rules made in that behalf under the Representation of the People Act, 1950 electors of the constituency in which the polling station is situated have been supplied with identity cards with or without their respective photographs attached thereto; and

43 of 1950

- (c) for prohibiting the delivery of any ballot paper to any person for voting at a polling station if at the time such person applies for such paper he has already such a mark on his thumb or any other finger or does not produce on demand his identity card before the Presiding Officer or a polling officer of the polling station.

Voting machine **71.**  
at election.

Notwithstanding anything contained in this Act or the rules made thereunder, the giving and recording of votes by voting machines in such manner as may be prescribed, may be adopted in such constituency or constituencies as the Commission may, having regard to the circumstances of each case, specify.

Explanation. - For the purpose of this section “voting machine” means any machine or apparatus whether operated electronically or otherwise used for giving or recording of votes and any reference to a ballot box or ballot paper in this Act or the rules made thereunder shall, save as otherwise provided, be construed as including a reference to such voting machine wherever such voting machine is used at any election.

Right to vote.

- 72.** (1) No person who is not, and except as expressly provided by this Act, every person who is, for the time being entered in the electoral roll of any constituency shall be entitled to vote in that constituency.
- (2) No person shall vote at an election in any constituency if he is subject to any of the disqualifications referred to in section 16 of the Representation of the People Act, 1950.
- (3) No person shall vote at a general election in more than one constituency of the same class, and if a person votes in more than one such constituency, his votes in all such constituencies shall be void.

43 of 1950

- (4) No person shall at any election vote in the same constituency more than once, notwithstanding that his name may have been registered in the electoral roll for that constituency more than once, and if he does so vote, all his votes in that constituency shall be void.
- (5) No person shall vote at any election if he is confined in a prison, whether under a sentence of imprisonment or otherwise, or is in the lawful custody of the police:

Provided that nothing in this sub-section shall apply to a person subjected to preventive detention under any law for the time being in force.

## CHAPTER X

### COUNTING OF VOTES

Counting of votes.

**73.**

At every election where a poll is taken, votes shall be counted by or under the supervision and direction of the Panchayat Returning Officer at such a place as would be determined by State Election Commission and each contesting candidate, his election agent and his counting, agents, shall have a right to be present at the time of counting.

Destruction, loss etc. of ballot papers at the time of counting.

**74.**

(1) If, at any time before the counting of votes is completed any ballot papers <sup>1</sup>[or any electronic voting machines] used at a polling station or at a place fixed for the poll are unlawfully taken out of the custody of the Panchayat Returning Officer or are accidentally or intentionally destroyed or lost or are damaged or tampered with <sup>2</sup>[or in case of any electronic voting machine, develops mechanical or electronic failure during the counting of votes,] to such an extent that the result of the poll at that polling station or place cannot be ascertained, the Panchayat Returning Officer shall forthwith report the matter to the District Panchayat Election Officer who shall report the matter forthwith to the Commission.

(2) Thereupon, the Commission shall, after taking all material circumstances into account, either –

<sup>1</sup> The words within the square bracket were inserted by S.7(1) of the West Bengal Panchayat Elections (Amendment) Act, 2007 (West Bengal Act XIX of 2007).

<sup>2</sup> The words within the square bracket were inserted by S.7(2) of the West Bengal Panchayat Elections (Amendment) Act, 2007 (West Bengal Act XIX of 2007).

- (a) direct that the counting of votes shall be stopped, declare the poll at that polling station to be void, appoint a day, and fix the hours, for taking a fresh poll at that polling station or place and notify the date so appointed and hours, so fixed in such manner as it may deem fit, or
- (b) if satisfied that the result of a fresh poll at that polling station or place will not, in any way, affect the result of the election, issue such directions to the Panchayat Returning Officer as it may deem proper for the resumption and completion of the counting and for the further conduct and completion of the election in relation to which the votes have been counted.
- (3) The provisions of this Act and of any rules made thereunder shall apply to every such fresh poll as they apply to the original poll.

Equality of votes.

**75.**

If, after the counting of the votes is completed, an equality of votes is found to exist between any candidates, and the addition of one vote will entitle any of those candidates to be declared elected, the Panchayat Returning Officer shall forthwith decide between those candidates by lot, and proceed as if the candidate on whom the lot falls had received an additional vote.

Declaration of result.

**76.**

When the counting of the votes has been completed, the Panchayat Returning Officer shall, in the absence of any direction by the Commission to the contrary, forthwith declare the result of the election in the manner provided by this Act or the rules made thereunder.

Report and publication of the result.

**77.**

As soon as may be after the result of an election has been declared, the Panchayat Returning Officer shall report the result to the District Panchayat Election Officer and the Director of Panchayat and Rural Development, West Bengal and the Commission, and the Director of Panchayat and Rural Development, West Bengal shall cause to be published in the Official Gazette the declarations containing the names of the elected candidates.

## PART VII

### DISPUTES REGARDING ELECTIONS

#### CHAPTER XI

##### Interpretation

**78.** In this Part unless the context otherwise requires, - Definitions.

- (1) “Judge” means:-
  - (a) for the purpose of elections to the Gram Panchayat and Panchayat Samiti, the Civil Judge having jurisdiction where such elections were held,
  - (b) for the purpose of elections to a Zilla Parishad or the Siliguri Mahakuma Parishad, the District Judge of the district where such elections were held and includes any Judicial Officer, not below the rank of subordinate judge, subordinate to him to whom the election petition may be transferred by the District Judge;
- (2) “candidate” means a person who has been, or claims to have been, duly nominated as a candidate at any election;
- (3) “costs” means all costs, charges and expenses of, or incidental to, a trial of an election petition;
- (4) “returned candidate” means a candidate whose name has been published as duly elected.

#### CHAPTER XII

### PRESENTATION OF ELECTION PETITIONS

**79.** (1) If any dispute arises as to the validity of an election under this Act, any person entitled to vote at such election may, within thirty days after the date of declaration of the results of such election, file a petition, calling in question such election on one or more of the grounds specified in sub-section (1) of section 93 and section 94 –

Disputes as to elections.

- (a) before the Civil Judge having jurisdiction where such election is in respect of a Gram Panchayat or a Panchayat Samiti,

- (b) before the District Judge of the district, where such election is in respect of a Zilla Parishad or the Siliguri Mahakuma Parishad.
- (2) When filing a petition under sub-section (1), the petitioner shall deposit in court, as security for the costs likely to be incurred, -
- (a) five hundred rupees, where the petition is filed before the Civil Judge,
  - (b) one thousand rupees, where the petition is filed before the District Judge.
- (3) Every petition shall be accompanied by as many copies thereof as there are respondents mentioned in the petition and every such copy shall be attested by the petitioner under his own signature to be a true copy of the petition.
- (4) The District Judge may transfer any petition filed before him under sub-section (1) to any Judicial Officer subordinate to him not below the rank of a Subordinate Judge.
- (5) In dealing with a petition under sub-section (1), the Civil Judge, the District Judge or the Judicial Officer to whom the petition is transferred under sub-section (4) (hereinafter referred to as the Judge) may hold such enquiry as he deems necessary.
- (6) The Judges shall have all the powers of a civil court for the purposes of receiving evidence, administering oath, enforcing the attendance of witnesses and compelling the discovery and production of documents.
- (7) The decision of the Judge shall be final and shall not be called in question in any court.

Election petitions.

**80.** No election petitions to Panchayats shall be called in question except by an election petition presented in accordance with the provision of this Part.

Parties to the petition.

**81.** A petitioner shall join as respondent to his petition-

(a) where the petitioner, in addition to claiming declaration that the election of all or any of the returned candidates is void, claims a further declaration that he himself or any other candidate has been duly elected, all the contesting candidates other than the petitioner,

and where no such further declaration is claimed, all the returned candidates, and

- (b) any other candidate against whom allegations of any corrupt practice are made in the petition.

**82. (1)** An election petition –

Contents of petition.

- (a) shall contain a concise statement of the material facts on which the petitioner relies,
- (b) shall set forth full particulars of any corrupt practice that the petitioner alleges, including as full a statement as possible of the names of the parties alleged to have committed such corrupt practice and the date and place of the commission of each such practice, and
- (c) shall be signed by the petitioner and verified in the manner 5 of 1908 laid down in the Code 5 of 1908 of Civil Procedure, 1908 for the verification of pleadings:

Provided that where the petitioner alleges any corrupt practice, the petition shall also be accompanied by an affidavit in the prescribed form in support of the allegation of such corrupt practice and the particulars thereof.

- (2) Any schedule or annexure to the petition shall also be signed by the petitioner and verified in the same manner as the petition.

**83.**

A petitioner may, in addition to claiming a declaration that the election of all or any of the returned candidates is void, claim a further declaration that he himself or any other candidate has been duly elected.

Relief that may be claimed by the petitioner.

## CHAPTER XIII

### TRIAL OF ELECTION PETITIONS

- 84. (1)** The Court shall dismiss an election petition which does not comply with the provisions of section 79 or section 80.

Trial of election petitions.

Explanation. – An order of the Court dismissing an election petition under this sub-section shall be

deemed to be an order made under clause (a) of section 91.

- (2) Where more election petitions than one are presented to the Court in respect of the same election, all of them shall be referred for trial to the same Court who may, in his discretion, try them separately or in one or more groups.
- (3) Any candidate not already a respondent shall, upon application made by him to the Court within fourteen days from the date of commencement of the trial be entitled to be joined as a respondent.

Explanation. - For the purposes of this subsection and of section 90, the trial of a petition shall be deemed to commence on the date fixed for the respondents to appear before the Court and answer the claim or claims made in the petition.

- (4) The Court may, upon such terms as to costs and otherwise as it may deem fit, allow the particulars of any corrupt practice alleged in the petition to be amended or amplified in such manner as may in his opinion be necessary for ensuring a fair and effective trial of the petition, but shall not allow any amendment of the petition which will have the effect of introducing particulars of a corrupt practice not previously alleged in the petition.
- (5) The trial of an election petition shall, so far as is practicable consistently with the interests of justice in respect of the trial be continued from day to day until its conclusion, unless the Court finds the adjournment of the trial beyond the following day to be necessary for reasons to be recorded.
- (6) Every election petition shall be tried as expeditiously as possible and endeavour shall be made to conclude the trial within six months from the date on which the election petition is presented to the Court for trial.

Procedure  
before the  
Court.

- 85.** (1) Subject to the provisions of this Act and of any rules made thereunder, every election petition shall be tried by the Court as nearly as may be, in accordance with the procedure applicable under the Code of Civil Procedure, 1908 to the trial of suits:
- 5 of 1908

Provided that the Judge shall have the discretion to refuse, for reasons to be recorded in writing, to examine any witness or witnesses if he is of the opinion that the evidence of such witness or witnesses is not material for the decision of the petition or that the party tendering such witness or witnesses is doing so on frivolous grounds or with a view to delaying the proceedings.

- (2) The provisions of the Indian Evidence Act, 1872 1 of 1872

shall, subject to the provisions of this Act, be deemed to apply in all respects to the trial of an election petition.

- 86.** Notwithstanding anything in any enactment to the contrary, no document shall be inadmissible in evidence at the trial of an election petition on the ground that it is not duly stamped or registered. Documentary evidence.

- 87.** No witness or other person shall be required to state for whom he has voted at an election. Secrecy of voting not to be infringed.

- 88.** (1) No witness shall be excused from answering any question as to any matter relevant to a matter in issue in the trial of an election petition upon the ground that the answer to such question may criminate or may tend to criminate him, or that it may expose or may tend to expose him to any penalty or forfeiture: Answering of criminalizing questions and certificate of indemnity.

Provided that –

- (a) a witness, who answers truly all questions which he is required to answer shall be entitled to receive a certificate of indemnity from the Court, and

- (b) an answer given by a witness to a question put by or before the Court shall not, except in the case of any criminal proceeding for perjury in respect of the evidence, be admissible in evidence against in any civil or criminal proceeding.

- (2) When a certificate of indemnity has been granted to any witness, it may be pleaded by him in any court and shall be a full and complete defence to or upon any charge under Chapter IX A of the Indian Penal Code or Part VIII of this Act arising out of the matter to which such certificate relates, but it shall not be 45 of 1860

deemed to relieve him from any disqualification in connection with an election imposed by this Act or any other law.

Expenses of  
witnesses.

**89.**

The reasonable expenses incurred by any person in attending to give expenses of evidence may be allowed by the Court to such person and shall, unless the Court otherwise directs, be deemed to be part of the costs.

Recrimination  
when seat is  
claimed.

**90.**

(1) When in an election petition a declaration that any candidate other than the returned candidate has been duly elected is claimed, the returned candidate or any other party may give evidence to prove that the election of such candidate would have been void if he had been the returned candidate and a petition had been presented calling in question his election:

Provided that the returned candidate or such other party as aforesaid shall not be entitled to give such evidence unless he has, within fourteen days from the date of commencement of the trial, given notice to the Court of his intention to do so.

(2) Every notice referred to in sub-section (1) shall be accompanied by the statement and particulars required by section 82 in the case of an election petition and shall be signed and verified in like manner.

Decision of the  
Court.

**91.**

At the conclusion of the trial of an election petition the Court shall make an order –

- (a) dismissing the election petition; or
- (b) declaring the election of all or any of the returned candidates to be void; or
- (c) declaring the election of all or any of the returned candidate's to be void and the petitioner or any other candidate to have been duly elected.

Other orders to  
be made by the  
Court.

**92.**

At the time of making an order under section 91 the Court shall also make an order –

- (a) where any charge is made in the petition of any corrupt practice having been committed at the election, recording –
  - (i) a finding whether any corrupt practice has or has not been proved to have been committed

at the election, and the nature of that corrupt practice, and

- (ii) the names of all persons, if any, who have been proved at the trial to have been guilty of any corrupt practice and the nature of that practice; and
- (b) fixing the total amount of costs payable and specifying the persons by and to whom costs shall be paid:

Provided that a person who is not a party to the petition shall not be named in the order under sub-clause (ii) of clause (a) unless -

- (a) he has been given notice to appear before the Court and to show cause why he should not be so named, and
- (b) if he appears in pursuance of the notice, he has been given an opportunity of cross-examining any witness who has already been examined by the Court and has given evidence against him, of calling evidence in his defence and of being heard.

Grounds for  
declaring  
election to be  
void.

- 93.** (1) Subject to the provisions of sub-section (2) if the Court is of opinion –
- (a) that on the date of his election a returned candidate was not qualified, or was disqualified, to be chosen to fill the seat under this Act;
  - (b) that any corrupt practice has been committed by a returned candidate or his election agent or by any other person with the consent of a returned candidate or his election agent; or
  - (c) that any nomination has been improperly rejected; or
  - (d) that the result of the election, in so far as it concerns a returned candidate, has been materially affected –
    - (i) by the improper acceptance of any nomination, or
    - (ii) by any corrupt practice committed in the interests of the returned candidate by an agent other than his election agent, or

- (iii) by the improper reception, refusal or rejection of any vote or the reception of any vote which is void, or
  - (iv) by any non-compliance with the provisions of this Act, or of any rules made under this Act, the Court shall declare the election of the returned candidate to be void.
- (2) If in the opinion of the Court, a returned candidate has been guilty by an agent, other than his election agent, of any corrupt practice but the Court is satisfied –
- (a) that no such corrupt practice was committed at the election by the candidate or his election agent, and every such corrupt practice was committed contrary to the orders, and without the consent, of the candidate or his election agent;
  - (b) that the candidate and his election agent 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 Court may decide that the election of the returned candidate is not void.

Grounds  
for which  
a candidate  
other than  
the returned  
candidate may  
be declared  
to have been  
elected.

**94.**

- If any person who has lodged a petition has, in addition to calling in question the election of the returned candidate, claimed a declaration that he himself or any other candidate has been duly elected and the Court is of opinion –
- (a) that in fact the petitioner or such other candidate received a majority of the valid votes; or
  - (b) that but for the votes obtained by the returned candidate by corrupt practices the petitioner or such other candidate would have obtained a majority of the valid votes, the Court shall, after declaring the election of the returned candidate to be void, declare the petitioner or such other candidate, as the case may be, to have been duly elected.

- 95.** If during the trial of an election petition it appears that there is an equality of votes between any candidates at the election and that the addition of one vote would entitle any of those candidates to be declared elected, then –
- (a) any decision made by the Panchayat Returning Officer under the provisions of this Act shall, in so far as it determines the question between those candidates, be effective also for the purposes of the petition; and
- (b) in so far as that question is not determined by such a decision the Court shall decide between them by lot and proceed as if the one on whom the lot then falls had received an additional vote.
- 96.** The order of the Court under sections 91 and 92 shall be communicated forthwith to the District Panchayat Election Officer concerned, the Commission and the State Government.
- 97.** Where by an order under section 84 the election of a returned candidate is declared to be void, acts and proceedings in which that returned candidate has, before the date thereof, participated as a member of Zilla Parishad, Siliguri Mahakuma Parishad, Panchayat Samiti or Gram Panchayat shall not be invalidated by reason of that order, nor shall such candidate be subjected to any liability or penalty on the ground of such participation.
- 98.** (1) An election petition may be withdrawn only by leave of the Court.
- (2) Where an application for withdrawal is made under sub-section (1), notice thereof fixing a date for the hearing of the application shall be given to all other parties to the petition.
- 99.** (1) If there are more petitioners than one, no application to withdraw an election petition shall be made except with the consent of all the petitioners.
- (2) No application for withdrawal shall be granted if, in the opinion of the Court, such an application has been induced by any bargain or consideration which ought not to be allowed.

Procedure  
in case of an  
equality of  
votes.

Communication  
of orders of the  
Court.

Effect of orders  
of the Court.

Withdrawal  
of election  
petitions.

Procedure for  
withdrawal  
of election  
petitions.

- (3) If the application is granted –
- (a) the petitioner shall be ordered to pay the costs of the respondents theretofore incurred or such portion thereof as the Court may think fit;
  - (b) the Court shall direct that the notice of withdrawal shall be published in such manner as it may specify and thereupon the notice shall be published accordingly;
  - (c) a person who might himself have been a petitioner may, within fourteen days of such publication, apply to be substituted as petitioner in place of the party withdrawing, and upon compliance with the conditions, if any, as to security, shall be entitled to be so substituted and to continue the proceedings upon such terms as the Court may deem fit.

Report of withdrawal by the Court to the Commission.

- 100.** When an application for withdrawal is granted by the Court and no person has been substituted as petitioner in place of the party withdrawing, the Court shall report the fact to the Commission.

Abatement of election petitions.

- 101.** (1) An election petition shall abate only on the death of a sole abatement petitioner or of the survivor of several petitioners.
- (2) Where an election petition abates under sub-section (1), the Court shall cause the fact to be published in such manner as he may deem fit.
- (3) Any person who might himself have been a petitioner may, within fourteen days of such publication, apply to be substituted as petitioner and upon compliance with the conditions, if any, as to security, shall be entitled to be so substituted and to continue the proceedings upon such terms as the Court may deem fit.

Abatement or substitution on death of respondent.

- 102.** If before the conclusion of the trial of an election petition, the sole respondent dies or gives notice that he does not intend to oppose the petition or any of the respondents dies or gives such notice and there is no other respondent who is opposing the petition, the Court shall cause notice of such event to be published in the Official Gazette, and thereupon any person who might have been a petitioner may, within fourteen days of such

publication, apply to be substituted in place of such respondent to oppose the petition, and shall be entitled to continue the proceedings upon such terms as the Court may think fit.

- 103.** When an election is declared void by the Court and a fresh election is ordered, the seat or seats of the returned candidate shall be deemed to be vacant from the date of the order of the Court and the State Government in consultation with the Commission shall forthwith take necessary steps for holding such fresh election.

Fresh election  
when an  
election is set  
aside.

## PART VIII

### CHAPTER XIV

#### ELECTORAL OFFENCES

- 104.** Any person who in connection with an election under this Act promotes or attempts to promote on grounds of religion, race, caste, community or language, feelings of enmity or hatred, between different classes of the citizens of India shall be punishable with imprisonment for a term which may extend to three years, or with fine or with both.

Promoting  
enmity between  
classes in  
connection with  
election.

- 105.** (1) No person shall –

- (a) convene, hold, attend, join or address any public meeting or procession in connection with an election; or
- (b) display to the public any election matter by means of cinematograph, television or other similar apparatus; or
- (c) propagate any election matter to the public by holding, or by arranging the holding of, any musical concert or any theatrical performance or any other entertainment or amusement with a view to attracting the members of the public thereto,

Prohibition of  
public meetings  
during period  
of forty-eight  
hours fixed for  
conclusion of  
Poll.

in any polling area during the period of forty-eight hours ending with the hour fixed for the conclusion of the poll for any election in that polling area.

- (2) Any person who contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to two years or with fine, or with both.
- (3) In this section, the expression “election matter” means any matter intended or calculated to influence or affect the result of an election.

Disturbances  
at election  
meetings.

- 106.** (1) Any person who at a public meeting to which this section applies acts, or incites others to act, in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called together, shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to two thousand rupees or with both.
- (2) An offence punishable under sub-section (1) shall be cognizable.
  - (3) This section applies to any public meeting of a political character held in any constituency between the date of the issue of a notification under this Act calling upon the constituency to elect a member or members and the date on which such election is held.
  - (4) If any police officer reasonably suspects any person of committing an offence under sub-section (1), he may, if requested so to do by the chairman of the meeting, require that person to declare to him immediately his name and address and, if that person refuses or fails so to declare his name and address, or if the police officer reasonably suspects him of giving a false name or address, the police officer may arrest him without warrant.

Restrictions  
on the printing  
of pamphlets,  
posters, etc.

- 107.** (1) No person shall print or publish, or cause to be printed or published, any election pamphlet or poster which does not bear on its face the names and addresses of the printer and the publisher thereof.
- (2) No person shall print or cause to be printed any election pamphlet or poster –
    - (a) unless a declaration as to the identity of the publisher thereof, signed by him and attested by

two persons to whom he is personally known, is delivered by him to the printer in duplicate; and

(b) unless, within a reasonable time after the printing of the document, one copy of the declaration is sent by the printer, together with one copy of the document to the District Panchayat Election Officer concerned.

(3) For the purpose of this section –

(a) any process for multiplying copies of a document, other than copying it by hand, shall be deemed to be printing and the expression “printer” shall be construed accordingly; and

(b) “election pamphlet or poster” means any printed pamphlet, hand-bill or other document distributed for the purpose of promoting or prejudicing the election of a candidate or group of candidates or any placard or poster having reference to an election, but does not include any hand-bill, placard or poster merely announcing the date, time, place and other particulars of an election meeting or routine instructions to election agents or workers.

(4) Any person who contravenes any of the provisions of sub-section (1) or sub-section (2) shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to two thousand rupees or with both.

**108.** (1) Every officer, clerk, agent or other person who performs any duty in connection with the recording or counting of votes at an election shall maintain, and aid in maintaining, the secrecy of the voting and shall not (except for some purpose authorised by or under any law) communicate to any person any information calculated to violate such secrecy.

Maintenance  
of secrecy of  
voting.

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to three months or with fine or with both.

**109.** (1) No person who is a District Panchayat Election Officer or a Panchayat Returning Officer or an Assistant Panchayat Returning Officer or a Presiding or Polling Officer at an election, or an officer or

Officers etc.  
at elections  
not to act for  
candidates or to  
influence voting.

clerk appointed by the Panchayat Returning Officer or the Presiding Officer to perform any duty in connection with an election shall in the conduct or the management of the election do any act (other than the giving of vote) for the furtherance of the prospects of the election candidate.

- (2) No such person as aforesaid, and no member of a police force, shall endeavour –
  - (a) to persuade any person to give his vote at an election, or
  - (b) to dissuade any person from giving his vote at an election, or
  - (c) to influence the voting of any person at an election in any manner.
- (3) Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall be punishable with imprisonment which may extend to six months or with fine or with both.
- (4) An offence punishable under sub-section (3) shall be cognizable.

Prohibition of canvassing in or near polling stations.

- 110.** (1) No person shall, on the date or dates on which a poll is taken at any polling station, commit any of the following acts within the polling station or in any public or private place within a distance of one hundred metres of the polling station, namely:-
- (a) canvassing for votes; or
  - (b) soliciting the vote of any elector; or
  - (c) persuading any elector not to vote for any particular candidate; or
  - (d) persuading any elector not to vote at the election; or
  - (e) exhibiting any notice or sign (other than an official notice) relating to the election.
- (2) Any person who contravenes the provisions of sub-section (1) shall be punishable with fine which may extend to two hundred and fifty rupees.
  - (3) An offence punishable under sub-section (2) shall be cognizable.

- 111.** (1) No person shall, on the date or dates on which a poll is taken at any polling station, -
- (a) use or operate within or at the entrance of the polling station, or in any public or private place in the neighbourhood thereof, any apparatus for amplifying or reproducing the human voice, such as a megaphone or a loudspeaker, or
- (b) shout, or otherwise act in a disorderly manner, within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof,
- so as to cause annoyance to any person visiting the polling station for the poll, or so as to interfere with the work of the officers and other persons on duty at the polling station.
- (2) Any person who contravences, or wilfully aids or abets the contravention of, the provisions of sub-section (1) shall be punishable with imprisonment which may extend to three months or with fine or with both.
- (3) If the Presiding Officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under this section, he may direct any police officer to arrest such person, and thereupon the police officer shall arrest him.
- (4) Any police officer may take such steps, and use such force, as may be reasonably necessary for preventing any contravention of the provisions of sub-section (1), and may seize any apparatus used for such contravention.
- 112.** (1) Any person who during the hours fixed for the poll at any polling station misconducts himself or fails to obey the lawful directions of the Presiding Officer may be removed from the polling station by the Presiding Officer or by any police officer on duty or by any person authorized in this behalf by such Presiding Officer.
- (2) The powers conferred by sub-section (1) shall not be exercised so as to prevent any elector who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.
- Penalty of disorderly conduct in or near polling stations.
- Penalty for misconduct at the polling station.

- (3) If any person who has been so removed from a polling station re-enters the polling station without the permission of the Presiding Officer, he shall be punishable with imprisonment for a term which may extend to three months, or with fine or with both.
- (4) An offence punishable under sub-section (3) shall be cognizable.
- 113.** If any elector to whom a ballot paper has been issued, refuses to observe the procedure prescribed for voting the ballot paper issued to him shall be liable for cancellation. Penalty for failure to observe procedure for voting.
- 114.** If any person is guilty of any such corrupt practice as is specified in clause (5) of section 123 of the Representation of the People Act, 1951 at or in connection with an election, he shall be punishable with imprisonment which may extend to three months and with fine. 43 of 1951
- 115.** (1) If any person to whom this section applies is without reasonable cause guilty of any act or omission in breach of his official duty, he shall be punishable with fine which may extend to five hundred rupees.
- (2) An offence punishable under sub-section (1) shall be cognizable.
- (3) No suit or other legal proceedings shall lie against any such persons for damages in respect of any such act or omission as aforesaid.
- (4) The person to whom this section applies are the District Panchayat Election Officer, Panchayat Returning Officer, Assistant Panchayat Returning Officer, Presiding Officer, polling officer and any other person appointed to perform any duty in connection with the receipt of nominations or withdrawal of candidatures, or the recording or counting of votes at an election; and the expression “official duty” shall for the purposes of this section be construed accordingly, but shall not include duties imposed otherwise than by or under this Act.

- 116.** If any person in the service of the State Government acts as an election agent or a polling agent or a counting agent of a candidate at an election, he shall be punishable with imprisonment for a term which may extend to three months or with fine or with both. Penalty for the State Government servants for acting as election agent, polling agent or counting agent.
- 117.** (1) No person, other than the Panchayat Returning Officer, the Presiding Officer, any police officer and any other person appointed to maintain peace and order at a polling station who is on duty at the polling station, shall, on a polling day, go armed with arms, as defined in the Arms Act, 1959, of any kind within the neighbourhood of a polling station. Prohibition of going armed to, or near, polling station.  
54 of 1959
- (2) If any person contravenes the provisions of sub-section (1), he shall be punishable with imprisonment for a term which may extend to two years or with fine or with both.
- (3) Notwithstanding anything contained in the Arms Act, 1959, where a person is convicted of an offence under this section, the arms as defined in the said Act found in his possession shall be liable to confiscation and the licence granted in relation to such arms shall be deemed to have been revoked under section 17 of that Act.
- (4) An offence punishable under sub-section (2) shall be cognizable.
- 118.** (1) Any person who at any election unauthorisedly takes, or attempts to take, a ballot paper out of a polling station or wilfully aids or abets the doing of any such act, shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to five hundred rupees or with both. Removal of ballot papers from polling station to be an offence.
- (2) If the Presiding Officer of a polling station has reason to believe that any person is committing, or has committed, an offence punishable under sub-section (1), such officer may, before such person leaves the polling station, arrest or direct a police officer to arrest such person and may search such person or cause him to be searched by a police officer:

Provided that when it is necessary to cause a woman to be searched, the search shall be made by another woman with strict regard to decency.

- (3) Any ballot paper found upon the person arrested on search shall be made over for safe custody to a police officer by the presiding officer or when the search is made by a police officer, shall be kept by such officer in safe custody.
- (4) An offence punishable under sub-section (1) shall be cognizable.

**119.** (1) Whoever commits an offence of booth capturing shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to three years and with fine, and where such offence is committed by a person in the service of the State Government, he shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to five years and with fine.

Explanation. - For the purpose of this sub-section and section 134, “booth capturing” includes, among other things, all or any of the following activities, namely –

- (a) seizure of a polling station or a place fixed for the poll by any person or persons making polling authorities surrender the ballot papers or voting machines and doing of any other act which affects the orderly conduct of elections;
- (b) taking possession of a polling station or a place fixed for the poll by any person or persons and allowing only his or their own supporters to exercise their right to vote and prevent others from free exercise of their right to vote;
- (c) coercing or intimidating or threatening directly or indirectly any elector and preventing him from going to the polling station or a place fixed for the poll to cast his vote;
- (d) seizure of a place for counting of votes by any person or persons, making the counting authorities surrender the ballot papers or voting

Offence  
of booth  
capturing.

machines and the doing of anything which affects the orderly counting of votes;

- (e) doing by any person in the service of the State Government of all or any of the aforesaid activities or aiding or conniving at, any such activity in the furtherance of the prospects of the election of a candidate.
- (2) An offence punishable under sub-section (1) shall be cognizable.

Liquor not to be sold, given or distributed on polling day.

- 120.** (1) No spirituous, fermented or intoxicating liquors or other substances of a like nature shall be sold, given or distributed at a hotel, eating house, tavern, shop or any other place, public or private, within a polling area during the period of forty-eight hours ending with the hour fixed for the conclusion of the poll for any election in that polling area.
- (2) Any person who contravenes the provisions of sub-section (1), shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to two thousand rupees, or with both.
- (3) Where a person is convicted of an offence under this section, the spirituous, fermented or intoxicating liquors or other substances of a like nature found in his possession shall be liable to confiscation and the same shall be disposed of in such manner as may be prescribed.

- 121.** (1) A person shall be guilty of an electoral offence if at any election he –
- (a) fraudulently defaces or fraudulently destroys any nomination paper; or
- (b) fraudulently defaces, destroys or removes any list, notice or other document affixed by or under the authority of Panchayat Returning Officer; or
- (c) fraudulently defaces or fraudulently destroys any ballot paper or the official mark on any ballot paper or any declaration or identity or official envelop used in connection with voting by postal ballot; or

Other offences and penalties thereof.

- (d) without due authority supplies any ballot paper to any person or receives any ballot paper from any person or is in possession of any ballot paper; or
  - (e) fraudulently puts into any ballot box anything other than the ballot paper which he is authorised by law to put in; or
  - (f) without due authority destroys, takes, opens or otherwise interferes with any ballot box or ballot papers then in use for the purposes of the election; or
  - (g) fraudulently or without due authority, as the case may be, attempts to do any of the foregoing acts or wilfully aids or abets the doing of any such acts.
- (2) Any person guilty of an electoral offence under this section shall, -
- (a) if he is a Panchayat Returning Officer or an Assistant Panchayat Returning Officer or a Presiding Officer at a polling station or any other officer or clerk employed on official duty in connection with the election, be punishable with imprisonment for a term which may extend to two years or with fine or with both; XXI of 2003.
  - (b) if he is any other person, be punishable with imprisonment for a term which may extend to six months or with fine or with both.
- (3) For the purposes of this section, a person shall be deemed to be on official duty if his duty is to take part in the conduct of an election or part of an election including the counting of votes or to be responsible after an election for the used ballot papers and other documents in connection with such election, but the expression "official duty" shall not include any duty imposed otherwise than by or under this Act.

## PART IX

### CHAPTER XV

#### MISCELLANEOUS

- 122.** (1) A political party shall be recognised as a local political party if it –
- (i) has been engaged in political activity for a continuous period of five years, and
  - (ii) has at least one elected member in any tier of Panchayats for every existing twenty-five members elected to that tier of Panchayat from the area of a sub-division of a district or, if there is no elected body of Panchayat in that sub-division, one elected member in the Municipality or Municipalities for every existing twenty-five members elected to the Municipality or Municipalities within the area of that sub-division.
- (2) Any association or body of individual citizens of India calling itself a political party and intending to be recognised as a local political party may make an application, in such manner as may be prescribed, to the Commission for recognition as a local political party.
- (3) After considering all particulars in its possession and any other information that may be necessary and after giving the representatives of that political party the opportunity of being heard, the Commission shall either recognise that political party as a local political party for the purpose of this Act or decide not to recognise it as a local political party.
- (4) The decision of the Commission shall be final.
- 123.** No suit, prosecution or other legal proceedings shall lie against the Commission or any person acting under the direction of the Commission in respect of anything which is in good faith done or intended to be done in pursuance of the provisions of this Act or of any rule or order made thereunder or in respect of the tendering of any opinion by the Commission to the Governor or in respect of the publication by,
- Protection of action taken in good faith.

or under the authority of, the Commission of any such opinion, paper or proceedings.

Casual vacancies in Gram Panchayat, Panchayat Samiti, Zilla Parishad or the Siliguri Mahakuma Parishad.

Return or forfeiture of candidate's deposit.

**124.** When the seat of a member elected to a Gram Panchayat, Panchayat Samiti, Zilla Parishad or the Siliguri Mahakuma Parishad becomes vacant by reasons of his death, resignation, removal or otherwise, the Commission shall fix a date as soon as may be convenient for holding bye-election to fill the seat, and the provisions of this Act shall thereupon apply mutatis mutandis.

**125.** (1) The deposit made under section 47 shall either be returned to the person making it or his representative or be forfeited to the State Government in accordance with the provisions of this section.  
(2) Except in cases hereafter mentioned in this section, the deposit shall be returned as soon as practicable after the result of the election is declared.  
(3) If the candidate is not shown in the list of contesting candidates, or if he dies before the commencement of the poll, the deposit shall be returned as soon as practicable after the publication of the list or after his death, as the case may be.  
(4) Subject to the provisions of sub-section (3), the deposit shall be forfeited if at an election where a poll has been taken, the candidate is not elected and the number of valid votes polled by him does not exceed one-sixth of the total number of valid votes polled by all the candidates or in the case of election of more than one member at the election, one-sixth of the total number of valid votes so polled divided by the number of members to be elected.

Staff of every local authority to be made available for election work.

**126.** Every local authority in a State shall, when so required by the Commission or the District Panchayat Election Officer, make available to any Panchayat Returning Officer such staff as may be necessary for the performance of any duties in connection with an election.

Requisitioning of premises, property, vehicles etc. for election purpose.

**127.** (1) If it appears to the District Panchayat Election Officer that in connection with an election under this Act –  
(a) any premises are needed or are likely to be needed for the purpose of being used as a

polling station or for the storage of ballot boxes after a poll has been taken, or

- (b) any vehicle, vessel or animal is needed or is likely to be needed for the purpose of transport of ballot boxes to, or from, any polling station, or transport of members of the police force for maintaining order during the conduct of such election, or transport of any officer or other person for performance of any duties in connection with such election,

the District Panchayat Election Officer may, by order in writing, requisition such premises or such vehicle, vessel or animal, as the case may be, and may make such further orders as may appear to him to be necessary or expedient in connection with the requisitioning:

Provided that no vehicle, vessel, or animal which is being lawfully used by a candidate or his agent for any purpose connected with the election of such candidate shall be requisitioned under this sub-section until the completion of the poll at such election.

- (2) The requisition shall be effected by an order in writing addressed to the person deemed by the District Panchayat Election Officer to be the owner or person in possession of the property, and such order shall be served in the prescribed manner on the person to whom it is addressed.
- (3) Whenever any property is requisitioned under sub-section (1), the period of such requisition shall not extend beyond the period for which such property is required for any of the purposes mentioned in that sub-section.

Explanation. - For the purposes of this section –

- (a) “premises” means any land, building or part of a building and includes a hut, shed or other structure or any part thereof;
- (b) “vehicle” means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise.

Payment of compensation.

**128. (1)** Whenever in pursuance of section 127, the District Panchayat Election Officer requisitions any premises, there shall be paid to the persons interested compensation the amount of which shall be determined by taking into consideration the following, namely:-

- (i) the rent payable in respect of the premises or if no rent is so payable, the rent payable for similar premises in the locality;
- (ii) if in consequence of the requisition of the premises the person interested is compelled to change his residence or place of business, the reasonable expenses (if any) incidental to such change:

Provided that where any person interested, being aggrieved by the amount of compensation so determined, makes an application within the prescribed time to the District Panchayat Election Officer for referring the matter to an arbitrator, appointed in this behalf by the State Government, the amount of compensation to be paid shall be such as the arbitrator, may determine:

Provided further that where there is any dispute as to the title to receive the compensation or as to the apportionment of the amount of compensation, it shall be referred by the State Government to the arbitrator appointed under the first proviso for determination, and shall be determined in accordance with the decision of such arbitrator.

**Explanation.** - For the purposes of this sub-section, the expression "person interested" means the person who was in actual possession of the premises requisitioned under section 127 immediately before the requisition, or where no person was in such actual possession, the owner of such premises.

**(2)** Whenever in pursuance of section 127, the District Panchayat Election Officer requisitions any vehicle, vessel or animal, there shall be paid to the owner thereof compensation the amount of which shall be determined by the Commission on the basis of the fares or rates prevailing in the locality for the hire of such vehicle, vessel or animal:

Provided that where the owner of such vehicle, vessel or animal being aggrieved by the amount of compensation so determined makes an application within the prescribed time to the District Panchayat Election Officer for referring the matter to an arbitrator, appointed in this behalf by the State Government, the amount of compensation to be paid shall be such as the arbitrator may determine:

Provided further that where immediately before the requisitioning the vehicle or vessel was by virtue of a hire purchase agreement in the possession of a person other than the owner, the amount determined under this sub-section as the total compensation payable in respect of the requisition shall be apportioned between that person and the owner, in such manner, as they may agree upon, and in default of agreement, in such manner as an arbitrator, appointed under the first proviso, may decide.

- 129.** The District Panchayat Election Officer may by order, with a view to requisitioning any property under section 127 or determining the compensation payable under section 128, require any person to furnish to such authority as may be specified in the order such information in his possession relating to such property as may be so specified. Power to obtain information.
- 130.** Any person authorized in this behalf by the District Panchayat Election Officer may enter into any premises and inspect such premises and any vehicle, vessel or animal therein for the purpose of determining whether, and if so in what manner, an order under section 127 should be made in relation to such premises, vehicle, vessel or animal, or with a view to securing compliance with any order made under that section. Powers of entry into, and inspection of, premises.
- Explanation.** - For the purposes of this section, the expressions "premises" and "vehicle" have the same meanings as in section 127.
- 131.** (1) Any person remaining in possession of any requisitioned premises in contravention of any order made under section 127 may be summarily evicted from the premises by any officer empowered by the District Panchayat Election Officer in this behalf. Eviction from requisitioned premises.

- (2) Any officer so empowered may, after giving to any woman not appearing in public reasonable warning and facility to withdraw, remove or open any lock or break open any door of any building or do any other act necessary for effecting such eviction.

Release of premises from requisition.

- 132.** (1) When any premises requisitioned under section 127, are to be released from requisition, the possession was taken at the time when the premises were requisitioned, or if there were no such person, to the person deemed by the District Panchayat Election Officer to be the owner of such premises, and such delivery of possession shall be a full discharge of the District Panchayat Election Officer from all liabilities in respect of such delivery, but shall not prejudice any rights in respect of the premises which any other person may be entitled by due process of law to enforce against the person to whom possession of the premises is so delivered.

- (2) Where the person to whom possession of any premises requisitioned under section 127 is not readily ascertainable or has no agent or any other person empowered to accept delivery on his behalf, the District Panchayat Election Officer shall cause a notice declaring that such premises are released from requisition to be affixed on some conspicuous part of such premises.

- (3) When a notice referred to in sub-section (2) is affixed on some conspicuous part of the premises, the premises specified in such notice shall cease to be subject to requisition on and from the date of such affixation and be deemed to have been delivered to the person entitled to possession thereof, and the District Panchayat Election Officer shall not be liable for any compensation or other claim in respect of such premises for any period after the said date.

Penalty for contravention of any order regarding requisitioning.

- 133.** If any person contravenes any order made under section 127, he shall be punishable with imprisonment for a term which may extend to one year or with fine or with both.

## PART X

### CHAPTER XVI

#### GENERAL

- 134.** (1) The Commission may nominate an Observer Observers. who shall be an officer of the State Government to watch the conduct of election or elections in a constituency or a group of constituencies and to perform such other functions as may be entrusted to him by the Commission.
- (2) The Observer, nominated under sub-section (1), shall have the power to direct the Panchayat Returning Officer for the constituency or for any of the constituencies for which he has been nominated, to stop the counting of votes at any time before the declaration of the result or not to declare the result if, in the opinion of the Observer, booth capturing has taken place at a large number of polling stations or at places fixed for counting of votes or any ballot papers used at a polling station are unlawfully taken out of the custody of the Panchayat Returning Officer or are accidentally or intentionally destroyed or lost or damaged or tampered with to such an extent that the result of the poll at that polling station or place cannot be ascertained.
- (3) Where an Observer has directed the Panchayat Returning Officer under this section to stop counting of votes or not to declare the result, the Observer shall forthwith report the matter to the Commission and thereupon the Commission shall, after taking all material circumstances into account, issue appropriate directions.
- 135.<sup>1</sup>**[(1) The State Government in consultation with the Commission, may, after previous publication in the Official Gazette, make rules, by notification, for carrying out the purposes of the Act.]
- Power to make rules.

<sup>1</sup> Substituted by Sec 7 of the West Bengal Panchayat Elections (Amendment) Act, 2012 (West Bengal Act XXIII of 2012), which was as follows:

(1) The State Government may, after consulting the Commission, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

- (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-
  - (a) the duties of Presiding Officers and polling officers at polling stations;
  - (b) the checking of voters by reference to the electoral roll;
  - (c) the manner in which votes are to be given both generally and in the case of illiterate voter or voters under physical or other disability;
  - (d) the manner in which votes are to be given by a Presiding Officer, polling officer, polling agent or any other person, who being an elector for a constituency is authorised or appointed for duty at a polling station at which he is not entitled to vote;
  - (e) the procedure to be followed in respect of the tender of vote by a person representing himself to be an elector after another person has voted as such electors;
  - (f) the manner of giving and recording of votes by means of voting machines and the procedure as to voting to be followed at polling stations where such machines are used;
  - (g) the scrutiny and counting of votes including cases in which a recount of the votes may be made before the declaration of the result of the election;
  - (h) the procedure as to counting of votes recorded by means of voting machines;
  - (i) the safe custody of ballot boxes, voting machines, ballot papers and other election papers, the period for which such papers shall be preserved and the inspection and production of such papers;
  - (j) any other matter required to be prescribed by this Act.
- (3) Every rule made under this Act shall be laid, as soon as may be after it is made, before the State Legislature while it is in session for a total period of thirty days which may be comprised in one

session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, the State Legislature agrees in making any modification in the rule or the State Legislature agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

- 136.** No civil court shall have jurisdiction to question the legality of any action taken or of any decision given by the Panchayat Returning Officer or by any other person appointed under this Act in connection with an election. Bar to jurisdiction of Civil Courts.
- 137.** (1) The Commission, in consultation with the State Government, may issue such general or special directions as may, in its opinion be necessary for the purpose of giving effect to the provisions of this Act or the rules made thereunder or holding any election under this Act. Removal of difficulties.
- (2) If any difficulty arises in giving effect to the provisions of this Act or the rules made thereunder or in holding any election, the Commission as occasion requires, may by order, do anything which appears to it to be necessary for the purpose of removing the difficulty.



**THE WEST BENGAL  
PANCHAYAT  
ELECTIONS RULES, 2006**



# **THE WEST BENGAL PANCHAYAT ELECTIONS RULES, 2006**

## **PART I**

### **Preliminary.**

- Short title and commencement. **1.** (1) These rules may be called the West Bengal *Panchayat* Elections Rules, 2006.  
(2) They shall come into force on the date of their publication in the *Official Gazette*.
- Definitions **2.** (1) In these rules, unless the content requires otherwise,—  
(a) “Act” means the West Bengal *Panchayat* Elections Act, 2003;  
(b) “ballot box” includes any box, bag or other receptacle used for the insertion of ballot papers by electors;  
(c) “ballot paper” means a paper in which the names of the candidates nominated for a certain election and their respective symbols are printed and includes the counterfoil of such paper;  
(d) “bye-election” means election or elections to fill casual vacancies from one or more seats or constituencies in a *Gram Panchayat*, *Panchayat Samiti*, *Mahakuma Parishad* or *Zilla Parishad*;  
(e) “Commissioner” means the State Election Commissioner referred to in sub-section (1) of section 3 of the West Bengal State Election Commission Act, 1994 (West Ben. Act VIII of 1994);  
(f) “electoral roll” means the electoral roll for a constituency of *Gram Panchayat* relating to a Block;  
(g) “EPIC” means the Electoral Photo Identity Card issued to an elector under the direction of the Election Commission of India;  
(h) “EVM” means an Electronic Voting Machine which is operated electronically for giving or recording votes;  
(i) “Form” means a Form appended to these rules and includes a translated version of such Form in Bengali or Nepali language;

- (j) “general election” means elections to one or more *Gram Panchayats*, *Panchayat Samitis*, *Mahakuma Parishads* or *Zilla Parishads* in a specified area from all the constituencies of such bodies for the purpose of their reconstitution;
- (k) “local political party” means, with respect to a sub-division of a district, a political party declared as such by the Commissioner by order from time to time and such order in respect of that political party remaining in force on the date appointed under clause (a) of rule 28.

*Explanation.* –A political party shall be declared to be political party if that party, –

- (i) has been engaged in political activity for a continuous period of preceding five years, and
  - (ii) at the time of declaration, has at least one elected member in any tier of *Panchayats* for every existing twenty- five members or any fraction thereof, elected to that tier of *Panchayats* from the area of a sub-division of a district or, if there is no elected body of *Panchayats* in that sub-division, one elected member in the Municipality or Municipalities for every existing twenty-five members or any fraction thereof, elected to the Municipality or Municipalities within the area of that sub-division;
  - (l) “Schedule” means a Schedule appended to these rules;
  - (m) “section” means a section of the Act.
- (2) Words and expressions used in these rules and not otherwise defined but defined in the Act or in the West Bengal State Election Commission Act, 1994, shall have the same meanings as respectively assigned to them in the said Acts.

## **PART II**

### **Preparation of electoral roll.**

3. The electoral roll of any *Panchayat* shall be in such form as the Commission may direct and shall be prepared in Nepali language for the constituencies of the *Panchayats* in

Form and  
language of  
electoral roll.

hill areas as defined in clause (11c) of section 2 of the West Bengal *Panchayat* Act, 1973, and in Bengali language for all other constituencies.

Information to be obtained from occupants of dwelling houses.

**4.** When the Commission decides not to adopt, in terms of section 35, the electoral roll meant for election of members to the West Bengal Legislative Assembly for the elections to the *Panchayats* and issues appropriate directions in this behalf, the *Panchayat* Electoral Registration Officer may, for the purpose of preparing the electoral roll, arrange for enumeration of all persons who have attained the age of 18 years and are ordinarily residents in the constituency or any part thereof requiring every such person to furnish information for this purpose to the person authorised by the *Panchayat* Electoral Registration Officer in this behalf and every person on being approached by such person as authorised by him, shall, furnish such information as may be required for that purpose. Form for such enumeration shall be of such design as may be devised, by order, by the Commission.

Access to certain registers

**5.** For the purpose of preparing the electoral roll or deciding any claim or objection to any electoral roll, the *Panchayat* Electoral Registration Officer or any other person authorised by him shall have the access to any register of births and deaths as maintained by the *Gram Panchayat* or to the admission register of any educational institution, and it shall be the duty of every person in charge of any such register to furnish to the said officer or person authorised by him such information and such extracts from the said register as may be required by them.

Draft publication of electoral roll.

**6.** (1) As soon as the electoral roll for a constituency of a *Panchayat* is prepared, the *Panchayat* Electoral Registration Officer shall, by order, make the draft publication of the said electoral roll for general information and inspection of the persons likely to be affected thereby.

(2) The draft publication of electoral roll referred to in sub-rule (1) shall be made at, –

- (a) the office of the *Panchayat* Electoral Registration Officer,
- (b) the concerned office or offices of the *Gram Panchayats*,
- (c) the concerned office of the *Panchayat Samiti*,

(d) such other places in the concerned Panchayat area as the Panchayat Electoral Registration Officer may deem necessary, by displaying a notice in Form I specifying the duration of such draft publication and inviting objections and applications for further enrolment.

7. (1) The *Panchayat* Electoral Registration Officer shall make a copy of each separate part of the electoral roll, together with a copy of the notice in Form I available for inspection at a specified place accessible to the public in or near the area to which that part relates.

Further publicity to the electoral roll and notice.

(2) The *Panchayat* Electoral Registration Officer may give such further publicity to the notice in Form I as he may consider necessary.

(3) The *Panchayat* Electoral Registration Officer shall also supply free of cost two copies of each separate part of the electoral roll to every political party for which a symbol has been exclusively reserved in the State by the Election Commission of India.

8. Every claim for the inclusion of a name in the electoral roll and every objection to any entry therein shall be lodged within a period of thirty days from the date of draft publication of the electoral roll or such shorter period of not less than fifteen days as may be fixed by the Commission in this behalf:

Period for lodging claims and objections.

Provided that the Commission may, by notification in the *Official Gazette*, extend such period in respect of any constituency.

9. (1) Every claim for inclusion of a name in the electoral roll shall be lodged in Form II and shall be signed by the person claiming his name to be included in the electoral roll.

Form for claims and objections.

(2) Every objection to the inclusion of a name in the electoral roll or every application for deletion of a name from the electoral roll shall be lodged in Form III and shall be preferred only by a person whose name is already included in that part of the electoral roll and such Form shall also be countersigned by another person whose name is already included in that part of the electoral roll in which the name objected to appear.

(3) Every objection to a particular or particulars in an entry into the electoral roll shall be lodged in Form IV and shall be preferred only by the person to whom that entry relates.

(4) Every application for transposition of an entry within the same constituency in the electoral roll shall be lodged in Form V and shall be signed by the person to whom the entry relates.

**10.** Every claim or objection referred to in rule 9 shall be, –

Manner of lodging claims and objections.

(a) presented to the Panchayat Electoral Registration Officer or to such other officer as may be authorised by him in this behalf, or

(b) sent by post directly to the Panchayat Electoral Registration Officer.

**11.** (1) Every officer authorised under clause (a) of rule 10 shall, –

Compliance of procedure by authorised officer.

(a) maintain in duplicate for each part of the electoral roll separately, a list of claims, a list of objections to the inclusion of names , a list of objections to particulars of entries and a list of applications for transposition of entries within the same constituency, and

(b) keep exhibited one copy of each such list on a notice board in his office.

(2) The authorised officer shall, after complying with the requirements of sub-rule (1), forward it with such remarks, if any, as he considers proper to the *Panchayat* Electoral Registration Officer.

**12.** Any claim or objection which is not lodged within the period specified in the notice in Form I, shall be rejected by the *Panchayat* Electoral Registration Officer.

Rejection of certain claims and objections.

**13.** (1) Where a claim or objection is not disposed of on the basis of records available, the *Panchayat* Electoral Registration Officer shall issue a notice specifying the date, time and place of hearing of the claim or objection, as the case may be.

Notice of hearing claims and objections.

(2) The notice issued under sub-rule (1) may be served either upon the person concerned or any adult member of the family of such person or by affixing at the person's residence or at the last known residence within the constituency.

**14.** (1) The *Panchayat* Electoral Registration Officer shall hold a summary inquiry into every claim or objection in respect of which notice has been issued under sub-rule (1) of rule 13 and shall record his decision thereon.

Inquiry into claims and objections.

(2) At the time of hearing, the claimant or, as the case may be, the objector and the person objected to and any other person who, in the opinion of the *Panchayat* Electoral Registration Officer, is likely to be of assistance to him, shall be entitled to appear and be heard.

(3) The *Panchayat* Electoral Registration Officer may at his discretion, –

- (a) require any claimant, objector or person objected to appear in person before him,
- (b) require that the evidence tendered by any person shall be given on oath and administer an oath for the purpose.

**15.** If it appears to the *Panchayat* Electoral Registration Officer at any time before the final publication of the electoral roll that owing to inadvertence or error during preparation, the names of any elector or electors have been left out of the electoral roll and that remedial action should be taken under this rule, the *Panchayat* Electoral Registration Officer shall, –

Inclusion  
of names  
inadvertently  
omitted  
before final  
publication of  
electoral roll.

- (a) prepare a list of the names and other details of such electors,
- (b) exhibit on the notice board of his office a copy of such list together with a notice as to the time and place at which the inclusion of these names in the roll shall be considered, and shall also publish the list and the notice in such other manner as he may think fit, and
- (c) after considering any verbal or written objections that may be preferred, decide whether all or any of the names shall be included in the electoral roll.

**16.** If it appears to the *Panchayat* Electoral Registration Officer at any time before the final publication of the electoral roll that owing to inadvertence or error or otherwise, the names of dead person or of persons who cease to be, or are not, ordinarily residents in the constituency or of persons who are otherwise not entitled to be registered in the electoral roll have been included in such electoral roll and that remedial action should be taken under this rule, the *Panchayat* Electoral Registration Officer, shall, –

Deletion of  
names.

- (a) prepare a list of the names and other details of such electors,
- (b) exhibit on the notice board of his office a copy of the list together with a notice as to the time and place at which the question of deletion of these names from the electoral roll shall be considered, and also publish the list and the notice in such other manner as he may think fit, and
- (c) after considering any verbal or written objections that maybe preferred, decide whether all or any of the names shall be deleted from the electoral roll:

Provided that before taking any action under this rule in respect of any person on the ground that he has ceased to be, or is not, ordinarily resident in the constituency, or is otherwise not entitled to be registered in the electoral roll, the *Panchayat* Electoral Registration officer shall make every endeavour to give him or an adult member of his family a reasonable opportunity to show cause why the action proposed should not be taken in relation to him.

**17.** (1) The *Panchayat* Electoral Registration Officer shall after, preparing a list of amendments to carry out his decision under rule 15, rule 16 and rule 17 and after correcting any clerical or printing errors or other inaccuracies subsequently detected in the electoral roll, notify the electoral roll to be finally published, together with the list of amendments, by making a complete copy thereof available for inspection and displaying a notice in Form IA at his office.

Final publication of electoral roll.

(2) The *Panchayat* Electoral Registration Officer shall, subject to such general or special direction as may be given by the Commission in this behalf, supply free of cost, two copies of the electoral roll, as finally published under sub-rule (1), with the list of amendments, if any, to every political party for which symbol has been exclusively reserved by the Election Commission of India.

(3) On such final publication, the electoral roll together with the list of amendments shall be the final electoral roll of the constituency.

(4) Where the finally published electoral roll (hereinafter referred to in this sub-rule as the basic roll), together

with the list of amendments, becomes the final electoral roll for a constituency under sub-rule (2), the *Panchayat* Electoral Registration Officer may, for the convenience of all concerned, integrate, subject to any general or special directions issued by the Commission in this behalf, the list into the basic electoral roll by incorporating the inclusion, amendments, transposition or deletion of entries in the relevant parts of the basic electoral roll itself, so that no change shall be made in the process of such integration in the name of any elector or in any particulars relating to any elector as recorded in the list of amendments.

Appeals from  
order deciding  
claims and  
objections.

**18.** (1) An appeal shall lie from any decision of the *Panchayat* Electoral Registration Officer under rule 14 or rule 15 or rule 17 to the appellate authority as may be appointed by the Commission for this purpose:

Provided that an appeal shall not lie where the person desiring to appeal has not availed himself of his right to be heard by, or to make representations to, the *Panchayat* Electoral Registration Officer on the matter which is the subject of appeal.

(2) Every appeal under sub-rule (1) shall be, –

- (a) in the form of memorandum signed by the appellant, and
- (b) presented to the appellate authority within a period of fifteen days from the date of final publication of the electoral roll.

(3) The presentation of an appeal under this rule shall not have effect of staying or postponing any action to be taken by the *Panchayat* Electoral Registration officer in pursuance of the order against which the appeal has been preferred.

(4) Every decision of the appellate authority shall be final, but in so far as it reverses or modifies a decision of the *Panchayat* Electoral Registration Officer, such decision shall take effect only from the date of the decision in appeal.

(5) The *Panchayat* Electoral Registration Officer shall cause such amendment to be made in the electoral roll as may be necessary to give effect to the decisions of the appellate authority under this rule.

Custody and  
preservation of  
electoral rolls  
and connected  
papers.

**19.** The *Panchayat* Electoral Registration Officer shall secure in his office or at such other place as the District *Panchayat* Electoral Registration Officer may, by order, specify, the following papers as official record until the expiration of one year following the completion of the next intensive revision of the electoral roll, –

- (a) one complete copy of the finally published electoral roll,
- (b) information obtained by the *Panchayat* Electoral Registration Officer under rule 5,
- (c) register of enumeration forms,
- (d) applications in regard to the preparation of the electoral roll,
- (e) manuscript parts prepared by enumeration agencies and used for compiling the electoral roll,
- (f) papers relating to claims and objections,
- (g) papers relating to appeals under rule 18.

Inspection of  
electoral rolls  
and connected  
papers.

**20.** Every person shall have the right to inspect any of the election papers as referred to in rule 19 and shall get attested copies thereof on payment of such fees as may be fixed, by order, by the Commission in this behalf.

Disposal of  
electoral rolls  
and connected  
papers.

**21.** (1) The papers referred to in rule 19 may, on the expiry of the period specified therein, and subject to such general or special direction as may be issued by the Commission in this behalf, be disposed of in such manner as the District *Panchayat* Election Officer may direct.

(2) Copies of the finally published electoral roll for any constituency in excess of the number required for deposit under rule 19 and for any other public purpose shall be disposed of at such time and in such manner as the Commission may direct and until such disposal the copies shall be made available for sale to the public at such cost as may be fixed, by order, by the Commission.

## PART III \*\*\*\*\*

### Delimitation of constituencies and reservation of seats.

**[22. (1) Subject to any general or special direction issued**

<sup>1</sup> Subs by Cl.(1) of the Notification No. 5013/PN/O/3R-1/2012, dated 24.09.2012, which was earlier as follows :

**Delimitation of constituencies of a Gram Panchayat and allocation of seats, assignment of serial numbers for the constituencies and the seats and reservation of seats-** (1) Subject to any general or special direction issued by the Commission in this behalf, the prescribed authority, by an order, shall, –  
(a) divide, in recognisable units like paras, localities, neighbour-hoods, bustees or colonies, the area of a Gram into constituencies on the basis of the number of members determined under section 12,  
(b) assign consecutive serial number to all such constituencies of a Gram following the sequence of the numbers assigned to the Legislative Assembly polling stations comprising such constituencies,  
(c) allocate to each constituency such number of seats, not exceeding two, as may conform to the number determined under section 12;  
(d) assign consecutive serial numbers to all such seats following the same sequence of the numbers assigned to the constituencies;  
(e) determine such number of seats to be reserved, by rotation, as may be required in terms of sub-section (1) or (2) of section 17, as the case may be, for the Scheduled Castes or the Scheduled Tribes persons from amongst the seats allocated to the constituencies, each constituency having such Scheduled Castes or Scheduled Tribes population as bears with the total population in that constituency not less than half of the proportion determined under sub-section (1) or (2) of section 17 as the case may be:

Provided that the number of the Scheduled Castes or the Scheduled Tribes persons or the total population of a Gram or the proportion of the Scheduled Castes or the Scheduled Tribes population as aforesaid shall be determined on the basis of the last preceding census of which the relevant figures have been published;

Provided further that when census figures are not available for any Gram or constituency or for any portion of any constituency, the prescribed authority shall, subject to such order of the Commission as may be made in this behalf, determine the proportion which the Scheduled Castes or the Scheduled Tribes population bears with the total population on the basis of any other authenticated record maintained by any office or organisation of any department of the State Government or, where no such record is available, on the basis of a local enquiry, which may include house to house enumeration, caused by him for the purpose after consulting, whenever necessary, any portion of the census report, electoral roll of the West Bengal Legislative Assembly or any other authenticated record of any other department of the state Government that may be of assistance;

Explanation I. – An authenticated record maintained by any department shall be a record authenticated by the senior most officer of the department posted in any office or organisation under the department located in the district.

Explanation II. – For the purpose of determination of number of seats to be reserved under clause (e) all figures for calculation shall be taken up to the first place of decimal, raising the figure of the first place of decimal by one when the digit in the second place of decimal is not less than five.

Explanation III. – For the final stage of calculation for arriving at the number of seats to be reserved, the whole number obtained shall be raised by one if the digit at the first place of decimal is not less than five while ignoring any digit below five at the first place of decimal.

(f) determine number of women members to be elected so as to constitute, –  
(i) not less than one-third of the total number of the Scheduled Castes and the

Delimitation of constituencies of a Gram Panchayat and allocation of seats, assignment of serial numbers for the constituencies and the seats and reservation of seats.

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Scheduled Tribes members taken up collectively as determined under clause (e),

(ii) not less than one-third of the total number of members to be elected to the Gram Panchayat including the number determined under sub-clause (i).

(2) (a) After the percentage of the Scheduled Castes or the Scheduled Tribes population in the total population is determined and the seats or the constituencies eligible for reservation are identified, two separate lists, one for the Scheduled Castes and the other for the Scheduled Tribes shall be prepared in the descending order of the percentage of the Scheduled Castes or the Scheduled Tribes population, seat or constituency having the highest percentage coming at the top of the list.

(b) For the first term of election among three consecutive terms, the lists referred to in clause (a) shall be taken up separately and such number of seats as may be determined under clause (e) of sub-rule (1) shall be reserved for the Scheduled Castes or the Scheduled Tribes in accordance with the roster as specified in the First Schedule. For the purpose of reservation of constituencies in accordance with such roster, all the constituencies occurring in the list shall be assigned an additional set of continuous serial numbers in ascending order so that reservation may be made to match such serial number with the identical number in the roster:

Provided that if, on any occasion, the total number of seats required to be reserved for the first term of election are not attained in accordance with the roster for the first term of election, the remaining number of seats shall be reserved from the roster specified for the second term of election.

(c) For the second and third term of election, the same procedure shall be followed in accordance with the roster specified in the First Schedule respectively for the second and the third term of election:

Provided that if for the second or third term of election, the total number of seats to be reserved are not attained in accordance with the roster respectively for the second or third term of election after leaving aside the seats already reserved in the preceding term of election, if any, the remaining number of seats shall be reserved from the roster specified for the third or the first term of election, as the case may be.

(d) If following the principle of rotation, any seat is selected in any term of election for reservation for both the Scheduled Castes and the Scheduled Tribes persons, preference shall be given to reservation for the Scheduled Tribes persons, and thereafter reservation for the Scheduled Castes persons shall be made of the seat coming next in order:

Provided that the seat or constituency so reserved for the Scheduled Tribes persons on the aforesaid ground shall be taken into consideration for reservation for Scheduled Castes persons in the next term of election.

(e) The prescribed authority, by an order in writing, shall record the procedure adopted, the records and documents relied upon and the findings made for the purpose of determination of the seats to be reserved by rotation for the Scheduled Castes or the Scheduled Tribes.

(3) Identification and declaration of seats to be reserved for women under sub-section (3) and (4) of section 17 shall be made separately in accordance with the roster as specified in the Second Schedule in the manner as follows, –

(a) not less than one-third seats from amongst the seats reserved for the Scheduled Castes and the Scheduled Tribes taken up collectively shall be declared reserved for women;

(b) the number of seats declared under clause (a) shall be set apart from the number determined under clause (f) of sub-rule (1) and the seats matching the resultant number shall be identified and declared for reservation for women from among the seats not reserved under sub-section (1) and (2) of section 17,

(c) for the purpose of reservation of seats in accordance with the roster as specified in the Second Schedule, all the seats available for reservation shall be arranged in the ascending order of their assigned serial numbers and an

by the Commission in this behalf, the prescribed authority, by an order, shall, –

- (a) divide, in recognisable units like *paras*, localities, neighbourhoods, *bustees* or colonies, the area of a *Gram* into constituencies, each with contiguous area, on the basis of the number of members determined under section 12,
- (b) assign consecutive serial number to all such constituencies of a *Gram* following the sequence of the numbers assigned to the Legislative Assembly polling stations comprising such constituencies,
- (c) allocate to each constituency such number of seats, not exceeding two, as may conform to the number determined under section 12,
- (d) assign consecutive serial numbers to all such seats following the same sequence of the numbers assigned to the constituencies;
- (e) without prejudice to other provisions under this clause, determine such number of seats to be reserved, by rotation, as may be required in terms of sub-section (1) or (2) or (2A) of section 17, for the Scheduled Castes or the Scheduled Tribes or the Backward Classes persons, as the case may be, from amongst the seats allocated to the constituencies, each constituency having such Scheduled Castes or Scheduled Tribes or Backward Classes population as bears with the total population in that constituency not less than one-half of the proportion determined under sub-section (1) or (2) or (2A) of section 17 as the case may be:

Provided that for the purpose of determination of seats to be reserved for the aforesaid three categories of persons, the provisions under sub-section (2B) of the aforesaid section shall be taken into consideration:

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additional set of continuous serial numbers shall be given to them so that reservation may be made to match such continuous serial numbers with identical serial numbers in the roster,

- (d) in case the number of seats determined under sub-section (3) and (4) of section 17 is one only, that seat shall be reserved for women for the first term of election and there shall be no reservation for the second and the third term of elections.

Provided further that while determining the ceiling limit of fifty percent of the total number of seats, only the whole integers shall be taken into consideration, ignoring any figure after the decimal point:

Provided also that when the number of seats determined for the Scheduled Castes and the Scheduled Tribes in terms of the prescribed manner reaches one-half of the total number of seats in *Gram Panchayat*, there shall be no reservation for the Backward Classes persons:

Provided also that when the total number of reserved seats for the Scheduled Castes and the Scheduled Tribes persons, taken together, exceeds fifty percent of the total number of seats, the number of seats for each category shall be reduced in the proportion of the population of the Scheduled Castes and the Scheduled Tribes to the total population in that *Gram* in order to match the figure of one-half of the total number of seats in that *Gram Panchayat*, in which case also there shall be no reservation for the Backward Classes persons:

Provided also that when the total number of reserved seats for the Scheduled Castes person and the Scheduled Tribes and the Backward Classes persons in terms of the provisions of this clause exceeds one-half of the total number of seats in that *Gram Panchayat*, the number of seats reserved for the Scheduled Castes and the Scheduled Tribes shall remain unaltered and the number of seats determined for the Backward Classes persons shall be suitably reduced to match the figure of one-half of the total number of seats:

Provided also that when the number of reserved seats determined for the Scheduled Castes and the Scheduled Tribes persons is less than one-half of the total number of seats in that *Gram Panchayat*, the available balance number of seats shall be reserved for the Backward Classes persons in conformity with the percentage of their population to the total

population in that *Gram* within the limit of one-half of the total number of seats in that *Gram Panchayat*:

*Explanation I:* For the purpose of determination of number of seats to be reserved for the Scheduled Castes, the Scheduled Tribes and the Backward Classes under clause (e), all figures for calculation shall be taken upto the second place of decimal ignoring any digit after the second place of decimal altogether.

*Explanation II:* For the final stage of calculation for arriving at the number of seats to be reserved, the digit in the second place of decimal, if any shall be totally ignored, and the whole number in the figure obtained shall be raised by one if the digit at the first place of decimal is not less than five while ignoring any digit below five at the first place of decimal.

Provided also that the number of the Scheduled Castes or the Scheduled Tribes or the Backward Classes persons or the total population of a *Gram* or the proportion of the Scheduled Castes or the Scheduled Tribes or the Backward Classes population as aforesaid shall be determined on the basis of the last preceding census of which the relevant figures have been published:

Provided also that when census figures are not available for any *Gram* or constituency or for any portion of any constituency, the prescribed authority shall, subject to such order of the Commission as may be made in this behalf, determine the proportion which the Scheduled Castes or the Scheduled Tribes or the Backward Classes population bears with the total population on the basis of any other authenticated record maintained by any office or organization of any department of the State Government or, where no such record is available, on the basis of a local enquiry, which may include house to house enumeration, caused by him for the purpose after consulting, whenever necessary, any portion of the census

report, electoral roll of the West Bengal Legislative Assembly or any other authenticated record of any other department of the State Government that may be of assistance;

*Explanation.*— An authenticated record maintained by any department shall be a record authenticated by the senior-most officer of the department posted in any office or organisation under the department located in the district.

- (f) determine number of women members to be elected so as to constitute, –
  - (i) as nearly as practicable one-half but not exceeding one-half of the total number of the Scheduled Castes, the Scheduled Tribes and the Backward Classes members taken up collectively as determined under clause (e),
  - (ii) as nearly as practicable one-half but not exceeding one-half of the total number of members to be elected to the *Gram Panchayat* including the number determined under sub-clause (i).

*Explanation.*—For the purpose of determination of number of seats to be reserved under clause (f), while calculating one-half of a figure, only the whole integers shall be taken into account, ignoring any figure after the decimal point.

- (2) (a) After the *percentage* of the Scheduled Castes or the Scheduled Tribes or the Backward Classes population in the total population is determined and the seats or the constituencies eligible for reservation are identified, three separate lists, one for the Scheduled Castes another one for the Scheduled Tribes and one more for the Backward Classes shall be prepared in the descending order of the *percentage* of the Scheduled Castes or the Scheduled Tribes or the Backward Classes population, seat or constituency having the highest *percentage* coming at the top of each such list.
- (b) For the first term of election among two consecutive terms, the lists referred to in clause

(a) shall be taken up separately in the same order as shown in clause (a) and such number of seats as may be determined under clause (e) of sub-rule (1) shall be reserved for the Scheduled Castes or the Scheduled Tribes or the Backward Classes in accordance with the roster as specified in the First Schedule. For the purpose of reservation of constituencies/ seats in accordance with such roster, all the constituencies/seats occurring in the list shall be assigned an additional set of continuous serial numbers in ascending order so that reservation may be made to match such serial number with the identical number in the roster.

Provided that if, on any occasion, the total number of seats required to be reserved for the first term of election are not attained in accordance with the roster for the first term of election, the remaining number of seats shall be reserved from the roster specified for the second term of election.

(c) For the second term of election, the same procedure shall be followed in accordance with the roster specified in the First Schedule:

Provided that if for the second term of election, the total number of seats to be reserved are not attained in accordance with the roster for the second term of election after leaving aside the seats already reserved in the preceding term of election, if any, the remaining number of seats shall be reserved from the roster specified for the first term of election.

(d) If following the principle of rotation, any seat is selected in any term of election simultaneously for reservation for the Scheduled Tribes, the Scheduled Castes and the Backward Classes persons or any two of such categories, such seat shall be reserved in the preferential order of the Scheduled Tribes, the Scheduled Castes and the Backward Classes and reservation for the left out Scheduled Castes or Backward Classes or both as the case may be, shall be made out of the seats coming next in order:

Provided that the seat or constituency so reserved for the Scheduled Tribes or the Scheduled Castes persons on the aforesaid ground shall be eligible for consideration for reservation for the Scheduled Castes or the Backward Classes persons, as the case may be, in the next term of election.

- (e) The prescribed authority, by an order in writing, shall record the procedure adopted, the records and documents relied upon and the findings made for the purpose of determination of the seats to be reserved by rotation for the Scheduled Castes or the Scheduled Tribes or the Backward Classes.

(3) Identification and declaration of seats to be reserved for women under sub-section (3) and (4) of section 17 shall be made separately in accordance with the roster as specified in the Second Schedule in the manner as follows, –

- (a) as nearly as practicable one-half but not exceeding one-half seats from amongst the seats reserved for the Scheduled Castes the Scheduled Tribes and the Backward Classes taken up collectively shall be declared reserved for women belonging to the same category as already determined;
- (b) the number of seats declared under clause (a) shall be set apart from the number determined under sub clause (ii) of clause (f) of sub-rule (1) and the seats matching the resultant number shall be identified and declared for reservation for women from among the seats not reserved under subsection (1), (2) and (2A) of section 17;
- (c) for the purpose of reservation of seats in accordance with the roster as specified in the Second Schedule, all the seats coming within the zone of consideration for reservation shall be arranged in the ascending order of their assigned serial numbers and an additional set of continuous serial numbers in ascending order shall be given to them so that reservation may be made to match such continuous serial numbers with identical serial numbers in the roster,

- (d) in case the number of seats required to be reserved for women from amongst the seats not reserved under sub-section (1), (2) and (2A) of section 17 to match the one-half of the total number of seats, are not attained in accordance with the roster for any term of election, the procedure stated under provisos to clause (b) and (c) of sub-rule (2) shall be followed.
- (e) in case the number of seats determined under sub-section (3) and (4) of section 17 is one only, that seat shall be reserved for women for the first term of election and there shall be no reservation for the second term of election.”

**23.** (1) On completion of the determination under rule 22, the prescribed authority shall publish draft order showing delimitation of the constituencies and the reservations thereof in Form A not later than seventy five days before the date of poll by posting the same in a conspicuous place in the office of, –

Manner of publication of order under rule 22.

- (a) the Gram *Panchayat* to which the order relates,
- (b) the *Panchayat Samiti* and the *Zilla Parishad* or the *Mahakuma Parishad* within whose area the *Gram Panchayat* is situated,
- (c) the Block Development Officer, the Sub-divisional Officer and the District Magistrate of the area concerned.

(2) Any person affected by such order may submit any objection or suggestion in writing stating the reasons thereof so as to reach the prescribed authority within fifteen days from the date of publication of the draft order as mentioned in sub-rule (1).

(3) The prescribed authority shall consider the objections or suggestions, if any, received by him within the stipulated period and may make suitable alterations or amendments in the draft order.

(4) The prescribed authority shall publish the final order in Form A1 with alterations and amendments, if any, not later than forty five days before the date of poll by posting the same in places where the draft of the order was published, and, upon such publication, the order shall come into force:

Provided that the order shall be deemed to have been duly published if there has been substantial compliance with the provisions of this rule and any omission to post the order in one or more places shall not invalidate the order.

(5) Immediately after publication under sub-rule (1) and sub-rule (4), a copy of each of the order in Form A and in Form A1 shall be supplied to each of the recognised political parties having representation in the existing body of the *Gram Panchayat* to which the order relates.

Delimitation of constituencies of *Panchayat Samiti* and assignment of serial numbers for the constituencies and reservation of seats.

**<sup>1</sup>[24. (1) In conformity with the provisions contained**

<sup>1</sup> Subs by Cl.(2) of the Notification No. 5013/PN/O/3R-1/2012, dated 24.09.2012, which was earlier as follows :

**Delimitation of constituencies of Panchayat Samiti and assignment of serial numbers for the constituencies and reservation of seats-** (1) In conformity with the provisions contained in section 14 and also subject to any general or special direction issued by the Commission in this behalf, the prescribed authority, by an order, shall, –

- (a) determine the number of members to be elected to a Panchayat Samiti from each Gram comprising the area of the Panchayat Samiti,
- (b) divide a Gram into as many constituencies as may match the number of members, determined under clause (a), to be elected to a Panchayat Samiti from the Gram and each such constituency shall have as far as practicable, equal number of voters and shall comprise as many contiguous Gram Panchayat constituencies as may be specified in the order,
- (c) assign consecutive serial numbers to all such constituencies following, as far as practicable, the sequence of the numbers assigned to the Gram Panchayat constituencies and, where necessary, the sequence of the numbers assigned to the Legislative Assembly polling stations comprising the area of such Panchayat Samiti;
- (d) determine the number of constituencies to be reserved, by rotation, for the Scheduled Castes and the Scheduled Tribes persons from among such constituencies, each of which have such Scheduled Castes or Scheduled Tribes population as bears with the total population in that constituency not less than half of the proportion determined under sub-section (1) or (2) of section 17 as the case may be:

Provided that the constituency so reserved for the Scheduled Tribes persons on the aforesaid ground shall be taken into consideration for reservation for Scheduled Castes persons in the next term of election:

Provided that the number of the Scheduled Castes or the Scheduled Tribes persons or the total population of a Panchayat Samiti or the proportion of the Scheduled Castes or the Scheduled Tribes population as aforesaid shall be determined on the basis of the last preceding census of which the relevant figures have been published:

Provided further that when census figures are not available for any area of a Panchayat Samiti or constituency or any portion of any constituency, the prescribed authority shall, subject to such order of the Commission as may be made in this behalf, determine the proportion which the Scheduled Castes or the Scheduled Tribes population bears with the total population on the basis of any other authenticated record maintained by any office or organisation of any department of the State Government or, where no such record is available, on the basis of a local enquiry, which may include house to house enumeration, caused by him for the purpose as aforesaid after consulting, whenever necessary, any portion of the census report, electoral roll of the West Bengal Legislative Assembly or any other authenticated record that may be of assistance.

Explanation I. –An authenticated record maintained by any department

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shall be a record authenticated by the senior most officer of the department posted in any office or organisation under the department located in the district.

Explanation II. –For the purpose of determination of number of seats to be reserved under clause (d) all figures for calculation shall be taken up to the first place of decimal, raising the figure of the first place of decimal by one when the digit in the second place of decimal is not less than five.

Explanation III. – For the final stage of calculation for arriving at the number of seats to be reserved, the whole number obtained shall be raised by one if the digit at the first place of decimal is not less than five while ignoring any digit below five at the first place of decimal.

- (e) determine the number of women members to be elected so as to constitute, –
- (i) not less than one-third of the total number of the Scheduled Castes and the Scheduled Tribes members taken up collectively as determined under clause (d),
  - (ii) not less than one-third of the total number of members to be elected to the Panchayat Samiti including the number determined under sub-clause (i).
- (2) (a) After the percentage of the Scheduled Castes or the Scheduled Tribes population in the total population is determined and the seats or constituencies eligible for reservation are identified, two separate lists, one for the Scheduled Castes and the other for the Scheduled Tribes shall be prepared in the descending order of the percentage of the Scheduled Castes or the Scheduled Tribes population, constituency having the highest percentage coming at the top of the list;
- (b) for the first term of election among three consecutive terms, the lists referred to in clause (a) shall be taken up separately and such number of constituencies as may be determined under clause (d) of sub-rule (1), shall be reserved for the Scheduled Castes or the Scheduled Tribes in accordance with the roster as specified in the First Schedule. For the purpose of reservation of constituencies in accordance with such roster, all the constituencies occurring in the list shall be assigned an additional set of continuous serial numbers in ascending order so that reservation may be made to match such serial number with the identical serial number in the roster;
- Provided that if, on any occasion the total number of seats required to be reserved for the first term of election are not attained in accordance with the roster for the first term of election, the remaining number of seats shall be reserved from the roster specified for the second term of election.
- (c) for the second and third term of election, the same procedure shall be followed in accordance with the roster specified in the First Schedule respectively for the second and the third term of election;

Provided that if for the second or third term of election, the total number of seats to be reserved are not attained in accordance with the roster respectively for the second or third term of election after leaving aside the seats already reserved in the preceding term of election, if any, the remaining number of seats shall be reserved from the roster specified for the third or the first term of election, as the case may be.

- (d) if following the principle of rotation, any seat or constituency is selected in any term of election for reservation for both the Scheduled Castes or the Scheduled Tribes persons, preference shall be given to reservation for the Scheduled Tribes persons, and thereafter reservation for the Scheduled Castes persons shall be made of the constituency coming next in order;

Provided that the constituency so reserved for the Scheduled Tribes persons on the aforesaid ground shall be taken into consideration for reservation for Scheduled Castes persons in the next term of election.

- (3) Identification and declaration of constituencies to be reserved for women under subsection (3) and (4) of section 17 shall be made separately in accordance with the roster as specified in the Second Schedule in the manner as follows, –

in section 14 and also subject to such general or special direction as may be issued by the Commission in this behalf, the prescribed authority, by an order, shall,—

- (a) determine the number of members to be elected to a *Panchayat Samiti* from each *Gram* comprising the area of the *Panchayat Samiti*,
- (b) divide a *Gram* into as many constituencies as may match the number of members, determined under clause (a), to be elected to the *Panchayat Samiti* from the *Gram* and each such constituency shall have as far as practicable, equal number of voters and shall comprise as many contiguous *Gram Panchayat* constituencies as may be specified in the order,
- (c) assign consecutive serial numbers to all such constituencies following, as far as practicable, the sequence of the numbers assigned to the *Gram Panchayat* constituencies and, where necessary, the sequence of the numbers assigned to the Legislative Assembly polling stations comprising the area of such *Panchayat Samiti*,
- (d) without prejudice to other provisions under this clause, determine the number of constituencies to be reserved, by rotation, as may be required in terms of sub-section (1) or (2) or (2A) of section 17 for the Scheduled Castes, the Scheduled Tribes and the Backward Classes persons as the case may be, from among such constituencies, each of which having such Scheduled Castes

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- (a) not less than one-third constituencies from amongst the constituencies reserved for the Scheduled Castes and the Scheduled Tribes taken up collectively shall be declared reserved for women,
  - (b) the number of constituencies declared under clause (a) shall be set apart from the total number of constituencies to be reserved for women under sub-clause (ii) of clause (e) of sub-rule (1) and the constituencies matching the resultant number shall be identified and declared for reservation for women from among the constituencies not reserved under sub-rule (2),
  - (c) for the purpose of reservation of seats in accordance with the roster as specified in the Second Schedule, all the seats available for reservation shall be arranged in the ascending order of their assigned serial numbers and an additional set of continuous serial numbers shall be given to them so that reservation may be made to match such continuous serial numbers with identical serial numbers in the roster,
  - (d) in case the number of constituency determined under sub-section (3) and (4) of section 17 is one only, that constituency shall be reserved for women for the first term of election and there shall be no reservation for the second and the third term of election.

or Scheduled Tribes or Backward Classes population, as the case may be, as bears with the total population in that constituency not less than one-half of the proportion determined under sub-section (1) or (2) or (2A) of section 17 as the case may be:

Provided that for the purpose of determination of seats to be reserved for the aforesaid three categories of persons, the provisions under sub-section (2B) of the aforesaid section shall be taken into consideration:

Provided further that while determining the ceiling limit of fifty percent of the total number of seats, only the whole integers shall be taken into consideration, ignoring any figure after the decimal point:

Provided also that when the number of seats determined for the Scheduled Castes and the Scheduled Tribes in terms of the prescribed manner reaches one-half of the total number of seats in a Panchayat Samiti, there shall be no reservation for the Backward Classes persons:

Provided also that when the total number of reserved seats for the Scheduled Castes and the Scheduled Tribes persons, taken together, exceeds fifty percent of the total number of seats, the number of seats for each category shall be reduced in the proportion of the population of the Scheduled Castes and the Scheduled Tribes to the total population in that *Panchayat Samiti* in order to match the figure of one-half of the total number of seats in that *Panchayat Samiti*, in which case also there shall be no reservation for the Backward Classes persons:

Provided also that when the total number of reserved seats for the Scheduled Castes, the Scheduled Tribes and the Backward Classes persons in terms of the provisions of this clause exceeds one-half of the total number of seats in that *Panchayat Samiti*, the number of seats reserved for the Scheduled Castes and the Scheduled Tribes shall remain unaltered and the number of seats determined for the Backward

Classes persons shall be suitably reduced to match the figure of one-half of the total number of seats:

Provided also that when the number of reserved seats determined for the Scheduled Castes and the Scheduled Tribes persons is less than one-half of the total number of seats in that *Panchayat Samiti*, the available balance number of seats shall be reserved for the Backward Classes persons in conformity with the percentage of their population to the total population in that Block within the limit of one-half of the total number of seats in that *Panchayat Samiti*:

*Explanation I* : For the purpose of determination of number of seats to be reserved for the Scheduled Castes, the Scheduled Tribes and the Backward Classes under clause (d), all figures for calculation shall be taken up to the second place of decimal ignoring any digit after the second place of decimal altogether.

*Explanation II* : For the final stage of calculation for arriving at the number of seats to be reserved, the digit in the second place of decimal, if any shall be totally ignored, and the whole number in the figure obtained shall be raised by one if the digit at the first place of decimal is not less than five while ignoring any digit below five at the first place of decimal.

Provided also that the number of the Scheduled Castes or the Scheduled Tribes or the Backward Classes persons or the total population of a Panchayat Samiti or the proportion of the Scheduled Castes or the Scheduled Tribes or the Backward Classes population as aforesaid shall be determined on the basis of the last preceding census of which the relevant figures have been published:

Provided also that when census figures are not available for any area of a Panchayat Samiti or a constituency or any portion of a constituency, the prescribed authority shall, subject to such order of the Commission as may

be made in this behalf, determine the proportion which the Scheduled Castes or the Scheduled Tribes or the Backward Classes population bears with the total population on the basis of any other authenticated record maintained by any office or organisation of any department of the State Government or, where no such record is available, on the basis of a local enquiry, which may include house to house enumeration, caused by him for the purpose as aforesaid after consulting, whenever necessary, any portion of the census report, electoral roll of the West Bengal Legislative Assembly or any other authenticated record that may be of assistance.

*Explanation.—* An authenticated record maintained by any department shall be a record authenticated by the senior most officer of the department posted in any office or organisation under the department located in the district.

- (e) determine the number of women members to be elected so as to constitute, —
  - (i) as nearly as practicable one half but not exceeding one-half of the total number of the Scheduled Castes, the Scheduled Tribes and the Backward Classes members taken up collectively as determined under clause (d),
  - (ii) as nearly as practicable one half but not exceeding one-half of the total number of members to be elected to the Panchayat Samiti including the number determined under sub-clause (i).

*Explanation —* For the purpose of determination of number of seats to be reserved under clause (e), while calculating one-half of a figure, only the whole integers shall be taken into account, ignoring any figure after the decimal point.

- (2) (a) After the percentage of the Scheduled Castes or the Scheduled Tribes or the Backward classes population in the total population is determined and the seats or constituencies eligible for reservation are identified, three separate lists,

one for the Scheduled Castes, another one for the Scheduled Tribes and one more for the Backward classes shall be prepared in the descending order of the percentage of the Scheduled Castes or the Scheduled Tribes or the Backward Classes population, constituency having the highest percentage coming at the top of the list;

(b) for the first term of election among two consecutive terms, the lists referred to in clause (a) shall be taken up separately in the same order as shown in clause (a) and such number of constituencies as may be determined under clause (d) of sub-rule (1), shall be reserved for the Scheduled Castes or the Scheduled Tribes or the Backward Classes in accordance with the roster as specified in the First Schedule. For the purpose of reservation of constituencies in accordance with such roster, all the constituencies occurring in the list shall be assigned an additional set of continuous serial numbers in ascending order so that reservation may be made to match such serial number with the identical serial number in the roster:

Provided that if, on any occasion, the total number of seats required to be reserved for the first term of election are not attained in accordance with the roster for the first term of election, the remaining number of seats shall be reserved from the roster specified for the second term of election.

(c) for the second term of election, the same procedure shall be followed in accordance with the roster specified in the First Schedule :

Provided that if for the second term of election, the total number of seats to be reserved are not attained in accordance with the roster for the second term of election after leaving aside the seats already reserved in the preceding term of election if any, the remaining number of seats shall be reserved from the roster specified for the first term of election;

(d) If following the principle of rotation, any seat is selected in any term of election simultaneously for reservation for the Scheduled Tribes, the Scheduled Castes and the Backward Classes persons or any two of such categories, such seat shall be reserved in the preferential order of the Scheduled Tribes, the Scheduled Castes and the Backward Classes and reservation for the left out Scheduled Castes or Backward Classes or both as the case may be, shall be made out of the seats coming next in order:

Provided that the seat or constituency so reserved for the Scheduled Tribes or the Scheduled Castes persons on the aforesaid ground shall be eligible for consideration for reservation for the Scheduled Castes or the Backward Classes persons, as the case may be, in the next term of election.

(e) The prescribed authority, by an order in writing, shall record the procedure adopted, the records and documents relied upon and the findings made for the purpose of determination of the seats to be reserved by rotation for the Scheduled Castes or the Scheduled Tribes or the Backward Classes.

(3) Identification and declaration of constituencies to be reserved for women under sub-section (3) and (4) of section 17 shall be made separately in accordance with the roster as specified in the Second Schedule in the manner as follows, –

(a) as nearly as practicable one-half but not exceeding one-half constituencies from amongst the constituencies reserved for the Scheduled Castes ,the Scheduled Tribes and the Backward Classes taken up collectively shall be declared reserved for women belonging to the same category as already determined,

(b) the number of constituencies declared under clause (a) shall be set apart from the total number of constituencies to be reserved for women under sub-clause (ii) of clause (e) of sub-rule (1) and the constituencies matching the resultant number shall be identified and declared

for reservation for women from among the constituencies not reserved under sub-rule (2),

- (c) for the purpose of reservation of seats in accordance with the roster as specified in the Second Schedule, all the seats available for reservation shall be arranged in the ascending order of their assigned serial numbers and an additional set of continuous serial numbers in ascending order shall be given to them so that reservation may be made to match such continuous serial numbers with identical serial numbers in the roster,
- (d) in case, the number of seats required to be reserved for women from amongst the seats not reserved under sub-section (1), (2) and (2A) of section 17 to match the one-half of the total number of seats, are not attained in accordance with the roster for any term of election, the procedure stated under provisos to clause (b) and (c) of sub-rule (2) shall be followed.
- (e) in case the number of constituency determined under sub-section (3) and (4) of section 17 is one only, that constituency shall be reserved for women for the first term of election and there shall be no reservation for the second term of election”:

Manner of publication of order under rule 24.

- 25.** (1) On completion of the determination under <sup>1</sup>[rule 24], the prescribed authority shall publish a draft order showing delimitation of the constituencies and reservations thereof in Form B not later than seventy five days before the date of poll by posting the same in a conspicuous place in the office of, –
- (a) the Gram *Panchayats* and the *Panchayat Samiti* to which the order relates,
  - (b) the *Zilla Parishad* or the *Mahakuma Parishad*,
  - (c) the Block Development Officer, the Sub-divisional Officer and the District Magistrate of the area concerned.
- (2) Any person affected by such order may submit any objection or suggestion in writing stating the reasons thereof

<sup>1</sup> Subs. By cl.(3) of the Notification No.5013/PN/O/3R-1/2012 dated 24/09/2012,which was earlier as follows. “Rule 26”

so as to reach the prescribed authority within fifteen days from the date of publication of the draft order as maintained in sub-rule (1).

(3) The prescribed authority shall consider the objections or suggestions, if any, received by him within the stipulated period, and may make suitable alterations or amendments in the draft order.

(4) The prescribed authority shall publish the final order in Form B1 with alterations and amendments, if any, not later than forty five days before the date of poll by posting the same in places where the draft of the order was published and, upon such publication, the order shall come into force:

Provided that the order shall be deemed to have been duly published if there has been substantial compliance with the provisions of this rule and any omission to post the order in one or more places shall not invalidate the order.

(5) Immediately after publication under sub-rule (1) and sub-rule (4), a copy of each of the order in Form B and in Form B1 shall be supplied to each of the recognised political parties having representation in the existing body of the *Panchayat Samiti* to which the order relates.

**1|26. (1) The Commission shall, by order, –**

<sup>1</sup> **Delimitation of constituencies of Zilla Parishad or Mahakuma Parishad, assignment of serial numbers for the constituencies and reservations thereof and manner of publication of order.** – (1) The Commission shall, by order, –

- (a) in conformity with the provisions in section 15, determine the number of members to be elected to a Zilla Parishad or Mahakuma Parishad from each Block comprising the area of the Zilla Parishad or Mahakuma Parishad as the case may be,
- (b) divide a Block into as many constituencies as may match the number of members, determined under clause (a), to be elected to a Zilla Parishad from the Block and each such constituency shall have as far as practicable equal number of voters and shall comprise as many contiguous Grams as may be specified in the order,
- (c) assign consecutive serial numbers to all such constituencies within the area of a Zilla Parishad or Mahakuma Parishad, as the case may be, following, as far as practicable, the sequence of the numbers assigned to the Panchayat Samiti constituencies and the numbers assigned to the Legislative Assembly polling stations comprising the area of such Zilla Parishad or Mahakuma Parishad, as the case may be,
- (d) determine the number of constituencies to be reserved, by rotation, for the Scheduled Castes and the Scheduled Tribes persons from among such constituencies, each of which have such Scheduled Castes or Scheduled Tribes population as bears with the total population in that constituency not less than half of the proportion determined under sub-section (1) or (2) of section 17 as the case may be:

Provided that the number of the Scheduled Castes or the Scheduled Tribes persons or the total population of a Zilla Parishad or Mahakuma Parishad area, as the case may be, or the proportion of the Scheduled Castes

Delimitation of constituencies of Zilla Parishad or Mahakuma Parishad, assignment of serial numbers for the constituencies and reservations thereof and manner of publication of order.

or the Scheduled Tribes population as aforesaid shall be determined on the basis of the last preceding census of which the relevant figures have been published;

Provided further that when census figures are not available for any area of a Zilla Parishad or Mahakuma Parishad or constituency or any portion of any constituency, the Commissioner shall determine the proportion which the Scheduled Castes or the Scheduled Tribes population bears with the total population on the basis of any other authenticated record maintained by any office or organisation of any department of the State Government or, where no such record is available, on the basis of a local enquiry, which may include house to house enumeration, caused by him for the purpose as aforesaid after consulting, whenever necessary, any portion of the census report, electoral roll of the West Bengal Legislative Assembly or any other authenticated record that may be of assistance;

Explanation I. – An authenticated record maintained by any department shall be a record authenticated by the senior most officer of the department posted in any office or organisation under the department located in the district.

Explanation II. –For the purpose of determination of number of seats to be reserved under clause (e) all figures for calculation shall be taken upto the first place of decimal, raising the figure of the first place of decimal by one when the digit in the second place of decimal is not less than five.

Explanation III. –For the final stage of calculation for arriving at the number of seats to be reserved, the whole number obtained shall be raised by one if the digit at the first place of decimal is not less than five while ignoring any digit below five at the first place of decimal.

- (e) determine the number of women members to be elected so as to constitute, –
  - (i) not less than one-third of the total number of the Scheduled Castes and the Scheduled Tribes members taken up collectively as determined under clause (d),
  - (ii) not less than one-third of the total number of members to be elected to the Zilla Parishad or Mahakuma Parishad including the number determined under sub-clause (i).
- (2) (a) After the percentage of the Scheduled Castes or the Scheduled Tribes population in the total population is determined and the seats or constituencies eligible for reservation are identified, two separate lists, one for the Scheduled Castes and the other for the Scheduled Tribes shall be prepared in the descending order of the percentage of the Scheduled Castes or the Scheduled Tribes population, constituency having the highest percentage coming at the top of the list;
- (b) for the first term of election among three consecutive terms, the lists referred to in clause (a) shall be taken up separately and such number of constituencies as may be determined under clause (d) of sub-rule (1), shall be reserved for the Scheduled Castes or the Scheduled Tribes in accordance with the roster as specified in the First Schedule. For the purpose of reservation of constituencies in accordance with such roster, all the constituencies occurring in the list shall be assigned an additional set of continuous serial numbers in ascending order so that reservation may be made to match such serial number with the identical serial number in the roster;
- (c) for the second and third term of election, the same procedure shall be followed in accordance with the roster specified in the First Schedule respectively for the second and the third term of election;
- (d) if following the principle of rotation, any seat or constituency is selected in any term of election for reservation for both the Scheduled Castes or the Scheduled Tribes persons, preference shall be given to reservation for the Scheduled Tribes persons, and thereafter reservation for the Scheduled Castes persons shall be made of the constituency coming next in order;
- (e) the Commission, by an order in writing, shall record the procedure

- (a) in conformity with the provisions in section 15, determine the number of members to be elected to a *Zilla Parishad* or *Mahakuma Parishad* from each Block comprising the area of the *Zilla Parishad* or *Mahakuma Parishad* as the case may be,
- (b) divide a Block into as many constituencies as may match the number of members, determined under clause (a), to be elected to a Zilla Parishad from the Block and each such constituency shall have as far as practicable equal number of voters and shall comprise as many contiguous Grams as may be specified in the order,
- (c) assign consecutive serial numbers to all such constituencies within the area of a Zilla Parishad or Mahakuma Parishad, as the case may be, following, as far as practicable, the sequence of the numbers assigned to the Panchayat Samiti constituencies and the numbers assigned to the Legislative Assembly polling stations comprising the area of such Zilla Parishad or Mahakuma Parishad, as the case may be,
- (d) without prejudice to other provisions under this clause, determine the number of constituencies to be reserved, by rotation, as may be required in

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adopted, the records and documents relied upon and the findings made for the purpose of determination of the seats reserved for the Scheduled Castes or the Scheduled Tribes.

- (3) Identification and declaration of constituencies to be reserved for women under subsection (3) and (4) of section 17 shall be made separately in accordance with the roster as specified in the Second Schedule in the manner as follows, –
  - (a) not less than one-third constituencies from amongst the constituencies reserved for the Scheduled Castes and the Scheduled Tribes taken up collectively shall be declared reserved for women,
  - (b) the number of constituencies declared under clause (a) shall be set apart from the total number of constituencies to be reserved for women under sub-clause (ii) of clause (e) of sub-rule (1) and the constituencies matching the resultant number shall be identified for reservation for women from among the constituencies not reserved under sub-rule (2),
  - (c) for the purpose of reservation of seats in accordance with the roster as specified in the Second Schedule, all the seats available for reservation shall be arranged in the ascending order of their assigned serial numbers and an additional set of continuous serial numbers shall be given to them so that reservation may be made to match such continuous serial numbers with identical serial numbers in the roster,
  - (d) in case the number of constituency determined under sub-section (3) and (4) of section 17 is one only, that constituency shall be reserved for women for the first term of election and there shall be no reservation for the second and the third term of election.

terms of sub-section (1) or (2) or (2A) of section 17 for the Scheduled Castes, the Scheduled Tribes and the Backward Classes persons, as the case may be, from among such constituencies, each of which having such Scheduled Castes or Scheduled Tribes or Backward Classes population as bears with the total population in that constituency not less than one-half of the proportion determined under sub-section (1) or (2) or (2A) of section 17 as the case may be:

Provided that for the purpose of determination of seats to be reserved for the aforesaid three categories of persons, the provisions under sub-section (2B) of the aforesaid section shall be taken into consideration:

Provided further that while determining the ceiling limit of fifty percent of the total number of seats, only the whole integers shall be taken into consideration, ignoring any figure after the decimal point:

Provided also that when the number of seats determined for the Scheduled Castes and the Scheduled Tribes in terms of the prescribed manner reaches one-half of the total number of seats in a *Zilla Parishad* or *Mahakuma Parishad*, there shall be no reservation for the Backward Classes persons:

Provided also that when the total number of reserved seats for the Scheduled Castes and the Scheduled Tribes persons, taken together, exceeds fifty percent of the total number of seats, the number of seats for each category shall be reduced in the proportion of the population of the Scheduled Castes and the Scheduled Tribes to the total population in that *Zilla Parishad* or *Mahakuma Parishad* in order to match the figure of one-half of the total number of seats in that *Zilla Parishad* or *Mahakuma Parishad*, in which case also there shall be no reservation for the Backward Classes persons:

Provided also that when the total number of reserved seats for the Scheduled Castes, the Scheduled Tribes and the Backward Classes

persons in terms of provision of this clause exceeds one-half of the total number of seats in that *Zilla Parishad* or *Mahakuma Parishad*, the number of seats reserved for the Scheduled Castes and the Scheduled Tribes shall remain unaltered with and the number of seats determined for the Backward Classes persons shall be suitably reduced to match the figure of one-half of the total number of seats:

Provided also that when the number of reserved seats determined for the Scheduled Castes and the Scheduled Tribes persons is less than one-half of the total number of seats in that *Zilla Parishad* or *Mahakuma Parishad*, the available balance number of seats shall be reserved for the Backward Classes persons in conformity with the percentage of their population to the total population in that District within the limit of one-half of the total number of seats in that *Zilla Parishad* or *Mahakuma Parishad*:

*Explanation I:* For the purpose of determination of number of seats to be reserved for the Scheduled Castes, the Scheduled Tribes and the Backward Classes under clause (d), all figures for calculation shall be taken up to the second place of decimal ignoring any digit after the second place of decimal altogether.

*Explanation II:* For the final stage of calculation for arriving at the number of seats to be reserved, the digit in the second place of decimal, if any, shall be totally ignored, and the whole number in the figure obtained shall be raised by one if the digit at the first place of decimal is not less than five while ignoring any digit below five at the first place of decimal.

Provided that the number of the Scheduled Castes or the Scheduled Tribes or the Backward Classes persons or the total population of a *Zilla Parishad* or *Mahakuma Parishad* area, as the case may be, or the proportion of the Scheduled Castes or the Scheduled Tribes or the Backward Classes population as aforesaid shall

be determined on the basis of the last preceding census of which the relevant figures have been published:

Provided further that when census figures are not available for any area of a *Zilla Parishad* or *Mahakuma Parishad* or a constituency or any portion of any constituency, the Commissioner shall determine the proportion which the Scheduled Castes or the Scheduled Tribes or the Backward Classes population bears with the total population on the basis of any other authenticated record maintained by any office or organisation of any department of the State Government or, where no such record is available, on the basis of a local enquiry, which may include house to house enumeration, caused by him for the purpose as aforesaid after consulting, whenever necessary, any portion of the census report, electoral roll of the West Bengal Legislative Assembly or any other authenticated record that may be of assistance;

*Explanation* — An authenticated record maintained by any department shall be a record authenticated by the senior most officer of the department posted in any office or organization under the department located in the district.

- (e) determine the number of women members to be elected so as to constitute, —
  - (i) as nearly as practicable one-half but not exceeding one-half of the total number of the Scheduled Castes, the Scheduled Tribes and the Backward Classes members taken up collectively as determined under clause(d),
  - (ii) as nearly as practicable one-half but not exceeding one-half of the total number of members to be elected to the *Zilla Parishad* or *Mahakuma Parishad* including the number determined under sub-clause (i).

*Explanation*.— For the purpose of determination of number of seats to be reserved under clause (e), while calculating the one-half of the figure, only the whole integers shall be

taken into account, ignoring any figure after the decimal point.

- (2) (a) After the percentage of the Scheduled Castes or the Scheduled Tribes or the Backward Classes population in the total population is determined and the seats or constituencies eligible for reservation are identified, three separate lists, one for the Scheduled Castes, another one for the Scheduled Tribes and one more for the Backward Classes shall be prepared in the descending order of the percentage of Scheduled Castes or the Scheduled Tribes or the Backward Classes population, constituency having the highest percentage coming at the top of the list;
- (b) for the first term of election among two consecutive terms, the lists referred to in clause (a) shall be taken up separately in the same order as shown in clause (a) and such number of constituencies as may be determined under clause (d) of sub-rule (1), shall be reserved for the Scheduled Castes or the Scheduled Tribes or the Backward Classes in accordance with the roster as specified in the First Schedule. For the purpose of reservation of constituencies in accordance with such roster, all the constituencies occurring in the list shall be assigned an additional set of continuous serial numbers in ascending order so that reservation may be made to match such serial number with the identical serial number in the roster:

Provided that if, on any occasion, the total number of seats required to be reserved for the first term of election are not attained in accordance with the roster for the first term of election, the remaining number of seats shall be reserved from the roster specified for the second term of election.

- (c) for the second term of election, the same procedure shall be followed in accordance with the roster specified in the First Schedule for the second term of election:

Provided that if for the second term of election, the total number of seats to be reserved are not attained in accordance with the roster for the second term of election after leaving aside the seats already reserved in the preceding term of election, if any, the remaining number of seats shall be reserved from the roster specified for the first term of election ;

- (d) If following the principle of rotation, any seat is selected in any term of election simultaneously for reservation for the Scheduled Tribes, the Scheduled Castes and the Backward Classes persons or any two of such categories, such seat shall be reserved in the preferential order of the Scheduled Tribes, the Scheduled Castes and the Backward Classes and reservation for the left out Scheduled Castes or Backward Classes or both as the case may be, shall be made out of the seats coming next in order:

Provided that the seat or constituency so reserved for the Scheduled Tribes or the Scheduled Castes persons on the aforesaid ground shall be eligible for consideration for reservation for the Scheduled Castes or the Backward Classes persons, as the case may be, in the next term of election.

- (e) the Commission, by an order in writing, shall record the procedure adopted, the records and documents relied upon and the findings made for the purpose of determination of the seats reserved for the Scheduled Castes or the Scheduled Tribes or the Backward Classes.

(3) Identification and declaration of constituencies to be reserved for women under subsection (3) and (4) of section 17 shall be made separately in accordance with the roster as specified in the Second Schedule in the manner as follows, –

- (a) as nearly as practicable one-half but not exceeding one-half constituencies from amongst the constituencies reserved for the Scheduled Castes, the Scheduled Tribes and the Backward Classes taken up collectively shall be

declared reserved for women belonging to the same category as already determined,

- (b) the number of constituencies declared under clause (a) shall be set apart from the total number of constituencies to be reserved for women under sub-clause (ii) of clause (e) of sub-rule (1) and the constituencies matching the resultant number shall be identified for reservation for women from among the constituencies not reserved under sub-rule (2),
- (c) for the purpose of reservation of seats in accordance with the roster as specified in the Second Schedule, all the seats available for reservation shall be arranged in the ascending order of their assigned serial numbers and an additional set of consecutive and continuous serial numbers shall be given to them so that reservation may be made to match such continuous serial numbers with identical serial numbers in the roster;
- (d) in case, the number of seats required to be reserved for women from amongst the seats not reserved under sub-section (1), (2) and (2A) of section 17 to match the one-half of the total number of seats, are not attained in accordance with the roster for any term of election, the procedure stated under provisos to clause (b) and (c) of sub-rule (2) shall be followed.
- (e) in case the number of constituency determined under sub-section (3) and (4) of section 17 is one only, that constituency shall be reserved for women for the first term of election and there shall be no reservation for the second term of election.

**27.** (1) On completion of the determination under rule 26, the Commission shall publish a draft order showing delimitation of the constituencies and reservations thereof not later than seventy five days before the date of poll by posting the same in a conspicuous place in the office of, –

Manner of publication of order under rule 26.

- (a) the *Gram Panchayats* and the *Panchayat Samiti* to which the order relates;
- (b) the *Zilla Parishad* or the *Mahakuma Parishad*;

(c) the Block Development Officer, the Sub-divisional Officer and the District Magistrate of the area concerned.

(2) Any person affected by such order may submit any objection or suggestion in writing stating the reasons thereof so as to reach the Commissioner within fifteen days from the date of publication of the draft order as mentioned in sub-rule (1).

(3) The Commission shall consider the objections or suggestions, if any, received by him within the stipulated period, and may make suitable alterations or amendments in the draft order.

(4) The Commission shall publish the final order with alterations and amendments, if any, by notification, not later than forty five days before the date of poll and, upon such notification, the order shall come into force.

(5) Immediately after publication under sub-rule (1) and sub-rule (4), a copy of each of the draft and final order shall be supplied to each of the recognised political parties having representation in the existing body of the *Zilla Parishad* or *Mahakuma Parishad* to which the order relates.

## PART IV

### Conduct of elections.

#### CHAPTER I

##### Nomination and allotment of symbol.

Notice of election.

**28.** On the appointment of date or dates of poll for any election under section 43 and in conformity with the provisions made therein, the District *Panchayat* Election Officer shall, by order in Form 1, notify,—

- (a) the last date, time and place for making nominations,
- (b) the date for scrutiny of nominations,
- (c) the last date and hour for the withdrawal of candidature,
- (d) the date on which and the hours between which the poll when the election is contested, shall be taken:

Provided that such notice in Form 1 shall be governed by an order as may be issued in terms of sub-section (2) of section 46.

**29.** The order under rule 28 shall, as soon as made, be posted up, –

Manner of publication of order under rule 28.

- (a) in some conspicuous place in the offices of the *Gram Panchayat, Panchayat Samiti* and the *Zilla Parishad* or the *Mahakuma Parishad* within whose jurisdiction, the election is to be held,
- (b) in the office of the *Panchayat Returning Officer* appointed for election to *Gram Panchayat, Panchayat Samiti* and the *Zilla Parishad* or the *Mahakuma Parishad* as the case may be.

**30.** (1) Every nomination paper presented under sub-section (1) or (2) of section 46, as the case may be, shall be made in Form 2.

Nomination of candidates.

(2) Any person attaining the age of 21 years on the date fixed for scrutiny, if not otherwise disqualified under the provisions of the Act or any order made thereunder, may be nominated as a candidate for election from any seat of a constituency to a *Gram Panchayat*, from any constituency to a *Panchayat Samiti* or *Zilla Parishad* or *Mahakuma Parishad* as the case may be, if his name is included in the electoral roll in force on the last date for making nominations for such *Panchayat* election when such electoral roll pertains to the area comprised in that Gram in case of *Gram Panchayat* or pertains to the area of the *Panchayat Samiti* or *Zilla Parishad* or *Mahakuma Parishad* in case of *Panchayat Samiti, Zilla Parishad* or *Mahakuma Parishad* as the case may be.

(3) Every nomination paper shall be subscribed by a proposer in the manner as shown in Form 2.

(4) Any person whose name is included in the list of voters of the constituency for which the candidate is nominated and who himself is not contesting the election from that constituency, may subscribe as proposer:

Provided that a person shall not subscribe as proposer, more than one nomination:

Provided further that where in a constituency more than one seats are required to be filled, a person may subscribe the nomination paper relating to each seat.

Notice of nomination.

**31.** (1) The notice of nomination containing description as mentioned in section 48, shall be issued in Form 3.

(2) The notice of nomination issued under sub-rule (1) shall be, –

- (a) fixed at the office of the concerned *Panchayat Samiti*,
- (b) fixed at the office of the concerned *Zilla Parishad* or *Mahakuma Parishad*, as the case may be.

Classification of symbols

**32.** (1) For the purpose of these rules, symbols are either reserved or free.

(2) A reserved symbol, as enlisted in Table A of the Third Schedule, is a symbol which is reserved for, –

- (a) a recognised political party for exclusive allotment to the contesting candidate or candidates set up by that party,
- (b) a local political party for exclusive allotment in a specified area to the contesting candidate or candidates set up by that party, and
- (c) any other political party allotted, by order, an exclusive reserved symbol by the Commission for either the entire State or any part thereof for the purpose of elections to one or more tiers of *Panchayats* as may be specified in the order, on the ground that, –
  - (i) such political party during the last preceding general elections, –
    - (A) to the House of the People, has returned at least one member to that House for every twenty-five members of that House or any fraction of that number, elected from that State, or
    - (B) to the Legislative Assembly of the State, has returned at least one member to that Assembly for every thirty members of that Assembly or any fraction of that number, or
  - (ii) such political party during the last preceding general elections to the House of the People or to the Legislative Assembly of the State, has set up candidates for contesting elections from

the constituencies comprised in the State with a reserved symbol allotted exclusively by the Election Commission of India:

Provided that the Commission may allot, for exclusive use by such political party the symbol already allotted by the Election Commission of India for elections to the House of the People or to the Legislative Assembly of the State:

Provided further that on demand by such political party, any other symbol irrespective of whether such symbol is a free symbol occurring in the Third Schedule referred to in rule 34 and on such allotment by the Commission, such symbol shall be deemed to be omitted from the Third Schedule.

**33.** (1) A political party shall be declared as a local political party if that party, –

(a) has been engaged in political activity for a continuous period of preceding five years, and

(b) at the time of declaration, has at least one elected member in any tier of *Panchayats* for every existing twenty-five members or any fraction thereof, elected to that tier of *Panchayats* from the area of a sub-division of a district or, if there is no elected body of *Panchayats* in that sub-division, one elected member in the Municipality or Municipalities for every existing twenty-five members or any fraction thereof, elected to the Municipality or Municipalities within the area of that sub-division.

(2) Any association or body of individual citizens of India calling itself a political party and intending to be declared a local political party may, at any time, make an application to the Commission for declaration as a local political party.

(3) Any such application under rule (2) shall be signed by the General Secretary, or if there is no General Secretary, the Secretary of the association or body and shall contain the following particulars, –

(a) the name of the association or body,

(b) the address of its head office and the address to which letters and communications may be sent,

Declaration  
and manner of  
application for  
recognised and  
local political  
party.

(c) the names of the President, Secretary and other office-bearers and the total number of members,

(4) A copy of the set of rules and regulations or constitution of the association or body or, if there is no such document, a statement of the policies, aims and objects it pursues or seeks to pursue.

(5) The names of elected members set up by that association or body in each tier of *Panchayats* or, if there is no elected *Panchayat*, in each Municipality within that sub-division of the district.

(6) After considering all particulars as aforesaid in its possession and any other necessary and relevant information and giving the representatives of the association or body a reasonable opportunity of being heard, the Commission shall declare the association or body as a local political party with respect to one or more sub-divisions within the State or refuse to declare as such, and the decision of the Commission shall be final.

(7) The Commission shall reserve for exclusive use by that local political party one symbol out of the symbols shown in Table B, Table C or Table D of the Third Schedule to these rules and, on such reservation, such symbol shall not be allotted to any other candidate contesting from any constituency of a *Panchayat* pertaining to that sub-division;

(8) If a local political party declared as such has at least one member set up by it for every five existing elected members in any tier of *Panchayats* or, if there is no elected *Panchayat*, in the Municipalities within the area of a sub-division, the Commission may reserve any symbol chosen by that political party irrespective of whether such symbol is shown in Table B or Table C or Table D of the Third Schedule for exclusive allotment to that political party within the area of the sub-division as specified;

(9) A local political party shall communicate to the Commission without delay any change in its name, head office, office bearers, address or policies, aims and objects.

**34.** (1) The symbols, which may be chosen by the candidates at an election from any constituency or which may be reserved are specified in the Third Schedule:

Provided that in case any political party other than a recognised political or local political party claims any reserved symbol, the Commission shall, by order, issue

appropriate instruction on such claim.

(2)Where at any such election, more nomination papers than one are delivered by or on behalf of a candidate, other than a candidate set up by a recognised political party or a local political party, the declaration as to symbol made in the nomination paper first delivered, and no other declaration as to symbol, shall be taken into consideration for the purpose of allotment of symbol even if the nomination paper first delivered has been rejected:

Provided that a candidate set up by a recognised political party or a local political party, as the case may be, shall be allotted the symbol reserved for that party notwithstanding that such reserved symbol is chosen by the candidate in a nomination paper other than the paper first delivered:

Provided further that if a candidate is set up by two different recognised political parties or local political parties or one recognised political party and one local political party, the *Panchayat* Returning Officer shall take cognizance of, and shall act upon, the notice referred to in clause (b) of sub-rule (1) of rule 37, received by him first in chronological order when the symbol reserved for such political party is chosen by such candidate in any one or more nomination papers delivered by him or on his behalf unless such notice received first in chronological order is cancelled by the same signatory of the same political party who issued the previous notice and such communication of cancellation is received by the *Panchayat* Returning Officer by the time specified in clause (b) of sub rule 37:

Provided also that where more than one candidate is duly set-up for a single seat by the same recognised or local political party, the reserved symbol for the party will be allotted by the *Panchayat* Returning Officer to the candidate who has filed his nomination paper first in chronological order and other candidate or candidates set up by the same political party, will be allotted free symbols even though there is no declaration as to free symbol made in the nomination paper first, or subsequently, delivered.

Choice of  
reserved  
symbols by  
candidates.

**35.** A candidate set up or nominated by a recognised political party or local political party at any election in any constituency shall choose, and shall be allotted, only the symbol reserved for such party as shown in Table A of the Third Schedule.

When a candidate shall be deemed to be set up by a political party.

- 36.** (1) For the purposes of these rules a candidate shall be deemed to be set up or nominated by a recognised political party or local political party if,—
- (a) such candidate has made a declaration to that effect in any of his nomination papers,
  - (b) a notice in writing to that effect has, not later than 3 p.m. on the last day of withdrawal of candidature, been delivered to the *Panchayat* Returning Officer of the constituency, and
  - (c) the notice referred to in clause (b) is signed by the President, Chairman or General Secretary, or where there is no General Secretary, the Secretary of the State Unit of the recognised political party or local political party or by any member of such recognised political party duly authorised by such President, Chairman, General Secretary or Secretary, as the case may be:

Provided that different members may be authorised for different districts:

Provided further that not more than one member shall be authorised for any one district.

(2) The duly attested specimen signatures of the President, Chairman, General Secretary or Secretary of the State Unit of the recognised political party or local political party or of such authorised member and, where a member has been authorised to sign the notice, a letter to that effect by the President, Chairman, General Secretary or Secretary, as the case may be, shall be sent to the respective *Panchayat* Returning Officer so as to reach him before the expiry of the last date and time appointed for making nomination under clause (a) of rule 28.

Choice of free symbols by candidates.

**37.** (1) A candidate at a *Gram Panchayat* election from any constituency shall choose one from any of the symbols specified in Table B of the Third Schedule.

(2) A candidate at a *Panchayat Samiti* election from any constituency shall choose one from any of the symbols specified in Table C of the Third Schedule.

(3) A candidate at a *Mahakuma Parishad* or *Zilla Parishad* election from any constituency shall choose one from any of the symbols specified in Table D of the Third Schedule.

(4) Without any prejudice to the provisions contained in section 51, if at any election, the number of candidates, other than those set up by recognised political parties, exceeds the number of free symbols specified in Table B, Table C or Table D of the Third Schedule as the case may be, the District *Panchayat* Election Officer may, for smooth conduct of such election, by an order, specify additional free symbols for allotment by the *Panchayat* Returning Officer to any of the candidates:

Provided that such additional free symbol may comprise a part of any free symbol or a combination of more than one free symbols referred to in this rule.

Scrutiny and  
list of validly  
nominated  
candidates.

**38.** (1) The nomination papers filed shall be taken up for scrutiny by the *Panchayat* Returning Officer at the appointed place, date and hour in presence of any two persons among the candidate, election agent and proposer when the nomination papers shall be either accepted or rejected in terms of section 49.

(2) Immediately after all the nomination papers have been scrutinised and decisions accepting or rejecting the same have been recorded, the *Panchayat* Returning Officer shall prepare a list, in Form 4, of validly nominated candidates arranged in the alphabetical order of the names of candidates in Nepali and in English for the constituencies of the *Panchayats* in the hill areas as defined in the West Bengal *Panchayat* Act, 1973, and in Bengali and in English in all other areas and affix it on his notice board:

Provided that such alphabetical order shall be arranged in hill areas on the basis of names spelled in Nepali and in other areas on the basis names spelled in Bengali.

(3) The name of every such candidate shall be shown in the said list as it appears in his nomination paper.

(4) If a candidate considers that his name is incorrectly spelt or otherwise incorrectly shown in his nomination paper he may, at any time before the list of contesting candidate is prepared, furnish in writing to the *Panchayat* Returning Officer the proper form and spelling of his name and the *Panchayat* Returning Officer shall on being satisfied as to the genuineness of the request, make the necessary correction or alteration in the list in Form 4 and adopt that form and spelling in the list of contesting candidates.

(5) If a candidate considers that he is popularly known by the name or alias, different from his name recorded in

the nomination paper and makes a request in writing to that effect, the *Panchayat* Returning Officer shall on being satisfied as to the genuineness of the request add such name or alias after his name in bracket. Such additional name or alias shall not in any manner prejudice the sequential arrangement of names in alphabetical order.

(6) If two or more candidates bear the same name, they shall be distinguished by the addition of their occupation or residence or in such other manner as may be directed by the Commission.

Notice of withdrawal of candidature.

**39.** (1) A notice of withdrawal of candidature under sub-section (1) of section 50 shall be in Form 5 and shall contain the particulars set out therein. On receipt of such notice, the *Panchayat* Returning Officer shall note thereon the date and the time at which it was delivered.

(2) The *Panchayat* Returning Officer shall, on being satisfied as to the genuineness of notice of withdrawal and the identity of the person delivering it under sub-rule (1), cause a notice in Form 6 to be affixed in some conspicuous place in his office.

Preparation of list of contesting candidates.

**40.** (1) The list of contesting candidates referred to in sub-section (1) of section 51 shall be prepared in the manner as laid down in sub-section (2) and sub-section (3) of the said section in Form 7.

(2) After finalisation of the list of contesting candidates, the *Panchayat* Returning Officer shall issue an identity card to the contesting candidates in Form 7A.

(3) When the number of contesting candidates in Form 7 is found equal to or less than the number of seats to be filled in a constituency within the meaning of clause (b) or clause (c) of section 64, such candidates shall be declared by the *Panchayat* Returning Officer as duly elected in Form 12.

## CHAPTER II

### Candidates and their agents.

Appointment of election agent and revocation of such appointment or death of election agent.

**41.** (1) Any appointment of an election agent under section 53 shall be made in Form 8 and the notice of such appointment shall be given by forwarding the same in duplicate with two copies of passport size photograph of the election agent to the *Panchayat* Returning Officer who

shall return one copy thereof for use of the election agent after affixing thereon his seal and signature in token of his approval for such appointment.

(2) The revocation of the appointment of an election agent under sub-section (1) of section 55 shall be made in Form 9.

(3) Where the appointment of an election agent is revoked under sub-rule (2) or where an election agent dies before or during the election, the candidate may appoint a new election agent in the manner laid down in sub-rule (1).

**Appointment of polling agent.** 42. (1) One agent and two relief agents shall be appointed for each polling station:

Provided that at any point of time not more than one agent of a candidate shall remain present at the polling station and while attending the polling station, he shall display the EPIC or such other identity card as may be issued under the direction of the Commission:

Provided further that a person, who does not have his name registered in any part of the electoral roll pertaining to any constituency within the State, shall not be a polling agent.

(2) Every such appointment of polling agent shall be made by the candidate or his election agent in duplicate in Form 10 and both copies shall be made over to the polling agent for production to the Presiding Officer at the polling station.

**Revocation of the appointment or death of a polling agent.** 43. (1) The appointment of a polling agent may be revoked by the candidate or his election agent in Form 11 at any time before the commencement of poll by a declaration in writing signed by him.

(2) Such declaration shall be lodged with the Presiding Officer of the polling station where the polling agent was appointed for duty.

(3) Where the appointment of a polling agent is revoked under sub-rule (1) or where a polling agent dies before the close of poll, the candidate or his election agent may appoint a new polling agent in accordance with the provisions of rule 42.

44. (1) Each contesting candidate or his election agent may appoint not more than two agents for a polling station to act as counting agents of such candidate, in Form 10 in duplicate signed by the candidate or his election agent:

**Appointment of counting agent when counting is held at the polling station.**

Provided that at any point of time not more than one counting agent of a candidate shall remain present at the polling station and while attending the polling station, he shall display the EPIC or such other identity card as may be directed by the Commission:

Provided further that a person, who does not have his name registered in any part of the electoral roll pertaining to any constituency within the State, shall not be a counting agent.

(2) In case of centralised counting, not more than one counting agent shall be appointed by the candidate or his election agent:

Provided that for election to a *Panchayat Samiti* or *Zilla Parishad* constituency, such number of relieving agents as shall not exceed twenty percent of the total number of tables assigned to that constituency, may be appointed by the candidate or his election agent:

Provided further that a person who does not have his name registered in any part of the electoral roll pertaining to any constituency within the State, shall not be a counting agent and while attending the counting table, he shall display the EPIC or such other identity card as may be directed by the Commission.

(3) Before the commencement of counting, the candidate or his election agent shall give notice of such appointment to the *Panchayat* Returning Officer or the Presiding Officer concerned by forwarding to such officer the form of appointment referred to in sub-rule (1).

(4) The candidate or his election agent shall also deliver the copy of the appointment letter in duplicate to the counting agent who shall, on the date fixed for the counting of votes, present both copies to, and sign declaration contained therein, before the *Panchayat* Returning Officer or the Presiding Officer. The *Panchayat* Returning Officer or the Presiding Officer shall retain the duplicate copy presented to him in his custody. No counting agent shall be allowed to perform any duty at the place fixed for the counting of votes unless he has complied with the provisions of this sub-rule.

Revocation  
of the  
appointment  
or death of a  
counting agent.

**45.** (1) The appointment of a counting agent may be revoked by the candidate or his election agent, in Form 11 at any time before the commencement of the counting of votes by a declaration in writing signed by him. Such declaration

shall be lodged with the Presiding Officer of the polling station where counting is to be held.

(2) Where the appointment of a counting agent is revoked under sub-rule (1) or where a counting agent dies before the completion of the counting of votes, the candidate or his election agent may appoint a new counting agent in accordance with the provisions of rule 44.

## CHAPTER III

### Poll and voting in *Gram Panchayat, Panchayat Samiti and Zilla Parishad* constituencies.

**46.** (1) Every ballot box shall be of such design as may be approved by the Commission. Design of ballot box.

(2) Separate ballot boxes shall be used for elections to the *Gram Panchayat, Panchayat Samiti, Zilla Parishad* or *Mahakuma Parishad*.

**47.** (1) Every ballot paper shall be in Form 13(1) for constituency allocated one seat and in Form 13 (2) for constituency allocated two seats for *Gram Panchayat* election, in Form 13A for *Panchayat Samiti* election and in Form 13B for *Zilla Parishad* or *Mahakuma Parishad* election. Form of ballot paper.

(2) The names of the candidates shall be arranged on the ballot paper in the same order in which they appear in the list of contesting candidates in Form 7.

(3) Every ballot paper printed either for use of the voters or for pasting on the EVM shall be of such design as may be directed, by order, by the Commission.

**48.** (1) Outside each polling station there shall be displayed prominently, – Arrangement at polling station.

(a) a notice, specifying the polling area, the voters of which are entitled to vote at the polling station and, where the polling station has more than one polling booth, at each of such booths, the description of the voters allotted to such booth, and

(b) a copy of the list of contesting candidates.

(2) The *Panchayat* Returning Officer shall cause to be provided at every polling station one or more

compartments (hereinafter referred to in these rules as a “voting compartment”) in which voters can record their votes screened from observation.

(3) The *Panchayat* Returning Officer shall provide at each polling station sufficient number of ballot boxes, ballot papers, copies of the list of voters in respect of the polling area or areas the voter of which are entitled to vote at such polling station, instruments for stamping the distinguishing mark on ballot papers and articles necessary for voters to mark the ballot paper. Subject to the decision of the Commission, the *Panchayat* Returning Officer shall also provide at each polling station such other equipment and accessories as may be required for taking the poll at such polling station.

Admission to  
polling station.

**49.** The Presiding Officer shall regulate the number of voters to be admitted at any one time inside the polling station and shall not allow entry thereto of all persons other than,—

- (a) polling officers,
- (b) public servants on duty in connection with the election,
- (c) the District *Panchayat* Election Officer or the *Panchayat* Returning Officer or such other person authorised by the Commission,
- (d) candidates, their election agents and subject to the provisions of rule 43, one polling agent of each candidate at a time,
- (e) a child in arms accompanying a voter,
- (f) a person accompanying a blind or infirm voter who cannot move without help, and
- (g) such other persons as the *Panchayat* Returning Officer or the Presiding Officer may employ for the purpose of identifying the voter.

Preparation of  
ballot boxes for  
poll.

**50.** (1) The Presiding Officer shall immediately before the poll, satisfy all persons present that the ballot box is empty.

(2) Every ballot box used at a polling station shall bear labels outside marked with –

- (a) the serial number, if any, and the name of the constituency;
- (b) the serial number and the name of the polling station;

- (c) the serial number of the ballot box when more than one ballot box is used in respect of a particular election;
- (d) the date of poll.

(3) Immediately before the commencement of the poll, the Presiding Officer shall demonstrate to the polling agents and other persons present that the ballot box bears the labels referred to in sub-rule (2).

(4) The ballot box shall then be closed, sealed and secured. The polling agents as may be present may also affix their seals. The ballot box shall then be placed in full view of the Presiding Officer and the polling agents.

(5) If it becomes necessary to put to use any subsequent ballot box, the procedure laid down in sub-rule (1) to sub-rule (4) shall be followed.

**51.** (1) Immediately before the commencement of the poll, the Presiding Officer shall demonstrate to the polling agents and others present at the polling station that the marked copy of the electoral roll to be used during the poll does not contain any entry other than that made in respect of voters who have been issued election duty certificates in terms of rule 52,

(2) The Presiding Officer shall announce the first and the last serial numbers with the missing numbers, if any, of the ballot papers supplied for the polling station and shall allow the polling agents present to note such numbers. He shall then shuffle the bundles of ballot papers in such a manner so that nobody may ascertain the serial number of ballot paper issued to any voter.

(3) The Presiding Officer shall, immediately before the commencement of the poll, read out and explain the provisions of section 108 to such persons as may be present in the polling station.

**52.** (1) A voter on election duty who wishes to vote shall at least three days before the date of poll, approach the *Panchayat* Returning Officer of the constituency in respect of which he is a voter and make an application in Form 14 for the issue of a ballot paper in order to enable him to cast his vote.

(2) The *Panchayat* Returning Officer shall on being satisfied as to the identity of such voter and on production of the letter of appointment in connection with election, –

Marked copy  
of electoral  
roll and  
announcement  
of first and last  
serial numbers  
of ballot  
papers.

Facilities  
for voter on  
election duty.

- (a) have the person's name marked in the electoral roll, and
- (b) issue to such voter a ballot paper and permit him to vote on the spot in a secluded corner so as not to disclose his vote, with the instrument provided for the purpose.

(3) After recording his vote, such voter shall make over the ballot paper to the *Panchayat* Returning Officer in a sealed cover.

(4) The *Panchayat* Returning Officer shall keep the counterfoil of such ballot paper in a separate sealed cover and shall make over the sealed covers containing the ballot paper and the counterfoil to the Presiding Officer concerned.

**53.** (1) Where a polling station is for both men and women voters, the Presiding Officer may direct that they shall be admitted into the polling station alternately in separate batches.

(2) The *Panchayat* Returning Officer or the presiding officer may appoint a woman to serve as an assistant at a polling station to assist the women voters and also to assist the presiding officer generally in taking the poll in respect of women voters, and in particular, to help in searching any woman voter in case it becomes necessary.

**54.** (1) The Presiding Officer or the polling officer, as the case may be, shall require every voter to produce EPIC or in absence of EPIC, such other documents as may be specified, by order, by the Commission.

(2) Every voter about whose identity the Presiding Officer or the polling officer, as the case may be, is satisfied, shall allow his left forefinger to be inspected by the Presiding Officer or the polling officer and an indelible ink mark to be put on it.

(3) If any voter refuses to allow his left forefinger to be inspected or marked in accordance with sub-rule (2) or has already such a mark on his left forefinger or does any act with a view to removing the ink mark, he shall not be supplied with any ballot paper and shall not be allowed to vote.

(4) Where a poll is taken simultaneously for election of members of *Gram Panchayat*, *Panchayat Samiti* and *Zilla Parishad* or *Mahakuma Parishad* or any two of them,

Facilities for  
women voters.

Safeguards  
against  
personation.

a voter whose left forefinger has been marked with indelible ink before supply of ballot papers for election to one tier shall, notwithstanding anything contained in sub-rule (2), but subject to the provisions of sub-rule (4) of rule 58, be supplied with a ballot paper for other election or elections.

(5) Any reference in this rule to the left forefinger of a voter shall, in the case where the voter has his left forefinger missing, be construed as a reference to any other finger of his left hand and shall, in the case where all the fingers of his left hand are missing, to be construed as a reference to the forefinger or any other finger of his right hand, and shall, in the case where all his fingers of both the hands are missing, to be construed as reference to such extremity of his left or right arms as he may possess.

**55.** (1) The Presiding Officer may employ at the polling station such persons as he thinks fit to help in the identification of the voters or to assist him otherwise in taking a poll. Identification of voters.

(2) As each voter enters the polling station the Presiding Officer or the Polling Officer authorised by him in this behalf shall check the voter's name and other particulars with the relevant entry in the list of voters and then call out the serial number, name and other particulars of the voter.

(3) In deciding the right of a person to obtain a ballot paper, the Presiding Officer or the polling officer, as the case may be, shall overlook mere clerical or printing errors in an entry in the list of voters, if he is satisfied that such person is identical with the voter to whom such entry relates.

**56.** (1) Any polling agent may challenge the identity of a person claiming to be a particular voter by first depositing a sum of two rupees with the Presiding Officer for each such challenge. Challenging of identity.

(2) On such deposit being made, the Presiding Officer shall, –

- (a) warn the person challenged of the penalty for personation,
- (b) read relevant entry in the list of voters in full and ask him whether he is the person referred to in that entry,
- (c) enter his name and address in the list of challenged voter in Form 15,

(d) require him to affix his signature or thumb impression in the said list.

(3) The Presiding Officer shall thereafter hold a summary inquiry into the challenge and may for that purpose, –

(a) require the challenger to adduce evidence in proof of the challenge and the person challenged to adduce evidence in proof of his identity,

(b) put to the person challenged any question necessary for the purpose of establishing his identity and require him to answer them on oath,

(c) administer an oath to the person challenged and any other person offering to give evidence.

(4) If, after inquiry under sub-rule (3), the Presiding Officer considers that the challenge has not been established, he shall allow the person challenged to vote and if he considers that the challenge has been established, he shall debar the person challenged from voting.

(5) If the Presiding Officer is of the opinion that the challenge is frivolous or has not been made in good faith he shall direct that the deposit made under sub-rule (1) be forfeited to the State Government, and in any other case, he shall return it to the challenger at the conclusion of the inquiry and obtain his signature in the relevant column in Form 15.

(6) If the challenge is established the Presiding Officer shall hand over such person to the police officer on duty on the charge of personation.

(7) The Presiding Officer shall record in brief his order in the relevant column in Form 15.

(8) When a person on establishment of his identity is allowed to cast his vote for one tier of *Panchayat* following the order referred to in sub-rule (4) of rule 57, his identity shall not be challenged in the matter of casting his vote for any subsequent tier.

**Issue of ballot papers to voters.** **57.** (1) No ballot paper shall be issued to any voter before the hour fixed for the commencement of the poll.

(2) No ballot paper shall be issued to any voter after the hour fixed for the closing of the poll except to those voters who are present at the polling station at the time of closing

of the poll. Such voters shall be allowed to record their votes even after the closing hour of the poll.

(3) Every ballot paper shall, before issue to a voter, be stamped with such distinguishing mark as the District *Panchayat* Election Officer may direct and signed in full on its back by the Presiding Officer.

(4) In case of simultaneous election to *Gram Panchayat*, *Panchayat Samiti* and *Zilla Parishad* or *Mahakuma Parishad* or any, the issue of ballot papers shall be in the following order, namely, –

- (a) ballot paper for *Gram Panchayat* election,
- (b) ballot paper for *Panchayat Samiti* election,
- (c) ballot paper for *Zilla Parishad* or *Mahakuma Parishad* election.

(5) At the time of issuing a ballot paper to a voter, the Polling Officer shall, –

- (a) in case of poll for one tier, record on its counterfoil the part number and serial number of the voter in the electoral roll and the mode of identification of voter, through EPIC or any other record, and also obtain signature or left thumb impression of the voter on the counterfoil,
- (b) in case of poll for simultaneous elections, such entries shall be recorded on the ballot paper issued first in accordance with the order referred to in sub rule (4);,
- (c) mark the name of the voter in the marked copy of the electoral roll to indicate that a ballot paper has been issued to him, without however recording therein the serial number of the ballot paper issued to the voter, and
- (d) issue the ballot papers successively if more than one elections are held.

(6) Save as provided in sub-rule (5), no person in the polling station shall note down the serial number of the ballot paper issued to a particular voter.

**58.** (1) The voter on receiving the ballot paper shall forthwith, –

- (a) proceed to one of the voting compartments,

voting procedure.

- (b) there make a mark on the ballot paper with the instrument supplied for the purpose on or near the symbol of the candidate for whom he intends to vote,
- (c) fold the ballot paper so as to conceal his vote,
- (d) if required, show to the Presiding Officer the distinguishing mark on the ballot paper,
- (e) insert the folded ballot paper into the ballot box,
- (f) repeat the process when more than one elections are held, and
- (g) leave the polling station without disclosing to any one name of the person or persons for whom he has voted or abstained from voting.

(2) Every voter shall cast his vote without undue delay.

(3) No voter shall be allowed to enter a voting compartment when another voter is inside it.

(4) Where a poll is taken simultaneously for election of members of *Gram Panchayat*, *Panchayat Samiti* and *Zilla Parishad* or *Mahakuma Parishad* or any two of them and if a voter leaves the polling booth without casting all his votes, no ballot paper or papers shall be issued to him for casting remaining vote or votes if he subsequently re-enters the polling booth and approaches the Presiding Officer for such ballot paper or papers.

(5) If an elector to whom a ballot paper has been issued, refuses, after warning given by the Presiding Officer, to observe the procedure as laid down in sub-rule (1), the ballot paper issued to him shall, whether he has recorded his vote thereon or not, be taken back from him by the Presiding Officer or a polling officer under the direction of the Presiding Officer.

(6) After the ballot paper has been taken back, the Presiding Officer shall record on its back the words "Cancelled, voting procedure violated" and put his signature below those words.

(7) All the ballot papers on which the words "Cancelled, voting procedure violated" are recorded, shall be kept in a separate cover which shall bear on its face the words "Cancelled ballot papers, voting procedure violated".

(8) Without prejudice to any other penalty to which a voter, from whom a ballot paper has been taken back under

sub-rule (5), may be liable, the vote, if any, recorded on such ballot paper shall not be counted.

**59.** (1) If owing to blindness or other physical infirmity, a voter is unable to recognise the symbols on the ballot paper or to make a mark thereon, the Presiding Officer shall permit the voter to take with him a companion to the voting compartment in the polling station who shall record the vote on the ballot paper in accordance with the wishes of the voter, fold it so as to conceal the vote and insert it into the ballot box:

Provided that a person who has his name recorded in the electoral roll pertaining to that polling station shall be eligible to act as such companion.

(2) The Presiding Officer shall keep a brief record of the blind and infirm voters in Form 16.

**60.** (1) A voter who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper, may, on returning it to the Presiding Officer and on satisfying him of the inadvertence, shall be given another ballot paper, and the ballot paper so returned and the counterfoil of such ballot paper shall be marked "Spoilt, cancelled" by the Presiding Officer.

(2) If a voter after obtaining a ballot paper decides not to use it, he shall return it to the Presiding Officer, and the ballot paper so returned and the counterfoil of such ballot paper shall be marked as "Returned, cancelled" by the Presiding Officer.

(3) All the ballot papers cancelled under sub-rule (1) and (2) shall be kept in separate packets.

**61.** (1) If a person representing himself to be a particular voter asks for a ballot paper after another person has already voted as such voter, he shall, on satisfactorily answering such questions relating to his identity as the Presiding Officer may ask, be entitled, subject to the following provisions of this rule, to mark a ballot paper hereinafter referred to as a "tendered ballot paper" in the same manner as any other voter.

(2) Every such person shall, before being supplied with a tendered ballot paper, sign his name or put his thumb impression against the entry relating to him in a list in Form 17.

Recording of  
vote of blind or  
infirm voter.

Spoilt and  
returned ballot  
papers.

Tendered votes.

(3) A tendered ballot paper shall be the same as the other papers used at the polling station except that, –

- (a) such tendered ballot paper shall be serially the last in the bundle of ballot papers issued for use at the polling station, and
- (b) such tendered ballot paper and its counterfoil shall be endorsed on the back with the words “tendered ballot paper” by the Presiding Officer in his own hand and signed by him.

(4) The voter, after marking the tendered ballot paper in the voting compartment and folding it, shall, instead of putting it into the ballot box, give it to the Presiding Officer, who shall place it in a cover specially kept for the purpose.

Closing of poll. **62.** (1) The Presiding Officer shall close a polling station at the hour fixed in that behalf under section 42 and shall not thereafter admit any voter into the polling station:

Provided that all voters present at the polling station before it is closed shall be allowed to cast their votes.

(2) If any question arises whether a voter was present at the polling station before it was closed, it shall be decided by the Presiding Officer and his decision shall be final.

Sealing of  
ballot boxes  
after poll. **63.** (1) As soon as practicable after the closing of poll, the Presiding Officer, shall, in the presence of the candidates or their election or polling agents, close the slit of the ballot box and seal and secure it and also allow the candidates or their election or polling agents present to affix their seals.

(2) Where it becomes necessary to use a second ballot box by reason of the first box getting full, the first box shall be closed, sealed and secured as provided in sub-rule (1) before another ballot box is put to use.

Account of  
ballot papers. **64.** (1) The Presiding Officer shall at the close of the poll prepare a ballot paper account in Part I of Form 18 and enclose it in a separate cover with the words “ballot paper account” superscribed thereon.

(2) The Presiding Officer shall furnish to every polling agent present at the close of the poll an attested copy of the ballot paper account of votes as prepared in Part I of Form 18 on obtaining a receipt from those polling agents and copies of the accounts shall be furnished to every polling agent even without his asking for it.

**65.** (1) The Presiding Officer shall then make into separate packets, –

Sealing of other packets.

- (a) the marked copy of the electoral roll,
- (b) the counterfoils of the used ballot papers,
- (c) the ballot papers signed in full by the Presiding Officer under sub-rule (3) of rule 57 but not issued to the voters,
- (d) any other ballot papers not issued to the voters,
- (e) the ballot papers cancelled for violation of voting procedure under sub-rule (6) of rule 58,
- (f) any other cancelled ballot papers,
- (g) the cover containing the tendered ballot papers and the list in Form 17,
- (h) the cover containing the list of blind and infirm voter in Form 16,
- (i) the list of challenged votes, and
- (j) any other paper directed by the Commission to be kept in sealed packet.

(2) Each such packet shall be sealed with the seal of the Presiding Officer and with the seals either of the candidate or of his election agent or of his polling agent who may be present at the polling station and may desire to affix his seal thereon.

**66.** (1) If the poll at any polling station is adjourned under section 66, the provisions of rule 62 and rule 63 shall, as far as practicable, apply as if the poll was closed at the hour fixed in that behalf under section 42.

Procedure on adjournment of poll.

(2) At an adjourned poll the voters who have already voted at the poll so adjourned shall not be allowed to vote again.

(3) The *Panchayat* Returning Officer shall provide the Presiding Officer of the polling station at which such adjourned poll is held with the sealed packet containing the marked copy of the list of voters, other sealed packets and a new ballot box.

(4) The Presiding Officer shall open the sealed packets in the presence of the polling agents present and use the marked copy of the list of voters at the adjourned poll.

(5) The provisions of rule 48 to rule 65 shall apply in relation to the conduct of an adjourned poll as they apply in relation to the poll before it was so adjourned.

## CHAPTER IV

### Voting by EVM.

Voting by EVM.

**67.** Notwithstanding anything contained anywhere in these rules, the Commission may direct as to the use of EVM for taking of the poll.

Design of EVM.

**68.** Every EVM shall have a control unit and a balloting unit and shall be of such design as may be approved by the Commission.

Preparation of EVM by the *Panchayat* Returning Officer.

**69.** (1) The balloting unit of the EVM shall contain such particulars in such language or languages as the Commission may specify.

(2) The names of the candidates shall be arranged on the balloting unit in the same order in which they appear in the list of the contesting candidates in Form 7.

(3) Subject to the foregoing provisions of this rule, the *Panchayat* Returning Officer shall, –

(a) fix a label containing the names and symbols of the contesting candidates in the balloting unit, and secure that unit with his seal and the seals of such of the contesting candidates or their election agents present as are desirous of affixing the same,

(b) set the number of contesting candidates and close the candidate set section in the control unit and secure it with his seal and the seals of such of the contesting candidates or their election agents present as are desirous of affixing the same.

Arrangements at the polling station.

**70.** The *Panchayat* Returning Officer shall provide to each polling station one EVM and such other election materials as may be necessary for taking the poll by the voting machine.

Preparation of EVM for poll.

**71.** (1) The control unit and the balloting unit of every EVM used at a polling station shall bear a label marked with, –

- (a) the serial number, if any, and the name of the constituency,
- (b) the serial number and name of the polling station or stations as the case may be,
- (c) the serial number of the unit, and
- (d) the date of poll

(2) Immediately before the commencement of the poll, the Presiding Officer shall demonstrate to the polling agents and other persons present that no vote has been recorded in the EVM and it bears the label referred to in sub rule (3) of rule 69.

(3) A paper seal shall be used for securing the control unit of the EVM, and the Presiding Officer shall affix his own signature on the paper seal and obtain thereon the signature of such of the polling agents present as are desirous of affixing the same.

(4) The Presiding Officer shall thereafter fix the paper seal so signed in the space meant therefor in the control unit of the EVM and shall secure and seal the same.

(5) The seal used for securing the control unit shall be fixed in such manner that after the unit has been sealed, it is not possible to press the “result button” without breaking the seal.

(6) The control unit shall be closed and secured and placed in full view of the Presiding Officer and the polling agents and the balloting unit placed in the voting compartment.

**72.** (1) Before permitting an elector to vote, the polling officer shall,—

- (a) record the electoral roll number of the elector as entered in the marked copy of the electoral roll and also the mode of identification, through EPIC or any other record, in a register of voters in Form 17A,
- (b) obtain the signature or the thumb impression of the elector on the said register of voters, and
- (c) mark the name of the elector in the marked copy of the electoral roll to indicate that he has been allowed to vote:

Provided that no elector shall be allowed to vote

unless he has put his signature or thumb impression at the appropriate place on the register of voters.

(2) It shall not be necessary on the part of any Presiding Officer or polling officer or any other officer authorised by the Commission to attest the thumb impression of the voter on the register of voters in Form 17A.

(3) Every elector who has been allowed to vote under this rule, shall maintain secrecy of voting within the polling station and shall observe the procedure laid down in clause (g) of sub-rule (1) and sub-rules (2), (3) and (4) of rule 58 mutatis mutandis.

Elector  
deciding not  
to vote or not  
allowed to vote.

**73.** (1) If an elector, after his serial number in the electoral roll has been duly entered in the register of voters in Form 17A and has put his signature or thumb impression thereon decides not to record his vote, a remark to this effect shall be made against his entry in Form 17A by the Presiding Officer and the signature or thumb impression of the elector shall be obtained against such remark, and on his refusal to do so the Presiding Officer shall mention it under his signature.

(2) If an elector on being allowed to vote, refuses after warning given by the Presiding Officer, to observe the procedure laid down in rule 72, the Presiding Officer or a polling officer under the direction of the Presiding Officer, shall not allow such elector to vote.

Tendered votes.

**74.** (1) If a person representing himself to be a particular elector seeks to vote after another person has already voted as such elector, he shall, on satisfactorily answering such questions relating to his identity as the Presiding Officer may ask, be allowed to vote by means of a tendered ballot paper, but not through the EVM.

(2) The *Panchayat* Returning Officer shall provide to each polling station such number of ballot papers as may be directed, by order, by the Commission to be used as tendered ballot papers and in case it becomes necessary to supply any additional ballot paper to any polling station, the same will be arranged by the *Panchayat* Returning Officer on demand.

(3) Such tendered ballot paper along with its counterfoil shall be endorsed on the back with the words “tendered ballot paper” by the Presiding Officer in his own hand, if these words are not already stamped there, and shall be signed by him.

(4) The Presiding Officer shall maintain a complete record of the electors who have been issued with tendered ballot papers, in Form 17.

(5) On receiving the tendered ballot paper, the elector shall, –

- (a) proceed to the voting compartment,
- (b) record his vote on the ballot paper by the inked arrow cross mark rubber stamp,
- (c) fold the ballot paper so as to conceal his vote,
- (d) coming out of the voting compartment shall hand it over to the Presiding Officer and leave the polling station.

(6) The Presiding Officer shall keep all the tendered ballot papers and the list in Form 17 in a cover specially provided for the purpose and seal the cover at the close of the poll.

Challenging of identity.

**75.** If any polling agent challenges the identity of a person claiming to be a particular voter, the procedure laid down in rule 56 shall be followed to bring the issue to its logical end. The Presiding Officer shall maintain records of challenges of identity in Form 15.

Recording of vote of blind or infirm voter.

**76.** If owing to blindness or physical infirmity such elector is unable to record his vote without assistance, the Presiding Officer shall permit him to take a companion to the voting compartment for recording his vote in accordance with rule 59. The Presiding Officer shall maintain records of such blind and infirm voters in Form 16.

Account of votes recorded.

**77.** (1) After the close of poll the Presiding Officer shall prepare an account of votes recorded in the EVM, in Part I of Form 18A in duplicate and the copies shall be kept in a separate cover with the words ‘Account of votes recorded’ superscribed thereon.

(2) The Presiding Officer shall furnish to every polling agent present at the close of the poll an attested copy of the account of votes as prepared in Form 18A on obtaining a receipt from those polling agents and copies of the accounts should be furnished to every polling agent even without his asking for it. The Presiding Officer also shall sign the Form.

Sealing of EVM after poll.

**78.** (1) Immediately after the close of poll, the Presiding Officer shall press the ‘close’ button on the control unit to ensure that no further votes can be recorded and shall

disconnect the balloting unit from the control unit and put the power switch to 'off' position in the rear compartment of the control unit.

(2) The control unit and the balloting unit shall thereafter be sealed, and secured separately in such manner as the Commission may direct and the seal used for securing them shall be so affixed that it will not be possible to open the units without breaking the seals.

(3) The candidates or their election agents or polling agents as are present at the polling station and desirous of putting their seals shall be allowed to do so.

Sealing of other  
packets.

**79.** (1) The Presiding Officer shall then make into separate packets, –

- (a) the marked copy of the electoral roll,
- (b) the register of voters in Form 17A,
- (c) the cover containing the tendered ballot papers and the list in Form 17,
- (d) the cover containing the unused tendered ballot papers,
- (e) the list of challenged votes in Form 15,
- (f) the list of blind and infirm voters in Form 16,
- (g) any other paper directed by the Commission to be kept in a sealed packet.

(2) Each packet shall be sealed with the seal of the Presiding Officer and with the seal either of the candidate or of his election agent or of his polling agent who may be present at the polling station and may desire to affix his seal thereon.

Transmission  
of EVM etc, to  
the *Panchayat*  
Returning  
Officer.

**80.** (1) The Presiding Officer shall then deliver or cause to be delivered to the *Panchayat* Returning Officer at such place as the *Panchayat* Returning Officer may direct, –

- (a) the EVM,
- (b) the accounts of votes recorded in Form 18A,
- (c) the sealed packets referred to in rule 79, and
- (d) all other papers and materials used at the poll.

(2) The *Panchayat* Returning Officer shall make adequate arrangements for the safe transport of the EVM, packets and other papers for safe custody until the commencement of the counting of votes.

**81.** In case of adjournment of poll under section 66, the Presiding Officer shall immediately close the control unit of the EVM to ensure that no further votes can be recorded and disconnect the balloting unit from the control unit; and report the matter forthwith to the *Panchayat* Returning Officer.

Closing of  
EVM in case of  
adjournment of  
poll.

**82.** (1) If the poll at any polling station is adjourned within the meaning of Sub-section (1) of section 66, the provision of rules 78 to rule 80 shall apply mutatis mutandis as if the poll was closed at the hour fixed in that behalf under section 42.

Procedure on  
adjournment of  
poll.

(2) At an adjourned poll the electors who have already voted at the poll so adjourned shall not be allowed to vote again.

(3) The *Panchayat* Returning Officer shall provide to the Presiding Officer of the polling station at which such adjourned poll is held, with the sealed packet containing the marked copy of the electoral roll, register of voters in Form 17A and a new EVM.

(4) The Presiding Officer shall open the sealed packet in the presence of the polling agents present and use the marked copy of the electoral roll for marking the names of the electors who are allowed to vote at the adjourned poll.

(5) The provision of rule 71 to rule 80 shall apply in relation to the conduct of an adjourned poll in the same manner as it would have applied before it was so adjourned.

## PART V

### COUNTING OF VOTES

#### CHAPTER I

##### **Counting of votes when counting takes place at the polling station**

Preliminaries  
for counting of  
votes.

**83.** (1) At every election immediately after the poll, votes shall be counted at the polling station by the Presiding Officer with the assistance of the polling officers or officer appointed under section 28 for that polling station in presence of the contesting candidates or their election agents and not more than one of the counting agents of each candidate whoever may be available at the time of counting.

(2) The counting shall be taken up at the appointed hour by the Presiding Officer with the assistance of the polling officers of the polling station to which the ballot box or boxes relate and the provisions of these rules relating to counting shall apply for the purpose.

Admission to  
the place fixed  
for counting.

**84.** (1) The Presiding Officer shall exclude from the place of counting of votes all persons except, –

- (a) person authorised by the Commission, the District *Panchayat* Election Officer or the *Panchayat* Returning Officer,
- (b) public servants on duty in connection with the election, and
- (c) candidates or their election agents, and counting agents.

(2) Any person who during the counting of votes misconducts himself or fails to obey the lawful directions of the Presiding Officer may be removed from the place where the votes are being counted, by the Presiding Officer or by any police officer on duty or by any person authorised in this behalf by the Presiding Officer.

Maintenance  
of secrecy at  
counting centre.

**85.** The Presiding Officer shall, before commencement of the counting, read out and explain the provisions of section 108 to such persons as may be present.

Counting of  
votes received  
in sealed  
covers.

**86.** (1) The Presiding Officer shall first deal with the ballot papers received by him in sealed covers.

(2) The sealed covers shall be opened one after another in the presence of candidates or their election agents and counting agents and the Presiding Officer shall then proceed to scrutinise all ballot papers in terms of rule 88 .

(3) The Presiding Officer shall count all the valid election duty votes in the sealed covers and record the total number thereof in the counting sheets in Form 19 in respect of *Gram Panchayat* or *Panchayat Samiti* or *Mahakuma Parishad* or *Zilla Parishad* election in separate copies of Form for each tier and announce the same.

(4) Thereafter all the valid ballot papers and all the rejected ballot papers shall be bundled and kept together in a packet separately for each tier which shall be sealed with the seal of the Presiding Officer and of such of the candidates and election agents or counting agents as may desire to affix their seals thereon and on the packets so sealed shall be

Opening of  
ballot box.

recorded the name of the constituency, the date of counting and the brief description of the contents.

**87.** (1) The Presiding Officer shall then open the ballot boxes in presence of the candidates or their election agents and counting agents.

(2) Where a poll has been taken simultaneously for election of members to *Gram Panchayat*, *Panchayat Samiti* and *Zilla Parishad* or *Mahakuma Parishad* or any two of them, the ballot boxes shall be opened for the purpose of counting of votes in the following order, namely, –

- (a) ballot box relating to *Gram Panchayat* election,
- (b) ballot box relating to *Panchayat Samiti* election,
- (c) ballot box relating to *Zilla Parishad* or *Mahakuma Parishad* election.

**88.** (1) The ballot papers taken out of each ballot box shall be arranged in convenient bundles and scrutinised.

(2) The Presiding Officer shall reject a ballot paper, –

Scrutiny and  
rejection of  
ballot papers  
on counting of  
votes.

- (a) if it bears any mark or writing by which the elector can be identified, or
- (b) if, to indicate the vote, it bears no mark at all or bears a mark made otherwise than with the instrument supplied for the purpose, or
- (c) if votes are given on it in favour of more candidates than the number of candidates to be elected, or
- (d) if it is a spurious ballot paper, or
- (e) if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established, or
- (f) if it bears a serial number, or is of a design different from the serial numbers, or as the case may be, design, of the ballot papers authorised for use at the particular election at the particular polling station, or
- (g) if it does not bear both the mark and the signature which it should have borne under the provisions of sub-rule (3) of Rule 57, or
- (h) if it is found in a ballot box other than the ballot box in which it should have been inserted:

Provided that where a Presiding Officer is satisfied that any such defect as is mentioned in clause (f) or (g) has been caused by any mistake or failure on the part of the Presiding Officer or any polling officer, the ballot paper shall not be rejected merely on the ground of such defect:

Provided further that a ballot paper shall not be rejected merely on the ground that the mark indicating the vote is indistinct or made more than once, if the intention that the vote shall be for a particular candidate clearly appears from the manner the paper is marked.

(3) Before rejecting any ballot paper under sub-rule (2), the Presiding Officer shall allow the candidate or his election agent, and each counting agent present a reasonable opportunity to inspect the ballot paper but shall not allow him to handle it or any other ballot paper.

(4) The Presiding Officer shall record on every ballot paper which he rejects, the letter "R" and the grounds for rejection in abbreviated form either in his own hand or by means of a rubber stamp under his signature and his decision shall be final.

(5) All ballot papers rejected under this rule shall, be bundled together.

Counting of votes.

**89.** (1) For the purpose of counting of votes in respect of election to the *Gram Panchayat*, each valid voting mark in the ballot paper which is not rejected under rule 88 shall be counted as one valid vote for the candidate in whose favour the voting mark has been given.

(2) Every ballot paper which is not rejected under rule 88 shall, for the purpose of counting of votes in respect of election to the *Panchayat Samiti* or *Zilla Parishad* or *Mahakuma Parishad*, be counted as one valid vote for the candidate in favour of whom voting mark has been duly given.

(3) During the process of counting of votes in connection with,—

(a) a *Gram Panchayat* election, the Presiding Officer shall count all the valid votes in the ballot box and record the total number thereof in counting sheet in Form 19A and announce the same, and

(b) a *Panchayat Samiti* or a *Zilla Parishad* or a *Mahakuma Parishad* election, the Presiding Officer shall count all the valid votes in the ballot box and record the total number thereof in counting sheets in Form 20 and announce the same.

(4) After the counting of all ballot papers contained in all the ballot boxes used at the polling station has been completed, the Presiding Officer shall make the entries in the result sheet in Form 21 in respect of Gram Panchayat election and announce the particulars.

(5) The valid ballot papers kept separately for each candidate, shall thereafter be bundled together and kept along with the bundle of rejected ballot papers in a separate packet which shall be sealed and on the packet shall be recorded the following particulars, namely, –

- (a) the name of the constituency,
- (b) the particulars of the polling station where the ballot papers have been used, and
- (c) the date of counting.

**90.** The Presiding Officer shall, as far as practicable, proceed continuously with the counting of votes and shall, during any interruption when the counting has to be suspended, keep the ballot papers, packets and other papers relating to the election sealed with his own seal and the seals of such candidates or election or counting agents as may desire to affix their seals and shall cause adequate precautions to be taken for their safe custody during any such interruption.

Counting to be continuous.

**91.** (1) After the completion of the counting, the Presiding Officer shall record in the counting sheets in Forms 19, 19A and 20 the total number of votes polled by each candidate, and announce the same.

Recount of votes polled.

(2) After such announcement has been made, the Presiding Officer shall give a little pause when a candidate or in his absence, his election agent or his counting agent may apply in writing to the Presiding Officer for a recount of the votes either wholly or in part stating the grounds on which he demands such recount.

(3) If there is no demand for recount from anybody present during the aforesaid pause, the Presiding Officer

shall sign the completed counting sheets in Forms 19, 19A and 20 as the case may be and no demand for recount shall be entertained thereafter.

(4) On such an application for recount being made the Presiding Officer shall decide the matter and may allow the application wholly or in part or may reject it in toto if it appears to him to be frivolous or unreasonable.

(5) Every decision of the Presiding Officer under sub-rule (4) shall be in writing containing in brief the reasons thereof and shall be final.

(6) If the Presiding Officer decides under sub-rule (5) to allow a recount of votes either wholly or in part, he shall,

- 
- (a) do the recounting in accordance with rule 89,
  - (b) amend the counting sheets in Form 19, 19A and 20, as the case may be, to the extent necessary after such recount, and
  - (c) announce the amendments so made by him.

(7) After the total number of votes polled by each candidate has been announced under sub-rule (1) or sub-rule (6), the Presiding Officer shall complete and sign the counting sheets in Forms 19, 19A and 20, as the case may be, and no application for a recount shall be entertained thereafter:

Provided that after an announcement under sub-rule (3) of rule 86 and sub-rule (3) of rule 89, a reasonable opportunity shall be given to a candidate, and in his absence, any election agent or his counting agent for making an application in writing to the Presiding Officer for re-count of votes, if any dispute is raised regarding the results of the counting.

Declaration of results. 92. (1) In case of an election to a *Gram Panchayat*, the Presiding Officer shall as soon as the counting of votes is completed and result sheets in Form 21 is signed, declare in Form 23 the candidate or candidates elected on the basis of highest number of valid votes secured by him or them. He shall hung up immediately one copy of such Form at the polling station and send the other copy in a sealed cover to the *Panchayat Returning Officer* concerned who shall inform the District *Panchayat Election Officer* and the Commissioner of *Panchayats* and Rural Development

of the results of the poll. The Commissioner of *Panchayats* and Rural Development shall cause the names of the elected candidates published in the *Official Gazette*.

(2) In the case of an election to a *Panchayat Samiti* or *Zilla Parishad* or a *Mahakuma Parishad*, the Presiding Officer shall as soon as the counting of votes is completed and counting sheets in Form 19 and 20 are signed, send the signed Forms 19 and 20 to the *Panchayat* Returning Officer concerned in a sealed cover for final compilation of votes secured by the candidates.

(3) The *Panchayat* Returning Officer shall immediately on receipt of all the counting sheets in Forms 19 and 20, in respect of all the polling stations of the concerned constituency, compile the results in a result sheet in Form 22 and declare in Form 23 the candidate to whom the largest number of valid votes has been given, to be elected and hung up the same in his office and send copies thereof to the District *Panchayat* Election Officer, Commissioner of the Division and the Commissioner of *Panchayats* and Rural Development. The Commissioner of *Panchayats* and Rural Development shall cause the names of the elected candidates published in the *Official Gazette*.

(4) When the votes are equal, selection shall be made by lot in such manner as the Presiding Officer, or the *Panchayat* Returning Officer, as the case may be, may deem fit.

(5) As soon as may be after a candidate has been declared to be elected, the Presiding Officer in respect of Gram *Panchayat* election shall grant to an elected candidate a certificate of election in Form 24 and obtain from the candidate an acknowledgement of its receipt duly signed by him and immediately send the acknowledgement to the *Panchayat* Returning Officer and in respect of *Panchayat Samiti* or *Zilla Parishad* or *Mahakuma Parishad* election, the *Panchayat* Returning Officer shall grant to an elected candidate a certificate of election in Form 24 and obtain from the candidate an acknowledgement of receipt duly signed by him.

**93.** (1) After completing the counting of votes in an election, the Presiding Officer shall then make into separate packets, –

- (a) counting sheets in Forms 19, 19A and 20,
- (b) result sheets in Form 21 and 22,

Sealing and packing.

- (c) the declaration sheet in Form 23 in respect of *Gram Panchayat* election, and
- (d) any other paper directed by the Commissioner to be kept in sealed packet.

(2) Each packet shall be sealed with the seals of the Presiding Officer and with the seal of the candidate or of his election agent or of his counting agent who may be present at the polling station and may desire to affix his seal thereon.

**94.** (1) The Presiding Officer shall then deliver or cause to be delivered to the *Panchayat* Returning Officer at such place as the *Panchayat* Returning Officer may direct, –

- (a) the ballot boxes,
- (b) the ballot paper account,
- (c) the sealed packets referred to in rule 65 and rule 93, and
- (d) all other papers and materials used at the poll.

(2) The *Panchayat* Returning Officer shall make adequate arrangements for the safe transport of all ballot boxes, packets and other papers and materials for safe custody.

**95.** The *Panchayat* Returning Officer shall keep in his safe custody all sealed packets referred to in rule 65 and rule 93 and all other papers relating to the election.

## CHAPTER II

### Counting of votes when counting takes place centrally

Preliminaries  
for central  
counting.

**96.** (1) Notwithstanding anything contained in sub rule (1) of rule 83, if the Commission is satisfied that the counting of votes can more conveniently be done centrally instead of at the polling stations immediately after the close of poll, it may, in consultation with the State Government, by order, direct that the used and sealed ballot boxes and other records and materials of such polling station or stations shall be brought in such manner as may be specified, to a place, to be appointed by order, by the *Panchayat* Returning Officer, for safe custody and for counting on such date and at such hour as may be appointed by the *Panchayat* Returning Officer:

Provided that the date appointed for counting shall be, as soon as may be, within ten days from the date of the poll.

(2) Upon the issue of the order of the Commission, the *Panchayat* Returning Officer shall make adequate arrangement for safe transport of the polled boxes and other records and materials, and for their safe custody.

(3) The order of the *Panchayat* Returning Officer under sub-rule (1) shall be communicated to the candidates, the recognised political parties and the local parties having interest at least three days before the date of poll:

Provided that if for any reason beyond control, the *Panchayat* Returning Officer finds it necessary so to do, he may, after the date, time, place or places so fixed, alter the date after giving notice of the same in writing to each candidate or his election agent.

(4) A candidate and his election agent may, if they so desire, follow, on arranging separate transport, the vehicle transporting the polled ballot boxes and other materials and may stay to keep watch on the place where the ballot box or boxes are kept for safe custody or for such purpose they may appoint one or more counting agents and authorise them for the purpose under intimation to the *Panchayat* Returning Officer:

Provided that a candidate or on his behalf, only one person, authorised by him, may remain present to keep such watch.

**97.** Upon issue of the order referred to in sub-rule (1) of rule 96, the *Panchayat* Returning Officer shall, in consultation with the District *Panchayat* Election Officer, appoint such number of Counting Officers and counting assistants as may be considered necessary, and on such appointment, the Counting Officers and the counting assistants shall exercise such powers, perform such functions and discharge such duties as are required to be exercised, performed and discharged by the Presiding Officer and the polling officers under sub rule (2) of rule 83. Such appointment shall be made in a format devised in this behalf by the Commission.

Appointment  
of Counting  
Officer and  
counting  
assistants.

**98.** Subject to such other directions as may be issued by the Commission the counting venue shall be a secured place with relatively easy accessibility. It should preferably be used as a distribution centre and reception centre as well.

Counting  
venue.

**99.** (1) The building where counting shall be held, should have a few large and small rooms for use as counting hall and strong room or rooms for storing the polled ballot boxes with

Strong room.

ballot paper account, paper seal account, Presiding Officer's declaration, Presiding Officer's diary and any other paper as may be considered necessary.

(2) Strong room or rooms shall, after polled boxes and other records are put inside, remain under lock and key and sealed by the *Panchayat* Returning Officer who shall also invite the candidates or their election agents to put their seals.

(3) The *Panchayat* Returning Officer shall put one competent officer in charge of the strong room. If there are more than one strong rooms, more than one officer may be given the charge.

Arrangements  
in the counting  
hall.

**100.** (1) Subject to such other directions as may be issued by the Commission, counting halls or rooms shall be situated as near to the strong rooms as possible and under the same roof with the strong rooms. If anywhere the counting hall and the strong rooms do not share the same roof, a temporary, well protected covered passageway may be erected for movement of polled ballot boxes.

(2) A counting hall shall generally have not exceeding 20 counting tables in addition to the table for *Panchayat* Returning Officer together with such other arrangements as may be directed by the Commission. Each table shall be supplied with such stationery and other articles as may be considered necessary.

Admission to  
the place fixed  
for counting

**101.** (1) The *Panchayat* Returning Officer shall exclude from the place fixed for counting of votes all persons except, –

- (a) counting officers and counting assistants as he may appoint to assist him in the counting,
- (b) persons authorised by the Commission,
- (c) public servants on duty in connection with the counting, and
- (d) candidates, their election agents and counting agents.

(2) Subject to any direction issued by the Commissioner in this behalf, the *Panchayat* Returning Officer shall decide which counting agent or agents shall watch the counting process at any particular counting table or group of counting tables.

(3) Any person who during the counting of votes misconducts himself or fails to obey the lawful direction of

the *Panchayat* Returning Officer may be removed from the place where the votes are being counted, by the *Panchayat* Returning Officer or if authorised by the *Panchayat* Returning Officer in this behalf, by any police officer on duty or by any person. Admission to the place fixed for counting.

**102.** The *Panchayat* Returning Officer shall, before he commences the counting in each hall read out and explain the provisions of section 108 to such persons as may be present in the hall.

Maintenance  
of secrecy of  
voting.

**103.** (1) Subject to such other directions as may be issued by the Commission, counting shall be continuous and shall not be postponed or deferred until counting in respect of all the three tiers are completed under the provisions of rule 86.

Commencement  
of counting  
and counting  
of election duty  
votes.

There shall be tier-wise counting and counting of one tier shall have to be completed before counting of next tier is taken up.

(2) The sealed covers shall be taken up for counting immediately before opening of polled ballot boxes at the counting tables for each tier in the order as referred to in rule 87. For this purpose, the *Panchayat* Returning Officer shall keep segregated the related covers tier-wise to avoid any mix-up. The procedure for counting of votes in such sealed covers shall be as follows, –

(a) the sealed covers relating to a *Gram Panchayat* constituency shall be sent to the Counting Officer at the counting table who shall open them one after another in presence of the candidates or their election agents;

(b) the sealed covers relating to a *Panchayat Samiti* constituency shall be taken up for counting by the *Panchayat* Returning Officer or the Assistant *Panchayat* Returning Officer for the *Panchayat Samiti* constituency, as the case may be, in charge of a counting hall when he shall open them one after another in presence of the candidates or their election agents or counting agents;

(c) the sealed covers relating to a *Zilla Parishad* constituency shall be taken up for counting by the *Panchayat* Returning Officer or the Assistant *Panchayat* Returning Officer for the *Zilla Parishad* constituency, as the case may

be, present at the counting venue when he shall open them one after another in presence of the candidates or their election agents or counting agents; if he is required to take up counting of more than one constituency, he may take up such counting at a pre-appointed place within the counting centre.

(3) The counting officer or the *Panchayat* Returning Officer shall then proceed to scrutinise all ballot papers in terms of rule 88 and make separate bundles of candidate wise valid ballot papers and rejected ballot papers.

(4) All valid votes received shall be counted and the total number of votes secured by each candidate shall be recorded in the counting sheets in Form 19 in the relevant column in respect of *Gram Panchayat*, *Panchayat Samiti* or *Zilla Parishad* or *Mahakuma Parishad* election and the total votes secured by each candidate shall then be announced. The counting officer shall take the bundles of valid and rejected ballot papers to the *Panchayat* Returning Officer's table in the hall before taking up the polled ballot boxes for counting.

(5) Thereafter all the valid ballot papers and all the rejected ballot papers shall be separately bundled and kept together in a packet which shall be sealed with the seal of the *Panchayat* Returning Officer and of such of the candidates or election agents or counting agents as may desire to affix their seal thereon and on the packet so sealed shall be recorded the name of the constituency, the date of counting and a brief description of the contents.

Scrutiny and opening of ballot boxes.

**104.** (1) On completion of counting of election duty votes under rule 103 for one tier, the *Panchayat* Returning Officer shall order round wise and polling station wise distribution of polled ballot boxes for that tier along with ballot paper account in Form 18, paper seal account and such other records as may be considered necessary by the *Panchayat* Returning Officer, at the counting tables, such distribution being made in a systematic manner following the sequence of polling stations so as to ensure that no ballot box is left out of sight.

(2) The counting officer may have more than one ballot boxes used at a polling station including its auxiliary booth and the ballot papers found in any or all such boxes shall be counted simultaneously.

(3) Before any ballot box is opened at a counting table, the counting agents present at that table shall be allowed to inspect the paper seal or such other seals as might have been affixed thereon and to satisfy themselves that they are intact and have not been tampered with.

(4) The *Panchayat* Returning Officer shall also satisfy himself that none of the ballot boxes has been tampered with.

(5) If it appears to the counting officer that any of the boxes has been tampered with, he shall immediately bring the matter to the notice of the *Panchayat* Returning Officer in charge of the hall. The *Panchayat* Returning Officer on being satisfied about it, shall stop counting of the ballot papers contained in that box and shall forthwith bring the matter to the notice of the Commission through the District *Panchayat* Election Officer for instruction.

Counting of votes.

**105.** (1) For counting of ballot papers contained in the polled box or boxes relating to a polling station, the counting officer shall take out the ballot papers from all the boxes one by one in presence of the counting agents at the table.

(2) The ballot papers taken out of the boxes shall be arranged in convenient bundles; the counting officer shall then ascertain the total number of ballot papers found in the box or boxes of the polling station and proceed to fill in the columns in Part II of the ballot paper account in Form 18. In case of unusual discrepancy as referred to in column 2 of Part II of the said Form, he shall bring the matter to the notice of the *Panchayat* Returning Officer in charge of the hall for instruction.

(3) The Counting Officer shall then take up the ballot papers for scrutiny and candidate wise sorting.

(4) (a) Without prejudice to the power and authority of the *Panchayat* Returning Officer in the matter, the counting officer shall reject a ballot paper on the grounds mentioned in clause (a) to clause (h) read with the provisos of sub rule (2) of rule 88 and shall follow the procedure referred to in sub-rule (3) to sub-rule (5) of the said rule. In case of any doubt or dispute, he shall refer the matter to the *Panchayat* Returning Officer in charge of the hall who shall take up the matter and resolve finally. The rejected ballot papers shall be made into a separate bundle.

(b) In case of double-member *Gram Panchayat* constituency when the votes are recorded in the ballot papers in Form 13 (2), there may be occasions when the ballot paper is rejected for one seat and found valid for another one; such ballot papers shall be treated as partly valid ballot papers and shall be made into a separate bundle.

(5) All the valid and partly valid ballot papers shall be sorted candidate wise and made into convenient bundles and thereafter the counting officer shall, –

(a) in case of a *Gram Panchayat* constituency, record the votes of each candidate in Form 19A by putting 1 (one) mark representing one vote in the relevant column of the candidate in a continuous row and on completion of the exercise in respect of all the ballot papers, shall count total votes secured by each candidate, fill in all other columns and sign the form after which the ballot papers relating to each candidate shall be made into separate bundles when in case of a double-member constituency, ballot papers shall be kept in common bundles with partly valid ballot papers made into separate bundle;

(b) in case of a Panchayat Samiti, Zilla Parishad or *Mahakuma Parishad* constituency, count the number of votes in the bundles for each candidate, enter the total number of votes for each candidate in the relevant column in Form 20, fill in the other columns in the said Form and sign it and thereafter take the Form and the bundles of valid and rejected ballot papers belonging to each candidate to the *Panchayat* Returning Officer's table.

(6) (a) After completion of the exercise referred to in clause (a) of sub-rule (5), in case of a *Gram Panchayat* constituency, the Counting Officer shall enter the candidate-wise figures obtained in Form 19 and Form 19A in the relevant columns of Form 21, write down the grand total of votes secured by each candidate, announce the same and after a little pause, sign the Form.

- (b) The *Panchayat* Returning Officer for *Panchayat Samiti* constituencies, on receipt of the bundles of ballot papers and the counting sheets in Form 20 and other papers from different counting tables in the manner as provided in clause (b) of sub-rule (5), shall enter the polling station wise figures of votes obtained in different copies of Form 20 as also in Form 19 relating to election duty votes secured by each candidate, –
- (i) in case of a *Panchayat Samiti* constituency, in Form 22, write down the grand total of votes for each candidate, announce the same and after a little pause, sign the Form;
- (ii) in case of a *Zilla Parishad or Mahakuma Parishad* constituency, in Form 22, write down the total of votes for each candidate as obtained in that hall, announce the same and after a little pause, sign the Form and send the completely filled in Form to the *Panchayat* Returning Officer for *Zilla Parishad* constituencies;
- (c) The *Panchayat* Returning Officer for *Zilla Parishad* constituencies, on receipt of the Form 22 duly filled in under sub-clause (ii) of clause (b), shall treat them as sheets, assign continuous serial number to each such sheet on the basis of ascending order of serial number of polling stations for which votes are recorded thereon and enter the sheet wise figures in another copy of the Form 22 as also figures of election duty votes obtained in Form 19, write down the grand total of votes for each candidate, announce the same and sign the Form.

**106.** (1) Subject to any direction as may be issued by the Commission in this behalf, after the completion of counting, in case of a *Gram Panchayat* constituency, the Counting Officer after announcement of figures of total votes secured by each candidate as recorded in Form 21 and in case of a *Panchayat Samiti, Zilla Parishad or Mahakuma Parishad* constituency, the *Panchayat* Returning Officer concerned after announcement of figures of total votes secured by each candidate as recorded in Form 22 in terms of clause (b) of sub-rule (6) of rule 105, shall give a little pause before putting his signature on such form.

Recount of  
votes polled.

(2) After such announcement referred to in sub-rule (1) has been made, a candidate or in his absence, his election agent or his counting agent may apply in writing to the Counting Officer or the *Panchayat* Returning Officer, as the case may be, for recount of votes either wholly or in part stating the grounds on which he demands such recount. On receipt of such application, the Counting Officer or the *Panchayat* Returning Officer, as the case may be, shall follow the provisions laid down in sub-rule (3) to sub-rule (6) of rule 105 mutatis mutandis.

Declaration  
of result of  
election and  
certificate of  
election.

**107.** (1) In case of an election to a Gram *Panchayat*, the Counting Officer shall as soon as counting of votes is completed and the result sheet in Form 21 is signed, declare in Form 23 the candidate or candidates securing the highest number of valid votes, as elected. He shall take the copy as also the bundles of valid and rejected ballot papers and other related records to the *Panchayat* Returning Officer-in-charge of the hall.

(2) The *Panchayat* Returning Officer shall, on receiving Form 21 and Form 23 under sub-rule (1), inform the District *Panchayat* Election Officer and the Commissioner of *Panchayats* and Rural Development of the results of the poll. The District *Panchayat* Election Officer shall forthwith inform the Commission of such result alongwith such other information as may be required by the Commission. The Commissioner of *Panchayats* and Rural Development shall cause the names of the elected candidates to be published in the *Official Gazette*.

(3) In case of an election to a *Panchayat Samiti*, *Zilla Parishad* or *Mahakuma Parishad*, the *Panchayat* Returning Officer concerned shall as soon as the counting of votes is completed and the result sheet in Form 22 is signed, declare in Form 23 the candidate securing the highest number of valid votes as elected. He shall then send copies thereof to the District *Panchayat* Election Officer, Commissioner of the Division and the Commissioner of *Panchayats* and Rural Development. The District *Panchayat* Election Officer shall forthwith inform the Commission of such result along with such other information as may be required by the Commission. The Commissioner of *Panchayats* and Rural Development shall cause the names of the elected candidates published in the *Official Gazette*.

(4) Subject to such directions as may be issued by the Commission in this behalf, when the votes are equal,

selection shall be made by lottery in such manner as the Counting Officer or the *Panchayat* Returning Officer, as the case may be, may deem fit.

(5) As soon as may be after a candidate has been declared elected, the Counting Officer in respect of *Gram Panchayat* election, shall grant to an elected candidate a certificate of election in Form 24 and obtain from the candidate an acknowledgement of its receipt duly signed by him and immediately take the acknowledgement to the *Panchayat* Returning Officer in charge of the hall and in respect of *Panchayat Samiti, Zilla Parishad* or *Mahakuma Parishad* election, the *Panchayat* Returning Officer concerned shall grant to an elected candidate a certificate of election in Form 24 and obtain from the candidate an acknowledgement of receipt duly signed by him

Sealing of used  
ballot papers  
and other  
records and  
custody thereof.

**108.** (1) Subject to such other directions as may be issued by the Commission, the *Panchayat* Returning Officer shall arrange for sealing and packing of used ballot papers and other records and the provisions contained in rule 93 shall be followed mutatis mutandis for this purpose.

(2) The *Panchayat* Returning Officer shall make adequate arrangement for safe custody of such sealed packets and also other papers as referred to in rule 94.

## CHAPTER III

### Counting of votes at a central place where EVMs are used

**109.** (1) The *Panchayat* Returning Officer may have the control units of the EVMs used at a polling station including auxiliary booth taken up for scrutiny and inspection and votes recorded in such units counted simultaneously.

Scrutiny and  
inspection of  
EVM.

(2) Before the votes recorded in any control unit of an EVM are counted under sub-rule (1), the candidate or his election agent or his counting agent present at the counting table shall be allowed to inspect the paper seal and such other seals as might have been affixed on the unit and to satisfy themselves that the seals are intact.

(3) The *Panchayat* Returning Officer shall also satisfy himself that none of the EVMs has been tampered with.

(4) If the *Panchayat* Returning Officer is satisfied that any EVM has been tampered with, he shall not count the

votes recorded in that EVM and shall bring the matter to the notice of the Commission through the District *Panchayat* Election Officer and seek their instruction.

Counting of  
votes where  
EVMs are used.

**110.** (1) Before commencement of counting in a hall, the *Panchayat* Returning Officer shall, for the purpose of maintenance of secrecy of voting, read out and explain the provisions of section 108 to such persons as may be present in the hall.

(2) The *Panchayat* Returning Officer shall at first take up the sealed covers and for this purpose the procedure referred to in rule 103 shall be followed.

(3) After completion of procedure referred to in sub-rule (2), the EVMs shall be distributed to the counting tables in the hall in the manner referred to in rule 104. The Counting Officer shall have the votes recorded therein counted by pressing the appropriate button marked "Result" provided in the control unit whereby the total votes polled and votes polled by each candidate shall be displayed in respect of each such candidate on the display panel provided for the purpose in the unit.

(4) As the votes polled by each candidate are displayed on the control unit, the *Panchayat* Returning Officer shall have, –

(a) the number of such votes recorded separately in respect of each candidate in Part II of Form 18A,

(b) Part II of Form 18A completed in other respects and signed by the Counting Officer and also by the candidates or their election agents or their counting agents present, and

(c) corresponding entries made in a result sheet in Form 21A or Form 22A as the case may be and shall announce the particulars so entered in the result sheet.

(5) After Form 21A or Form 22A as the case may be, has been completely filled in, the Counting Officer or the *Panchayat* Returning Officer as the case may be, may follow the procedure referred to in rule 106 in case an application for recount of votes is received and shall declare the results of election and issue certificate of election in the manner laid down in rule 107.

Sealing and storage of detachable memory of the EVM.

**111.** (1) After the result of voting recorded in control unit has been ascertained candidate-wise and entered in Part II of Form 18A and the result sheet has been filled in subject to such direction as may be issued by the Commission, the *Panchayat* Returning Officer concerned shall take out the detachable memory from the control unit of an EVM and seal such memory with his seal and seal of such of the candidates or their election agents present who may desire to affix their seals thereon so that the detachable memory retains the memory of such result as has been recorded in it:

Provided that if a control unit does not have any detachable memory, or such detachable memory cannot be separated for any reason, the control unit shall be sealed in the similar manner and all provisions in this rule relating to the detachable memory, shall apply to such sealed control unit.

(2) The detachable memory or the control unit, as the case may be, so sealed shall be kept in specially prepared boxes on which the *Panchayat* Returning Officer, conducting the counting, shall record the following particulars, namely,—

- (a) the names of the constituencies of each tier for which the election has been held,
- (b) the particulars of polling station where the control unit has been used,
- (c) the serial number of the control unit,
- (d) the date of poll, and
- (e) the date of counting.

(3) The detachable memory or the control unit, as the case may be, preserved shall not be opened or inspected by, or produced before, any person or authority except under an order of the competent court.

(4) All detachable memories used at an election shall be kept in the custody of the concerned *Panchayat* Returning Officer or an officer authorised by the Commission in this behalf for a period not less than thirty days from the date of declaration of the result and the memory, so preserved in the detachable memory, shall not be erased thereafter except under the orders of the Commission, for use of the same in any subsequent election.

(5) Subject to such directions as may be issued by the Commission in this behalf, the *Panchayat* Returning Officer

shall keep in his safe custody all the sealed packets referred to in rule 79.

## PART VI

### CHAPTER I

#### Miscellaneous

Bye-election.

**112.** For the purpose of any bye-election under section 124, the provisions of these rules for conduct of elections shall apply *mutatis mutandis*:

Provided that the nature of reservation as determined for that seat or constituency as the case may be, at the time of preceding general election shall remain unaltered.

Production and inspection of election papers.

**113.** While in the custody of the *Panchayat Returning Officer*, –

- (a) the packets of unused ballot papers with counterfoils attached thereto,
- (b) the packets of used ballot papers whether valid, tendered or rejected,
- (c) the packets of the counterfoils of used ballot papers,
- (d) the packets of marked copies of electoral roll, and
- (e) control unit or the detachable memory of such unit where EVM is used

shall not be opened and their contents shall not be inspected by, or produced before, any person or authority except under order of a competent court.

Disposal of election papers.

**114.** Subject to any direction to the contrary given by the Commission or by a competent court, –

- (a) the packets of unused ballot papers referred to in clause (a) of rule 113 shall be retained for a period of three months from the date of declaration of the result and shall thereafter be destroyed in such manner as may be directed by the Commission,
- (b) the packets referred to in clause (b), clause (c) and clause (d) of rule 113 shall be retained for a period of six months from the date of declaration of the result and such packets shall

- not be destroyed except with the approval of the Commission,
- (c) the control unit or the detachable memory of such unit as referred to in clause (e) of rule 113 shall be retained for a period of six months from the date of declaration of the result and shall thereafter be waived subject to the approval of the Commission,
- (d) all other papers relating to election shall be retained for a period of six months from the date of declaration of the result and shall thereafter be destroyed.

Manner of serving order of requisition of premises, vehicles, vessels and animals.

**115.** An order for requisition of any premises, vehicles, vessels and animals under section 127 shall be served on the person being owner of the property or in possession of the property in any of the following manner,—

- (a) in person,
- (b) in his absence, service may be made on any adult member of the family, whether male or female, residing with him,
- (c) in case of corporation or firm, the service may be made on any manager or agent who works for such corporation or firm and is empowered to accept service,
- (d) by post,
- (e) by courier service,
- (f) if a person cannot be found, by affixing the copy of such order to some conspicuous part of the premises in which he is known to have last resided or carried on business, or personally worked for gain.

## CHAPTER II

### Repeal and savings

Repeal and savings.

**116.** (1) The West Bengal *Panchayat* (Election) Rules, 1974 is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the said rules shall be deemed to have been validly done or taken under these rules.

<sup>1</sup>[FIRST SCHEDULE

**Roster for reservation of seats for the Scheduled Castes, the Scheduled Tribes and the Backward Classes by rotation**

[See rules 22 (2), rule 24 (2), and rule 26 (2)]

Total no. of seats to be reserved	Seats to be reserved in 1st term of General Election	Seats to be reserved in 2nd term of General Election
(1)	(2)	(3)
1	1	2
2	1, 3	2, 4
3	1, 3, 5	2, 4, 6
4	1, 3, 5, 7	2, 4, 6, 8
5	1, 3, 5, 7, 9	2, 4, 6, 8, 10
6	1, 3, 5, 7, 9, 11	2, 4, 6, 8, 10, 12
7	1, 3, 5, 7, 9, 11, 13	2, 4, 6, 8, 10, 12, 14
8	1, 3, 5, 7, 9, 11, 13, 15	2, 4, 6, 8, 10, 12, 14, 16
9	1, 3, 5, 7, 9, 11, 13, 15, 17	2, 4, 6, 8, 10, 12, 14, 16, 18
10	1, 3, 5, 7, 9, 11, 13, 15, 17, 19	2, 4, 6, 8, 10, 12, 14, 16, 18, 20
11	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21	2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22
12	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23	2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24
13	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25	2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26
14	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27	2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28
15	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29	2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30
16	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31	2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32
17	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33	2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34
18	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35	2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36
19	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37	2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38
20	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39	2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40

<sup>1</sup> Subs by Cl.(5) of the Notification No.5013/PN/O/3R-1/2012, dated 24.09.2012.

<b>Total no. of seats to be reserved</b>	<b>Seats to be reserved in 1st term of General Election</b>	<b>Seats to be reserved in 2nd term of General Election</b>
<b>(1)</b>	<b>(2)</b>	<b>(3)</b>
21	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39, 41	2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 42
22	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39, 41, 43	2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 42, 44
23	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39, 41, 43, 45	2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 42, 44, 46
24	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39, 41, 43, 45, 47	2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 42, 44, 46, 48
25	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39, 41, 43, 45, 47, 49	2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 42, 44, 46, 48, 50
26	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39, 41, 43, 45, 47, 49, 51	2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 42, 44, 46, 48, 50, 52
27	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39, 41, 43, 45, 47, 49, 51, 53	2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 42, 44, 46, 48, 50, 52, 54
28	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39, 41, 43, 45, 47, 49, 51, 53, 55	2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 42, 44, 46, 48, 50, 52, 54, 56
29	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39, 41, 43, 45, 47, 49, 51, 53, 55, 57	2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 42, 44, 46, 48, 50, 52, 54, 56, 58
30	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39, 41, 43, 45, 47, 49, 51, 53, 55, 57, 59	2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 42, 44, 46, 48, 50, 52, 54, 56, 58, 60
31	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39, 41, 43, 45, 47, 49, 51, 53, 55, 57, 59, 61	2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 42, 44, 46, 48, 50, 52, 54, 56, 58, 60, 62
32	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39, 41, 43, 45, 47, 49, 51, 53, 55, 57, 59, 61, 63	2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 42, 44, 46, 48, 50, 52, 54, 56, 58, 60, 62, 64

<b>Total no. of seats to be reserved</b>	<b>Seats to be reserved in 1st term of General Election</b>	<b>Seats to be reserved in 2nd term of General Election</b>
<b>(1)</b>	<b>(2)</b>	<b>(3)</b>
33	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39, 41, 43, 45, 47, 49, 51, 53, 55, 57, 59, 61, 63, 65	2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 42, 44, 46, 48, 50, 52, 54, 56, 58, 60, 62, 64, 66

*Note 1.*—If the total number of seats or constituencies to be reserved exceeds 33, additional seats or constituencies may be reserved following the same sequential order.

*Note 2.*—The serial numbers shown under columns 2 and 3 should match the sequential position of the seats and constituencies enlisted in descending order of the percentage of the Scheduled Castes or the Scheduled Tribes or the Backward Classes under rule 22, rule 24 or rule 26 as the case may be.”;

**<sup>1</sup>|SECOND SCHEDULE**

**Roster for reservation of seats for women by rotation**

[See rules 22(3), rule 24(3) and rule 26(3)]

<b>Total no. of seats among which Reservation shall be made</b>	<b>Seats to be reserved in 1st term of General Election</b>	<b>Seats to be reserved in 2nd term of General Election</b>
<b>(1)</b>	<b>(2)</b>	<b>(3)</b>
1	1	—
2	1	2
3	1	2
4	1, 3	2, 4
5	1, 3	2, 4
6	1, 3, 5	2, 4, 6
7	1, 3, 5	2, 4, 6
8	1, 3, 5, 7	2, 4, 6, 8
9	1, 3, 5, 7	2, 4, 6, 8
10	1, 3, 5, 7, 9	2, 4, 6, 8, 10
11	1, 3, 5, 7, 9	2, 4, 6, 8, 10
12	1, 3, 5, 7, 9, 11	2, 4, 6, 8, 10, 12
13	1, 3, 5, 7, 9, 11	2, 4, 6, 8, 10, 12
14	1, 3, 5, 7, 9, 11, 13	2, 4, 6, 8, 10, 12, 14
15	1, 3, 5, 7, 9, 11, 13	2, 4, 6, 8, 10, 12, 14
16	1, 3, 5, 7, 9, 11, 13, 15	2, 4, 6, 8, 10, 12, 14, 16
17	1, 3, 5, 7, 9, 11, 13, 15	2, 4, 6, 8, 10, 12, 14, 16
18	1, 3, 5, 7, 9, 11, 13, 15, 17	2, 4, 6, 8, 10, 12, 14, 16, 18
19	1, 3, 5, 7, 9, 11, 13, 15, 17	2, 4, 6, 8, 10, 12, 14, 16, 18
20	1, 3, 5, 7, 9, 11, 13, 15, 17, 19	2, 4, 6, 8, 10, 12, 14, 16, 18, 20
21	1, 3, 5, 7, 9, 11, 13, 15, 17, 19	2, 4, 6, 8, 10, 12, 14, 16, 18, 20
22	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21	2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22
23	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21	2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22
24	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23	2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24
25	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23	2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24

<sup>1</sup> Subs by Cl.(6) of the Notification No.5013/PN/O/3R-1/2012, dated 24.09.2012.

<b>Total no. of seats among which Reservation shall be made</b>	<b>Seats to be reserved in 1st term of General Election</b>	<b>Seats to be reserved in 2nd term of General Election</b>
<b>(1)</b>	<b>(2)</b>	<b>(3)</b>
26	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25	2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26
27	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25	2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26
28	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27	2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28
29	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27	2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28
30	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29	2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30
31	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29	2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30
32	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31	2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32
33	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31	2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32
34	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33	2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34
35	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33	2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34
36	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35	2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36
37	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35	2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36
38	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37	2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38

*Note 1.*— If the total number of seats or constituencies among which reservation shall be made exceeds 38, additional seats or constituencies may be reserved following the same sequential order.

*Note 2.*— The serial numbers shown under columns 2 and 3 indicate the position of the seats or constituencies in the Schedule drawn up in ascending order of assigned serial number of seats or constituencies.”;

### **THIRD SCHEDULE**

#### **Symbols for election**

[See rule 33(2), rule 34(g), rule 34(h), rule 36 and rule 38]

**Table A**

#### **Reserved symbols for Gram Panchayat, Panchayat Samiti, Mahakuma Parishad and Zilla Parishad elections**

(1)	(2)	(3)
(a)	Any recognised political party referred to in rule 34.	The symbol allotted by the Election Commission of India to such party being recognised as a National party or a State party.
(b)	Any local political party referred to in rule 34.	The symbol allotted by the Commission to such party being declared as a local political party.

**Table B**

#### **Free symbols for Gram Panchayat elections**

- (1) Boat, (2) Hand Cart, (3) Cycle Van, (4) Cycle Rickshaw, (5) Bicycle, (6) Banyan Tree, (8) Banana Tree, (9) Date-palm Tree, (10) Coconut Tree, (11) Mango, (12) Jackfruit, (13) Hand Pump, (14) Pitcher, (15) Chair, (16) Table, (17) Axe, (18) Ladder, (19) Plough, (20) Bow and Arrow, (21) Almirah, (22) Radio, (23) Table Fan, (24) Electric Lamp, (25) Sewing Machine, (26) Inkpot with Pen, (27) A Girl Child, (28) A Sanitary Toilet, (29) A Group of Women, (30) A Happy Family, (31) Football Player.

**Table C**

#### **Free Symbols for Panchayat Samiti Elections**

- (1) Matador Van, (2) Auto Rickshaw, (3) Motor Cycle, (4) Rose, (5) Marigold, (6) Two leaves and a bud, (7) Coconut, (8) Banana, (9) Piped Water, (10) Bucket, (11) Arm Chair, (12) Desk, (13) Spade, (14) Power Tiller, (15) School Bag, (16) Book, (17) A Girl Student, (18) A Lady teacher, (19) A Doctor, (20) Television, (21) Pedestal Fan, (22) Railway Engine, (23) Mobile Phone, (24) Postman, (25) An athlete running, (26) Swimmer.

**Table D**

#### **Free Symbols for Zilla Parishad and Mahakuma Parishad Elections**

- (1) Motor Car, (2) Motor Bus, (3) Launch, (4) Tractor, (5) Telephone, (6) Computer, (7) School, (8) Ceiling Fan, (9) Cricket, (10) Musical Drum, (11) Health Centre, (12) Mail Van, (13) Water Reservoir, (14) Bridge on a River, (15) Metalled Road, (16) Wild life, (17) Orchard.

**FORM I**

[See rule 6(2)]

**Notice of publication of electoral roll in draft**

To

The electors of the ..... constituencies for *Panchayats*  
..... Block  
..... Sub-Division

Notice is hereby given that the electoral roll has been prepared in accordance with the West Bengal *Panchayat* Election Rules, 2006 and a copy thereof is available for inspection at my office, and at \_\_\_\_\_ during office hours.

The qualifying date for the preparation of the electoral roll is 01. 01. 20 \_\_\_\_\_

If, with reference to the above said qualifying date, there be any claim for the inclusion of a name in the roll or any objection to the inclusion of name or any objection to particulars in any entry, it should be lodged on or before the \_\_\_\_\_ 20 —, in Form II, III, IV or V as may be appropriate.

Every such claim or objection should either be filed in my office or in the office of the Block Development Officer and Assistant *Panchayat* Electoral Registration Officer or to be sent by post to the address given below so as to reach any of the aforesaid offices not later than the aforesaid date.

Date.....

*Panchayat* Electoral Registration Officer &

Sub-divisional Officer, ..... Sub-division  
..... *Panchayat* constituencies  
..... Block

(Seal)

**FORM IA**

[See rule 17(1)]

**Notice of final publication of electoral roll**

It is hereby notified for public information that the list of amendments to the draft electoral roll for the *Panchayat* constituencies for ..... Block has been prepared with reference to 01.01.200..... as the qualifying date and in accordance with the West Bengal *Panchayat* Elections Rules, 2006. A copy of the said roll together with the said list of amendments has been published and will be available for inspection at my office and the office of the Block Development Officer..... Block.

Place

Date *Panchayat* Electoral Registration Officer

for ..... Block

and Sub-divisional Officer

..... Sub-division

(Seal)

**FORM II**

[See rule 9(1)]

**Application for inclusion of name in electoral roll**

To

The *Panchayat* Electoral Registration Officer

.....Block  
.....Sub-Division  
.....District

Sir,

I request that my name be included in the electoral roll for the *Panchayat* elections relating to the above Block. Particulars in support of my claim for inclusion in the electoral roll are given below:

I. Applicant's details		Name		Surname, if any	
Age as on the 1 <sup>st</sup> day of January..... #		Years:	Month:	Sex (male / female):	
Date of birth, if known:		Day:	Month:	Year:	
Place of Birth:		Village /Town:		<i>Gram Panchayat</i> :	
		District:		State:	
*Father's / Mother's / Husband's Name		Name:		Surname:	
II	Particulars of place of ordinary residence (Full address):				
House / Door No.					
Street / Area / Locality / <i>Mahalla</i> / Road:					
Town /village <i>Gram Panchayat</i> :					
Post Office: Pin code			<input type="text"/>	<input type="text"/>	<input type="text"/>
Block:					
District:					

# Please give the year

\* Strike out the inappropriate alternative.

**Receipt for application**

Received the application in Form II of \*\**Shri / Shrimati / Kumari*

.....  
\*\*Address .....

Date .....

Signature of the officer receiving the  
application on behalf of the  
*Panchayat* Electoral Registration Officer  
Address.....

\*\*To be filled in by the applicant

---

III. Details of member(s) of applicant's family already included in the current electoral roll of the Assembly constituency:

---

Name (1)	Relationship with applicant (2)	Part number of the roll of the constituency (3)	Serial number in that part (4)	EPIC (if issued) number (5)
.....	.....	.....	.....	.....

---

---

IV. Declaration:

I hereby declare that to the best of my knowledge and belief –

- (i) I am a citizen of India; (ii) I am ordinarily resident at the address given in para II above since .....(date, month, year); (iii) I have not applied for the inclusion of my name in the electoral roll for any other *Panchayat* constituency; (iv) \*my name has not already been included in the electoral roll for this or any other assembly constituency; or

\*my name may have been included in the electoral roll for ..... constituency in .....State in which I was ordinarily resident earlier

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at the address mentioned below and, if so, I request that the same may be deleted from that electoral roll.

Full address (earlier place of ordinary residence):

	EPIC (if issued) number .....; date of issue..... ..... .....
Place	
Date	Signature or thumb impression of the applicant

*Note.* – Any person who makes a statement or declaration which is false and which he either knows or believes to be false or does not believe to be true, is punishable under section 39 of the West Bengal *Panchayat* Elections Act, 2003 (West Ben. Act XXI of 2003).

\*Strike out the inappropriate alternative.

Details of action taken <b>(To be filled by <i>Panchayat</i> Electoral Registration Officer of the constituency)</b>
---

The application of Shri / Smt. / Kumari.

.....for inclusion of name in the electoral roll in Form II has been accepted\* / rejected\*. Detailed reasons for \*acceptance [under or in pursuance of rule 15 / 16 / 19] or \*rejection [under or in pursuance of rule 15 / 19]:

Place

Date

Signature of the

*Panchayat* Electoral Registration Officer

(Seal)

\* Strike out the inappropriate alternative.

### FORM III

[See rule 9(2)]

#### **Application for objecting inclusion or seeking deletion of name in electoral roll**

To

The *Panchayat* Electoral Registration Officer

.....Block

.....Sub-Division

.....District

Sir,

@ I object to the proposed inclusion of the name of the under mentioned person in the electoral roll for the *Panchayat* elections relating to above Block. Particulars in support of my objection are given below:

Or

@ I submit that the entry relating to \*myself / \*the person named below is required to be deleted for the reasons stated hereunder:

I.	@Details of person inclusion of whose name is objected to:	Name	Surname (if any)
	@Details of person whose entry is to be deleted:	Part number of electoral roll in which his/her name is included:  His/her serial number in that part:	EPIC (if issued) number:
# II.	Details of objector	Name	Surname (if any)
	Sex (male/female):	Part number of electoral roll in which objector's name is included:	His/her serial number in that part:
* Father's / Mother's / Husband's Name		Name	Surname (if any)
III.	Particulars of place of ordinary residence of @objector / @person seeking deletion (Full address):		
House / Door number:			
Street / Area / Locality / Mohalla / Road:			
Town / Village:			

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Post Office:	Pin Code:							
Gram Panchayat:								
Block:								
District:								

@ First alternative will be relevant during preparation / revision of electoral roll. Second alternative will be relevant during continuous updating after final publication of electoral roll.

\* Strike out the inappropriate alternative.

# Part-II not to be filled where applicant seeks deletion of entry relating to himself.

.....

**Receipt for application**

Received the application in Form III of \*\*Shri / Shrimati / Kumari .....

.....

\*\*Address

.....

Date .....

Signature of the officer receiving the application  
on behalf of the *Panchayat* Electoral Registration Officer  
Address:.....

.....

\*\*To be filled in by the applicant

IV. Reason (s) for \*objection / \*deletion:

V. Declaration:

I hereby declare that the facts and particulars mentioned above are true to the best of my knowledge and belief.

Place:

Date:

Signature or thumb impression of the applicant

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*Note.* – Any person who makes a statement or declaration which is false and which he either knows or believes to be false or does not believe to be true, is punishable under section 39 of the West Bengal *Panchayat* Elections Act, 2003 (West Ben. Act XXI of 2003).

\*Strike out the inappropriate alternative.

Details of action taken

(To be filled by the *Panchayat* Electoral Registration Officer of the constituency)

The application of Shri/Smt./Kumari.....

\*objecting to inclusion/\*seeking deletion of name of Shri/Smt./Kumari.....  
in the electoral roll in Form III has been \*accepted / \*rejected.

Detailed reasons for acceptance [under or in pursuance of rule 15/19] or \*rejection [under or in pursuance of rule 13/15/19]:

Place:

Date:

Signature of the

*Panchayat* Electoral Registration Officer

(Seal)

\* Strike out the inappropriate alternative.

## FORM IV

[See rule 9(3)]

<b>Application for correction to particulars entered in electoral roll</b>			
To The <i>Panchayat</i> Electoral Registration Officer			
.....Block			
.....Sub-Division			
.....District			
Sir,			
<p>I request that entry relating to myself appearing in the electoral roll for <i>Panchayat</i> elections relating to the above Block is not correct and it should be corrected. Correct particulars in support of my request are given below:</p>			
I	Applicant's details	Name	
		Surname (if any)	
Part number of electoral roll:		Serial number in that part:	
Age on 1 <sup>st</sup> January.....#		Year:	Months:
Date of birth, if known:		Day:	Month:
Year:			
* Father's / Mother's / Husband's Name		Name	
		Surname (if any)	
II. Particulars of place of ordinary residence (Full address) :			
House / Door number:			
Street / Area / Locality / Mohalla / Road:			
Town / Village:			
Post Office:		Pin Code:	
Gram <i>Panchayat</i> :			
Block:			
District:			
III. Details of Elector's photo identity card (if issued, in this or some other constituency)			
Elector's photo identity card number:			
Name of the constituency:			
IV. Details of entries to be corrected:			
*My name / *Age / *Father's / Mother's / Husband's name / *Sex / Address / *Electors' photo identity card number may be corrected in terms of information provided in this Form above			
Place:			
Date:		Signature or thumb impression of the Elector	

*Note.* – Any person who makes a statement or declaration which is false and which he either knows or believes to be false or does not believe to be true, is punishable

## The West Bengal Panchayat Elections Rules, 2006

under section 39 of the West Bengal *Panchayat* Elections Act, 2003 (West Ben. Act XXI of 2003).

#Please give the year.

\*Strike out the inappropriate alternative.

## Receipt for application

Received the application in Form IV of \*\*Shri / Shrimati / Kumari .....

**\*\*Address:** .....

Date .....

Signature of the officer receiving the application on behalf of the *Panchayat* Electoral Registration Officer (Address).....

**\*\*To be filled in by the applicant**

#### **Details of action taken**

(To be filled by the *Panchayat Electoral Registration Officer* of the Constituency)

The application of Shri/Smt./Kumari.....  
for correction of entry in the electoral roll in Form IV has been accepted\* / rejected\*.

Detailed reasons for \*acceptance [under or in pursuance of rule 15/19] or \*rejection [under or in pursuance of rule 13/15/19]:

## Place

Date

Signature of the  
*Panchayat* Electoral Registration Officer

\* Strike out the inappropriate alternative.

## FORM V

[See rule 9(4)]

### Application for transposition of entry in electoral roll

To

The Panchayat Electoral Registration Officer

.....Block

Sir,

I request that the entry in the electoral roll for the above mentioned Block relating to \*myself / \*person named below should be the transposed to the relevant part of the roll in this Block. Particulars of the entry to be transposed are given below:

I	Details of person whose entry is to be transposed	Name		Surname (if any)	
	Part number of electoral roll in which his/her name is included:	His/her serial number in that part:	EPIC(if issued) number:		
* Father's / Mother's / Husband's Name	Name		Surname (if any)		
II	Particulars of present place of ordinary residence (Full address)				
House / Door number:					
Street / Area / Locality / Mohalla / Road:					
Town / Village:					
Post Office:	Pin Code:				
Gram Panchayat:					
Block:					
District:					
III	Period of continuous residence at the above address on the date of application	Years:		Months:	
IV	Part number to which the entry has to be transposed (if known):				
V	Details of applicant	Name		Surname (if any)	
		Part number of electoral roll in which his/her name is included:	His/her serial number in that part:	EPIC (if issued) number:	

\* Strike out the inappropriate alternative.

@ Part V not to be filled where applicant seeks transposition of entry relating to himself.

**Receipt for application**

Received the application in Form V of \*\**Shri / Shrimati / Kumari* .....

.....  
\*\*Address .....

Date .....

Signature of the officer receiving the application on  
behalf of the Panchayat Electoral Registration Officer  
(Address)

.....  
.....  
.....

\*\*To be filled in by the applicant

**VI. Declaration:**

I hereby declare that the facts and particulars mentioned above are true to the best of my knowledge and belief.

Place:

Date:

Signature or thumb impression of the applicant

Note – Any person who makes a statement or declaration which is false and which he either knows or believes to be false or does not believe to be true, is punishable under section 39 of the West Bengal *Panchayat* Elections Act, 2003 (West Ben. Act XXI of 2003).

**Details of action taken**

**(To be filled by the *Panchayat* Electoral Registration Officer of the constituency)**

The application of Shri / Smt. / Kumari.....

For correction of entry in the electoral roll in Form V has been accepted\* / rejected\*.

Detailed reasons for \*acceptance [under or in pursuance of rule 15/19] or  
\*rejection [under or in pursuance of rule 13/15/19]:

Place:

Date

Signature of the

*Panchayat* Electoral Registration Officer

(Seal)

\*Strike out the inappropriate alternative.

**FORM A**  
**[See rule 23 (1)]**  
**Order**

No..... Dated.....

In exercise of the power conferred by sections 12 and 17 of the West Bengal *Panchayat Elections Act, 2003*, (West Ben. Act XXI of 2003), read with rules 22 and 23 of the West Bengal *Panchayat Elections Rules 2006*, I, the District *Panchayat* Election Officer and District Magistrate of the district of....., as the prescribed authority appointed by the State Government in the Department of *Panchayats* and Rural Development under notification No..... dated..... for the purpose of rules 22 and 23 of the said Rules, hereby publish the draft of this order to determine for the *Grams* specified in column (1) of the Schedule below, the total number of members,<sup>1</sup>[Scheduled Castes members, Scheduled Tribes members, Backward classes members and women members to be elected to such *Gram Panchayats* specified in the corresponding entries in columns (2a), (2b), (2c), (2d) and (2e)] respectively, to divide the area of the *Grams* into constituencies with serial numbers assigned to them specified in the corresponding entries in column (3), to allocate to each such constituency seat or seats specified in the corresponding entries in column (4), seat or seats reserved for<sup>2</sup>[the Scheduled Castes or the Scheduled Tribes or the Backward Classes persons] specified in the corresponding entries in column (5), and seat or seats reserved for women specified in the corresponding entries in column (6) of the Schedule, for information of persons likely to be affected thereby.

The draft will be taken up for consideration after fifteen days from this day and any objection of suggestion with respect thereto, which may be received by the undersigned within the said period, shall be duly considered.

**The Schedule**

Block.....

Name of Gram	Number of members to be elected in the Gram Panchayat				
	Total number of members	Scheduled Castes members	Scheduled Tribes members	<sup>3</sup> [Backward Classes]	<sup>4</sup> [Women members]
(1)	(2a)	(2b)	(2c)	(2d)	(2e)

<sup>1</sup> Subs. by clause (7)(i) of the Notification No. 5013/PN/O/3R-1/2012 dated 24.09.2012, which was earlier as follows: Scheduled Castes members, Scheduled Tribes members, and women members to be elected to such *Gram Panchayats* specified in the corresponding entries in columns (2a), (2b), (2c) and (2d) respectively

<sup>2</sup> Subs. by clause (7)(ii) of the Notification No. 5013/PN/O/3R-1/2012 dated 24.09.2012, which was earlier as follows: the Scheduled Castes or the Scheduled Tribes persons

<sup>3</sup> Subs. by clause (7)(iii)(a) of the Notification No. 5013/PN/O/3R-1/2012 dated 24.09.2012, which was earlier as follows: women

<sup>4</sup> Inserted by clause (7)(iii)(b) of the Notification No. 5013/PN/O/3R-1/2012 dated 24.09.2012.

The West Bengal Panchayat Elections Rules, 2006

Number, name and area of constituency with serial numbers	Seats allocated to each Constituencies with serial numbers
(3)	(4)
Seats reserved for <sup>1</sup> [Scheduled Castes or Scheduled Tribes or Backward Classes] against serial number of seats	Seats reserved for women against serial number of seats
(5)	(6)

Date.....

Signature of the Prescribed Authority

(Seal)

<sup>1</sup> Subs. by clause (7)(iii)(c) of the Notification No. 5013/PN/O/3R-1/2012 dated 24.09.2012, which was earlier as follows: Scheduled Castes or Scheduled Tribes

## FORM A1

[See rule 23(4)]

### Order

No.....

Dated.....

In exercise of the power conferred by sections 12 and 17 of the West Bengal *Panchayat* Elections Act, 2003 (West Ben. Act XXI of 2003) read with rules 22 and 23 of the West Bengal *Panchayat* Elections Rules 2006, I, the District *Panchayat* Election Officer and District Magistrate of the district of....., as the prescribed authority appointed by the State Government in the Department of Panchayats and Rural Development under notification No ..... dated..... for the purpose of rules 22 and 23 of the said rules, hereby determine, after previous publication of the draft of this order as required under the said rules for the *Grams* specified in column (1) of the Schedule below, the total number of members, <sup>1</sup>[Scheduled Castes members, Scheduled Tribes members, Backward classes members and women members to be elected to such *Gram Panchayats* specified in the corresponding entries in columns (2a), (2b), (2c), (2d) and (2e)] respectively, to divide the area of the *Grams* into constituencies with serial numbers assigned to them specified in the corresponding entries in column (3), to allocate to each such constituency seat or seats specified in the corresponding entries in column (4), seat or seats reserved for <sup>2</sup>[the Scheduled Castes or the Scheduled Tribes or the Backward Classes persons] specified in the corresponding entries in column (5), and seat or seats reserved for women specified in the corresponding entries in column (6) of the Schedule.

### The Schedule

**Block.....**

Name of Gram	Number of members to be elected in the Gram Panchayat				
	Total number of members	Scheduled Castes members	Scheduled Tribes members	<sup>3</sup> [Backward Classes]	<sup>4</sup> [Women members]
(1)	(2a)	(2b)	(2c)	(2d)	(2e)

<sup>1</sup> Subs. by clause (7)(i) of the Notification No. 5013/PN/O/3R-1/2012 dated 24.09.2012, which was earlier as follows: Scheduled Castes members, Scheduled Tribes members, and women members to be elected to such *Gram Panchayats* specified in the corresponding entries in columns (2a), (2b), (2c) and (2d) respectively

<sup>2</sup> Subs. by clause (7)(ii) of the Notification No. 5013/PN/O/3R-1/2012 dated 24.09.2012, which was earlier as follows: the Scheduled Castes or the Scheduled Tribes persons

<sup>3</sup> Subs. by clause (7)(iii)(a) of the Notification No. 5013/PN/O/3R-1/2012 dated 24.09.2012, which was earlier as follows: Women

<sup>4</sup> Inserted by clause (7)(iii)(b) of the Notification No. 5013/PN/O/3R-1/2012 dated 24.09.2012.

The West Bengal Panchayat Elections Rules, 2006

Number, name and area of constituency with serial numbers	Seats allocated to each Constituencies with serial numbers
(3)	(4)
Seats reserved for <sup>1</sup> [Scheduled Castes or Scheduled Tribes or Backward Classes] against serial number of seats	Seats reserved for women against serial number of seats
(5)	(6)

Date.....

Signature of the Prescribed Authority

(Seal)

<sup>1</sup> Subs. by clause (7)(iii)(c) of the Notification No. 5013/PN/O/3R-1/2012 dated 24.09.2012, which was earlier as follows: Scheduled Castes or Scheduled Tribes.

**FORM B**  
**[See rule 25(1)]**  
**Order**

No.....

Dated.....

In exercise of the power conferred by sections 14 and 17 of the West Bengal *Panchayat* Elections Act, 2003 (West Ben. Act XXI of 2003), read with rules 24 and 25 of the West Bengal *Panchayat* Elections Rules 2006, I, the District *Panchayat* Election Officer and District Magistrate of the district of....., as the prescribed authority appointed by the State Government in the Department of Panchayats and Rural Development under notification No..... dated..... for the purpose of rules 24 and 25 of the said rules, hereby publish the draft of this order to determine for the *Grams* specified in column (1) of the Schedule below, the number of members to be elected to the *Panchayat Samiti* specified in the corresponding entries in column (2), to divide the area of the Grams into constituencies specified in the corresponding entries in column (3) & (4), constituency or constituencies reserved for <sup>1</sup>[the Scheduled Castes or the Scheduled Tribes or the Backward Classes persons] specified in the corresponding entries in column (5), and constituency or constituencies reserved for women specified in the corresponding entries in column (6) of the said Schedule, for information of persons likely to be affected thereby.

The draft will be taken up for consideration after fifteen days from this day and any objection or suggestion with respect thereto, which may be received by the undersigned within the said period, shall be duly considered.

**The Schedule**

<b>Block.....</b>	<b><i>Panchayat Samiti .....</i></b>				
Name of Gram	Number of members to be elected to the <i>Panchayat Samiti</i>	Number and name of the constituency	Area of the constituency	Constituency reserved for <sup>2</sup> [Scheduled Castes, Scheduled Tribes and Backward Classes persons] showing serial number	Constituency reserved for women showing serial number
(1)	(2)	(3)	(4)	(5)	(6)
.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....

Date.....

Signature of the Prescribed Authority  
 (Seal)

<sup>1</sup> Subs. by clause (8)(i) of the Notification No. 5013/PN/O/3R-1/2012 dated 24.09.2012, which was earlier as follows : the Scheduled Castes or the Scheduled Tribes persons

<sup>2</sup> Subs. by clause (8)(ii) of the Notification No. 5013/PN/O/3R-1/2012 dated 24.09.2012, which was earlier as follows: Scheduled Castes or Scheduled Tribes persons.

## FORM B1

[See rule 25(4)]

### Order

**No.....**

**Dated.....**

In exercise of the power conferred by sections 14 and 17 of the West Bengal *Panchayat Elections Act, 2003* (West Ben. Act XXI of 2003), read with rules 24 and 25 of the West Bengal *Panchayat Elections Rules 2006*, I, the District *Panchayat* Election Officer and District Magistrate of the district of....., as the prescribed authority appointed by the State Government in the Department of Panchayats and Rural Development under notification No.....dated..... for the purpose of rules 24 and 25 of the said rules, hereby determine after previous publication of the draft of this order as required under the said rules, for the *Grams* specified in column (1) of the Schedule below the number of members to be elected to the *Panchayat Samiti* specified in the corresponding entries in column (2), to divide the area of the *Grams* into constituencies with serial numbers assigned to them specified in the corresponding entries in column (3) & (4), constituency or constituencies reserved for <sup>1</sup>[the Scheduled Castes or the Scheduled Tribes or the Backward Classes persons] specified in the corresponding entries in column (5), and constituency or constituencies reserved for women specified in the corresponding entries in column (6) of the said Schedule.

### The Schedule

**Block.....**

***Panchayat Samiti* .....**

Name of Gram	Number of members to be elected to the <i>Panchayat Samiti</i>	Number and name of the constituency	Area of the constituency	Constituency reserved for <sup>2</sup> [Scheduled Castes, Scheduled Tribes and Backward Classes persons] showing serial number	Constituency reserved for women showing serial number
(1)	(2)	(3)	(4)	(5)	(6)
.....	.....	.....	.....	.....	.....

Date.....

Signature of the Prescribed Authority

(Seal)

- <sup>1</sup> Subs. by clause (8)(i)of the Notification No. 5013/PN/O/3R-1/2012 dated 24.09.2012, which was earlier as follows : the Scheduled Castes or the Scheduled Tribes persons
- <sup>2</sup> Subs. by clause (8)(ii) of the Notification No. 5013/PN/O/3R-1/2012 dated 24.09.2012, which was earlier as follows: Scheduled Castes or Scheduled Tribes persons.

**FORM 1**

**Notice of Election**

(See rule 28)

Notice is hereby given that –

- (1) an election is to be held of a member/members to \* ..... *Gram Panchayat/Panchayat Samiti//Zilla Parishad / Mahakuma Parishad* from the  
—

\*\* (for *Panchayat Samiti/Zilla Parishad/Mahakuma Parishad*)

..... constituency  
\*reserved for .....

<sup>1</sup>[(Scheduled Castes/Scheduled Tribes/Backward Classes/Women)] ;

\*\* (For *Gram Panchayat*) seat having serial No.....

\*reserved for .....  
and serial No.....  
.....

\*reserved for .....within  
constituency No.....

<sup>2</sup>\*(Scheduled Castes/Scheduled Tribes/Backward Classes/Women);

- (2) nomination papers may be delivered by a candidate or his proposer to the *Panchayat* Returning Officer/Assistant *Panchayat* Returning Officer (designation) at ..... between 11.00 a.m. and 3.00 p.m. on any day (other than a public holiday) not later than the ..... ;

(3) form of nomination paper may be obtained at the place and time aforesaid ;

(4) the nomination papers will be taken up for scrutiny at (place).....  
..... on .....at (time) .....

(5) Notice of withdrawal of candidature may be delivered by a candidate or his election agent to either of the Officers specified in paragraph (2) above at his office before 3.00 p.m. on the (date). .... ;

<sup>1</sup> Subs. by clause (9) of the Notification No. 5013/PN/O/3R-1/2012 dated 24.09.2012, which was earlier as follows : Scheduled Castes/Scheduled Tribes/Women

<sup>2</sup> Subs. by clause (9) of the Notification No. 5013/PN/O/3R-1/2012 dated 24.09.2012, which was earlier as follows : Scheduled Castes/Scheduled Tribes/Women

The West Bengal Panchayat Elections Rules, 2006

(6) in the event of the election being contested the poll will be taken on .....  
.....between hours of .....and  
.....;

Place .....

Date.....

.....  
District *Panchayat* Election Officer

(Seal)

---

\* Appropriate particulars of the election to be inserted here.

\*\* Strike off the inappropriate alternative.

---

**FORM 2**

**Nomination Paper**

(See rule 30)

I nominate as a candidate for election to the \*.....

\*\* *Gram Panchayat/Panchayat Samiti/Zilla Parishad/Mahakuma Parishad* from the –

\*\* (for *Panchayat Samiti/Zilla Parishad/Mahakuma Parishad*).....

..... constituency \* reserved for.....

.....<sup>1</sup>[(Scheduled Castes/  
Scheduled Tribes/Backward Classes/Women); \*\* (for *Gram Panchayat*) seat having  
Serial No..... \*reserved for.....<sup>1</sup>(Scheduled Castes/ Scheduled  
Tribes/ Backward Classes/Women) of.....  
constituency. Candidate's name.....

His postal address.....

His name is entered at Serial No. ....in Part No. ....  
of the electoral roll in force for the purpose of this election pertaining to the area  
comprised in the constituency of the ..... *Gram Panchayat/  
Panchayat Samiti/Zilla Parishad/Mahakuma Parishad*.

My name is ..... and  
it is entered at Serial No..... in Part No..... of the electoral  
roll in force for the purpose of this election pertaining to the area comprised in the said  
constituency.

Date.....

.....  
Signature of proposer

---

\* Appropriate particulars of the election to be inserted here.

\*\* Strike off the inappropriate alternative.

---

I, the above mentioned candidate, assent to this nomination and hereby declare –

(a) that I am set up at this election by .....Party,

(b) that the symbols I have chosen are, in order of preference :

(i) .....,

(ii) .....and

(iii) .....

<sup>1</sup> Subs. by clause (10)(i) of the Notification No. 5013/PN/O/3R-1/2012 dated 24.09.2012, which was earlier as follows : Scheduled Castes/Scheduled Tribes/Women

- (c) that except this nomination, I have not given assent to any other nomination from any other Constituency for election as a member of a *Gram Panchayat/Panchayat Samiti/Zilla Parishad/Mahakuma Parishad*,
- (d) that I have completed ..... years of age,
- (e) that to the best of my knowledge and belief, I am qualified and also not disqualified under the provisions of the Act or any rule or order made thereunder for being nominated as a candidate for this election.

<sup>1</sup>\*I further declare that I am a member of the .....Caste/Tribe/  
Class \*\* which is a Scheduled Caste/Tribes/Backward Class \*\* of the state of West  
Bengal. A copy of Scheduled Caste/Scheduled Tribe/Backward Class certificate issued  
in my favour is enclosed (in the case of a candidate filling nomination for a Constituency  
reserved for Scheduled Castes / Scheduled Tribes/Backward Classes persons).

Date.....

.....  
Signature of candidate

(To be filled by the *Panchayat* Returning Officer)

Serial No. of nomination paper.....

This nomination was delivered to me at my office at.....

(hour) on.....(date) by the \*candidate / proposer.

Date.....

.....  
Panchayat Returning Officer

---

\* Score out this paragraph, if not applicable

\*\* Score out the word not applicable.

---

<sup>1</sup> Subs. by clause (10)(ii) of the Notification No. 5013/PN/O/3R-1/2012 dated 24.09.2012, which was earlier as follows : I further declare that I am a member of the .....Caste/Tribe \*\* which is a Scheduled Caste/Tribe \*\* of the State of West Bengal. A copy of Scheduled Castes/Scheduled Tribes certificate issued in my favour is enclosed (in the case of a candidate filling nomination for a Constituency reserved for Scheduled Castes / Scheduled Tribes persons).

**Decision of Panchayat Returning Officer accepting or rejecting the Nomination Paper**

I have examined this nomination paper in accordance with rule 38 of the West Bengal Panchayat Election Rules, 2006 and decide as follows:

Date.....

.....  
*Panchayat Returning Officer*

(Seal)

.....  
*(Perforation)*

**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 to the \*..... \*\*Gram Panchayat/Panchayat Samiti/Zilla Parishad/Mahakuma Parishad.....Constituency (for Gram Panchayat) seat No..... of .....Constituency was delivered to me at my office at ..... (hour) on .....(date) by the \*\*candidate/proposer. All nomination papers will be taken up for scrutiny at ..... (hour) on. .....(date) at ..... (place).

Date .....

.....  
*Panchayat Returning Officer*

(Seal)

---

\* Appropriate particulars of the election to be inserted here.

\*\* Strike off the inappropriate alternative.

---

**FORM 3**  
**Notice of nomination**

(See rule 31)

Election to the \* ..... \*\* *Gram Panchayat / Panchayat Samiti / Zilla Parishad / Mahakuma Parishad* from the –

\*\* (for *Panchayat Samiti/Zilla Parishad/Mahakuma Parishad*).....  
Constituency reserved for.....<sup>1</sup>[(Scheduled Castes / Scheduled Tribes / Backward Classes / Women) \*\* (for Gram Panchayat) seat having Serial No. .... reserved for ..... and Serial No. .... reserved for <sup>1</sup>[(Scheduled Castes/Scheduled Tribes/ Backward Classes / Women) within ..... constituency.

Notice is hereby given that the following nomination in respect of the above election have been received up to 3 p.m. today:

Sl. No. of nomin -ation paper	Name of candidate	Name of father** / husband	Address	Electoral roll number of candidate	Name of proposer	Electoral roll number of proposer	Sl. No. of the seat showing the nature of reservatio n, if any ( <i>Gram Panchayat only</i> )
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

Place:

Date:

.....  
*Panchayat Returning Officer*

(Seal)

\* Appropriate particulars of the election to be inserted here.

\*\* Strike off the inappropriate alternative.

<sup>1</sup> Subs. by clause (11) of the Notification No. 5013/PN/O/3R-1/2012 dated 24.09.2012, which was earlier as follows : Scheduled Castes/Scheduled Tribes/women

**FORM 4**  
**List of validly nominated candidates**

[See rule 38 (2)]

Election to the \* ..... \*\* *Gram Panchayat/Panchayat Samiti/Zilla Parishad/Mahakuma Parishad* from the ..... \*\* (for *Panchayat Samiti/Zilla Parishad/Mahakuma Parishad*).....Constituency reserved for

\* ..... <sup>1</sup>[(Scheduled Castes/Scheduled Tribes/Backward Classes/Women)]

\*\* (for *Gram Panchayat*) seat having Serial No.....reserved for.\* ..... and seat having Serial No.....reserved for\* .....  
1[(Scheduled Castes/Scheduled Tribes/ Backward Classes /Women)] within ..... constituency.

Sl. No. of nomin -ation paper	Name of candidate	Name of father** / husband	Address	Part No. & Electoral Roll No. of candidate	Name of proposer	Part No. & Electoral Roll No. of proposer	Sl. No. of the seat showing the nature of reservatio n, if any ( <i>Gram Panchayat only</i> )
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

Place:

Date:

.....  
*Panchayat Returning Officer*

(Seal)

\* Appropriate particulars of the election to be inserted here.

\*\* Strike off the inappropriate alternative.

<sup>1</sup> Subs. by clause (12) of the Notification No. 5013/PN/O/3R-1/2012 dated 24.09.2012, which was earlier as follows : Scheduled Castes/Scheduled Tribes/Women

**FORM 5**

**Notice of withdrawal by the Candidate**

[See rule 39(1)]

Election to the \* ..... \*\* Gram Panchayat/Panchayat Samiti/Zilla Parishad/Mahakuma Parishad..... (for Panchayat Samiti/Zilla Parishad/Mahakuma Parishad) from the..... constituency (for Gram Panchayat) from the seat having Serial No ..... of..... constituency.

To

The Panchayat Returning Officer

I, ..... (name), a candidate validly nominated at the above election do hereby give notice that I withdraw my candidature.

Place:

Date:

.....  
Signature of the Candidate

This notice was delivered to me at my office at ..... (hour) on .....(date) by .....(name), the \*\*\* .....

Place:

Date:

.....  
Panchayat Returning Officer

(Seal)

---

**Receipt for notice of withdrawal**

(To be handed over to the person delivering the notice)

The notice of withdrawal of candidature by....., a candidate for the election to the \*\*....., was delivered to me by the\*\*\*.....at my office at.....(hour) on .....(date).

Place:

Date:

.....  
Panchayat Returning Officer

(Seal)

---

\* Appropriate particulars of the election to be inserted here.

\*\* Strike off the inappropriate alternative.

\*\*\* Here insert one of the following alternatives as may be appropriate.

(1) Candidate.

(2) Candidate's election agent who has been authorized in writing by the candidate to deliver it.

---

**FORM 6**  
**Notice of withdrawal of Candidature**

[See rule 39(2)]

Election to the \* ..... \*\* *Gram Panchayat/Panchayat Samiti/Zilla Parishad/Mahakuma Parishad*.....(for *Panchayat Samiti/Zilla Parishad/Mahakuma Parishad*)..... constituency \*\* (for *Gram Panchayat*) seat No .....of..... constituency.

Notice is hereby given that the following \*\*candidate/candidates at the above election withdraw\*\* his candidature/their candidatures to-day:

Sl No.	Name of candidate	Address of candidate	Seat No. (for Gram Panchayat only)	R e m a r k
(1)	(2)	(3)	(4)	(5)

Place:

Date:

.....  
Panchayat Returning Officer

(Seal)

---

\* Appropriate particulars of the election to be inserted here.

\*\* Strike of the inappropriate alternative.

---

**FORM 7**  
**List of Contesting Candidates**

[See rule 40(1)]

Election to the \* ..... \*\* Gram Panchayat/Panchayat Samiti/Zilla Parishad/Mahakuma Parishad from the \*\* (for Panchayat Samiti/Zilla Parishad/Mahakuma Parishad)..... constituency reserved for \*.....<sup>1</sup>[(Scheduled Castes/Scheduled Tribes/Backward Classes/Women)]\*\* (for Gram Panchayat) seat having Serial No..... reserved for\*..... and Serial No. .... reserved for\*.....<sup>1</sup>[(Scheduled Castes/Scheduled Tribes/Backward Classes/Women)] of..... constituency.

Sl No.	Name of candidate	Address of candidate	Serial number of the seat showing reservations if any (Gram Panchayat only)	Symbol allotted
(1)	(2)	(3)	(4)	(5)

Place:

Date:

.....  
Panchayat Returning Officer

(Seal)

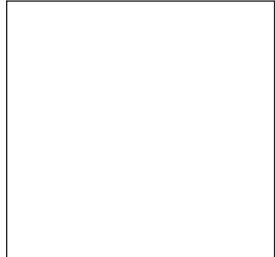
\* Appropriate particulars of the election to be inserted here.

\*\* Strike off the inappropriate alternative.

<sup>1</sup> Subs. by clause (13) of the Notification No. 5013/PN/O/3R-1/2012 dated 24.09.2012, which was earlier as follows : Scheduled Castes/Scheduled Tribes/Women

**FORM 7A**  
**Candidate's Identity Card**

[See rule 40(2)]



Shri ..... is a contesting candidate for election to the \* ..... from the ..... \*\* constituency, and has been set up by the ..... Party / is an Independent Candidate.

.....  
(Signature of the candidate)

Place:

Date:

.....  
*Panchayat Returning Officer / Asstt.  
Panchayat Returning Officer.*

(Seal)

N.B. – If the candidate is set up by a State party or a National party or a “local political party” or an unrecognized party registered with the Election Commission of India the name of the party is to be entered.

---

\* The name of the *Gram Panchayat/Panchayat Samiti/Zilla Parishad/Mahakuma Parishad* concerned is to be mentioned.

\*\* Name of the constituency to be mentioned.

\*\*\* A recent passport or stamp size photograph to be affixed which to be attested by the Panchayat Returning Officer in such a manner that a portion of his signature and seal is affixed on the photograph and the rest on the identity card.

**FORM 8**

**Appointment of Election Agent**

[See rule 41(1)]

Election to the \* ..... Gram Panchayat\*\*/  
Panchayat Samiti/Zilla Parishad/Mahakuma Parishad from the  
..... Constituency.

To

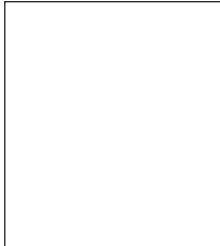
The Panchayat Returning Officer

I, .....  
(name) of .....  
.....(address), a candidate at above election, do hereby  
appoint.....(name) of .....  
.....(address) as my election  
agent from this day at the above election. A passport size photograph of Sri  
..... is affixed.

Place.....

Date.....

.....  
(Signature of the candidate)



I accept the above appointment.

Place.....

Date.....

.....  
Signature of election agent

The West Bengal Panchayat Elections Rules, 2006

Approved

Date.....

.....  
Signature of the *Panchayat* Returning Officer

(Seal)

---

\* Appropriate particulars of the election to be inserted here.

\*\* Strike off the inappropriate alternative.

---

## FORM 9

### Revocation of appointment of election agent

[See rule 41(2)]

Election to the \* ..... \*\*Gram Panchayat /  
Panchayat Samiti / Zilla Parishad / Mahakuma Parishad from the .....  
constituency.

To

The Panchayat Returning Officer

I, ..... (name), a candidate at above  
election, do hereby revoke the appoint of .....,  
my election agent.

Place.....

Date.....

.....  
Signature of the Candidate

---

\* Appropriate particulars of the election to be inserted here.

\*\* Strike off the inappropriate alternative.

---

**FORM 10**

**Appointment of polling/counting agent**

[See rule 42(2) and 44(1)]

Election to the \* ..... *Gram Panchayat\*\*/Panchayat Samiti/Zilla Parishad/Mahakuma Parishad* from the ..... constituency.

I, ..... (name), a candidate/\*\* the election agent of ..... who is a candidate at the above election, do hereby appoint ..... of ..... (address) as a polling / counting agent to attend \*Polling Station No ..... at (place) ..... fixed for the poll on ..... at (time) .....

His name is entered in the electoral roll of ..... constituency in Part No ..... Serial No .....

Place.....

Date.....

.....  
*Signature of Candidate\*\*/election agent*

I agree to act as polling \*\*/counting agent.

Place.....

Date.....

.....  
*Signature of polling\*\*/counting agent*

**Declaration of polling / counting agent to be signed before Presiding Officer**

I hereby declare that at the above election I will not do anything forbidden by rules 51(3) and 85 of the West Bengal *Panchayat* (Election) Rules, 2006, which I have read /\*\*has been read over to me.

Date.....

.....  
*Signature of polling\*\*/counting agent*

Signed before me

Date.....

.....  
*Signature of Presiding Officer*

---

\* Appropriate particulars of the election to be inserted here.

\*\* Strike off the inappropriate alternative.

---

**FORM 11**

**Revocation of appointment of polling /counting agent**

[See rule 43(1) and 45(1)]

Election to the \* ..... *Gram Panchayat\*\*/Panchayat Samiti/Zilla Parishad/Mahakuma Parishad* from the..... Constituency.

To

The Presiding Officer

I, ..... (name), a candidate/\*\* the election agent of..... at the above election, hereby revoke the appointment of .....polling/\*\*counting agent.....at the polling station No.....(at).....(Place).

Place.....

Date.....

.....  
Signature of Candidate/\*\*election agent

---

\* Appropriate particulars of the election to be inserted here.

\*\* Strike of the inappropriate alternative.

---

**FORM 12**

**Declaration of election when seat is uncontested**

[See rule 40(3)]

Election to the \* ..... \*\* *Gram Panchayat/Panchayat Samiti/Zilla Parishad/Mahakuma Parishad* from the ..... (for *Panchayat Samiti/Zilla Parishad/Mahakuma Parishad*).....  
Constituency reserved for \* ..... <sup>1</sup>[(Scheduled Castes/Scheduled Tribes/Backward Classes/Women)] (for *Gram Panchayat*) seat having Serial No..... reserved for\* ..... <sup>1</sup>[(Scheduled Castes/Scheduled Tribes/Backward Classes/Women)] of ..... constituency.

In pursuance of the provisions contained in \*\*sub rule (2) of rule 40 of the West Bengal Panchayat Election Rules, 2006, I declare that –

.....(Name)  
.....(Address)  
has been duly elected to the \* ..... \*\* *Gram Panchayat/Panchayat Samiti/Zilla Parishad/Mahakuma Parishad* from the .....(for *Panchayat Samiti/Zilla Parishad/Mahakuma Parishad*) .....  
Constituency reserved for \* ..... <sup>1</sup>[(Scheduled Castes/Scheduled Tribes/ Backward Classes/Women)] (for *Gram Panchayat*) seat having Serial No..... reserved for\* ..... <sup>1</sup>[(Scheduled Castes/Scheduled Tribes/ Backward Classes/Women)] of ..... constituency.

Place.....

Date.....

.....  
Signature of the *Panchayat* Returning Officer

---

\* Appropriate particulars of the election to be inserted here.

\*\* Strike of the inappropriate alternative.

---

<sup>1</sup> Subs. by clause (14) of the Notification No. 5013/PN/O/3R-1/2012 dated 24.09.2012, which was earlier as follows : Scheduled Castes/Scheduled Tribes/Women

**FORM 13 (1)**  
**Ballot paper**

[See rule 47(1)]

.....*Gram Panchayat*  
.....Constituency, Serial No. of Seat.....  
Part No..... Serial No. ....of voter in electoral  
Roll Record produced for identification of voter: (i) EPIC  (ii) any other record   
[Please put tick mark in appropriate box]

Signature / L.T.I. of voter

.....(Perforation).....

*Gram Panchayat*.....

Constituency No.....

Serial No. of Seat.....

Name	Symbol

Instructions. –

- (i) As many votes as there are seats may be given but not more than one vote shall be given to any candidate.
- (ii) Voting mark should be placed by the instrument provided for the purpose on or near the symbol against the name of the candidate for whom the voter desires to vote.

**FORM 13 (2)**  
**Ballot Paper**

[See rule 47(1)]

.....*Gram Panchayat* ..... constituency, Serial No. of Seats  
..... Part No. .... Serial No. .... of voter in electoral roll  
Record produced for identification of voter: (i) EPIC  (ii) any other record  [Please put tick mark in appropriate box]

Signature / L.T.I. of voter

.....(Perforation).....

*Gram Panchayat* .....

Constituency No.....

Serial No. of Seat.....	Serial No. of Seat.....		
Reserved for.....	Reserved for.....		
Name	Symbol	Name	Symbol

Instructions. –

- (i) Two votes in total may be given – one vote to any candidate chosen from left side column and another vote to a candidate chosen from right side column.
- (ii) Voting mark should be placed by the instrument provided for the purpose on or near the symbol against the name of the candidate for whom the voter desires to vote.

**FORM 13 A**

**Ballot paper**

[See rule 47(1)]

.....*Panchayat Samiti* ..... constituency, Part No.....  
Serial No. ....of voter in Electoral roll Record produced for identification of voter: (i) EPIC  (ii) any other record  [Please put tick mark in appropriate box]

Signature / L.T.I. of voter

.....(Perforation).....

*Panchayat Samiti*.....

Constituency No.....

Name	Symbol

Instructions. –

- (1) Only one vote shall be cast.
- (2) Voting mark should be placed by the instrument provided for the purpose on or near the symbol against the name of the candidate for whom the voter desires to vote.

**FORM 13 B**

**Ballot paper**

[See rule 47(1)]

.....*Zilla Parishad / Mahakuma Parishad* .....constituency, Part No.....  
Serial No. ....of voter in electoral roll Record produced for identification of voter: (i) EPIC  (ii) any other record  [Please put tick mark in appropriate box]

Signature / L.T.I. of voter

.....(Perforation).....  
*Zilla Parishad*.....  
Constituency No.....

Name	Symbol

Instructions:

- (1) Only one vote shall be cast.
- (2) Voting mark should be placed by the instrument provided for the purpose on or near the symbol against the name of the candidate for whom the voter desires to vote.

**FORM 14**

**Application for casting vote by person on election duty**

[See rule 52(1)]

To

The Panchayat Returning Officer

..... *Gram Panchayat*

..... *Panchayat Samiti*

..... *Mahakuma Parishad*

..... *Zilla Parishad*

\*constituency.

I intend to cast my vote at the ensuing election to the \**Gram Panchayat/Panchayat Samiti/Mahakuma Parishad/Zilla Parishad* to be taken at polling station No. .... in .....Gram.

My name is entered at Sl. No.....in part No..... in the electoral roll in force for the purpose of this election for ..... \**Gram Panchayat* constituency comprised within ..... \*\**Panchayat Samiti* and ..... *Mahakuma Parishad/Zilla Parishad* constituencies.

I have been posted on election duty and produce, herewith, my letter of appointment.

I request that a ballot paper/papers for election to \**Gram Panchayat/Panchayat Samiti/Mahakuma Parishad/Zilla Parishad* may be issued to me to cast my vote.

Yours faithfully,

.....

Place.....

Date.....

---

\*Strike off the inappropriate alternative.

\*\* Appropriate particulars of the election to be inserted here.

---

**FORM 15**  
**List of challenged votes**

[See rule 56(2)(c)]

Election to the\* ..... \*\*Gram Panchayat/Panchayat Samiti/  
*Zilla Parishad/Mahakuma Parishad* from the .....  
 constituency.

No. and Name of polling station.....

Serial No. of entry (1)	Name of voter (2)	Part No. (3)	Serial number of voter's name in that part (4)	Signature or thumb impression of the person challenged (5)
-------------------------------	----------------------	-----------------	---	---

Address of the Person challenged (6)	Name of Identifier (7)	Name of challenger, if any (8)	Order of Presiding Officer (9)	Signature of Challenger on receiving refund of deposit (10)
---	---------------------------	---	--------------------------------------	---

Date.....

Signature of Presiding Officer

---

\* Appropriate particulars of the election to be inserted here.

\*\* Strike off the inappropriate alternative.

---

**FORM 16**  
**List of blind and infirm voters**

[See rule 59(2)]

Election to the\* ..... \*\*Gram Panchayat/Panchayat Samiti/Zilla Parishad/ Mahakuma Parishad from the..... constituency,

No. and name of polling station.....

Part No. and serial No. of voter	Full name of voter	Full name of companion	Part No. and serial No. of companion	Signature of companion
(1)	(2)	(3)	(4)	(5)

Date.....

.....  
Signature of Presiding Officer

---

\* Appropriate particulars of the election to be inserted here.

\*\* Strike off the inappropriate alternative.

---

**FORM 17**  
**List of Tendered Votes**

[See rule 61(2)]

Election to the\* ..... \*\*Gram Panchayat/Panchayat Samiti/Zilla Parishad/Mahakuma Parishad from the ..... constituency,  
No. and name of polling station .....

Name of voter	Part No. & Sl. No. of voter in electoral roll	Sl. No. of tendered ballot paper	Sl. No. of ballot paper issued to the person who has already voted	Sl. No. in Register of voters(17A) of the person who has voted	Signature or thumb impression of person tendering vote
(1)	(2)	(3)	(4)	(5)	(6)

Date.....

Signature of Presiding Officer

---

\* Appropriate particulars of the election to be inserted here.

\*\* Strike off the inappropriate alternative.

---

**FORM 17A**  
**Register of voters**

[See rule 72(1)]

Election to the \*..... \*\*Gram  
Panchayat/Panchayat Samiti/Zilla Parishad/Mahakuma Parishad from the .....  
constituency,  
No. and name of polling station .....  
Part No. of electoral roll.....

Sl. No.	Sl. No. of voter in electoral roll	#Identification by EPIC	#Identification by other record	Signature / LTI of elector	Remarks
(1)	(2)	(3)	(4)	(5)	(6)

Date.....

Signature of Presiding Officer

\* Appropriate particulars of the election to be inserted here.

\*\* Strike off the inappropriate alternative.

# Put tick mark in appropriate column.

**FORM 18**  
**Ballot paper account**

[See rule 64]

**PART – I**

Election to the.\* .....\*\*Gram Panchayat / Panchayat Samiti / Zilla Parishad /Mahakuma Parishad from the .....constituency,  
No. and name of polling station .....

	Serial numbers	Total number
1. Ballot papers received .....		
2. Ballot papers unused –		
(a) with the signature of the Presiding Officer, if any, .....and		
(b) without the signature of the Presiding Officer.....		
(c) Total .....		
3. *Ballot papers used at the polling station ..... (1-2 =3)		
4. Ballot papers cancelled –		
(a) for violation of voting procedure under rule 59 ..... and		
(b) for any other reason.....		
(c) Total .....		
5. Ballot papers used as tendered ballot papers.....		
6. *Ballot papers to be found in the ballot box ..... (3 – 4 – 5 =6)		

\* Serial number of ballot papers need not be given

Date.....

Signature of Presiding Officer

---

**PART – II**  
**Result of initial counting**

---

1. Total number of ballot papers found in the ballot box (es) used at the polling station.....
2. Discrepancy, if any between the total number as shown against item -1 in this part and the total number of ballot papers to be found in the ballot box (es) shown in item 6 of Part – I .....

Date.....

Signature of Counting Officer

Date.....

Signature of *Panchayat* Returning Officer

---

\* Appropriate particulars of the election to be inserted here.

\*\* Strike off the inappropriate alternative.

---

**FORM 18A**  
**Ballot Paper Account for EVM**

[See rule 110 (4)]

**PART – I**

**Account of votes recorded**

Election to the \*..... \*\* Gram Panchayat / Panchayat Samiti / Zilla Parishad / Mahakuma Parishad from the ..... constituency

No. and name of polling station .....

Identification No. of EVM used at the polling station.....

Control balloting unit.....

1. Total No. of electors assigned to the polling station:
2. Total No. of voters as entered in the Register for voters (Form 17A):
3. No. of voters deciding not to record votes under rule:
4. No. of voters not allowed to vote under rule:
5. Total No. of votes recorded as per voting machine:
6. Whether the total No. of votes as shown against Sl. No. 5 tallies with the total no. of voters as shown against Sl. No. 2 minus Sl. Nos. 3 and 4 or any discrepancy noticed.
7. No. of voters to whom tendered ballot papers were issued under rule 61:
8. No. of tendered ballot papers –

Sl. No. from                          to

- (a) received for use:
- (b) issued to electors
- (c) not used and returned

9. Account of paper seals –

Sl. No. from                          to

- (a) Paper seals supplied:
- (b) Total no. of paper seals supplied:
- (c) No. of paper seals used

The West Bengal Panchayat Elections Rules, 2006

(d) No. of paper seals not used and returned:

(e) Sl. No. of damaged paper seal, if any:

Date.....

Signature of Presiding Officer

---

**PART – II**  
**Result of counting**

---

Sl. No.	Name of Candidate	No. of votes recorded
Total		

Whether the total nos. of votes shown above tallies with the total nos. of votes shown against Sl. No. 5 of Part-I or any discrepancy noticed between two totals.

Date.....

Signature of Counting Officer

Signature of Candidate / election agent / counting agent with date

- 1.
- 2.
- 3.
- 4.

Date.....

Signature of *Panchayat* Returning Officer

**FORM 19**

**Counting sheet for election duty votes**

[See rule 86(3) and rule 93(1)(a)]

Election to the.\* ..... *Gram Panchayat* from the seat having serial No..... of\*..... constituency,

or

Election to the \* ..... \*\**Panchayat Samiti / Zilla Parishad* from ..... constituency.

Date of poll.....

**Votes cast by person on election duty**

No. and name of polling station (1)	Total number of sealed covers (2)	Total number of valid ballot papers (3)	Total number of rejected ballot papers (4)
.....	.....	.....	.....

Serial No. (5)	Name of candidates (6)	Votes secured by candidates (7)	Total (8)
.....	.....	.....	.....

.....  
Signature of polling officer  
Date.....

.....  
Signature of Presiding Officer

\* Appropriate particulars of the election to be inserted here.

\*\* Strike off the inappropriate alternative.

**FORM 19 A**  
**Counting sheet**

[See rule 89(3) (a) and rule 105(5)(a)]

**Table No.....**

**Sheet No.....**

Election to the.\* .....Gram Panchayat from the seat having serial No.....of.....constituency.

Date of poll.....

**Votes cast in ballot box at polling station**

No. and name of polling station	Ballot papers found in ballot box	number of valid ballot papers	number of rejected ballot papers	No. of tendered votes
(1)	(2)	(3)	(4)	(5)

**Votes secured by candidates**

(1)	(2)	(3)	(4)	(5)	(6)	(7)
(A)	(B)	(C )	(D)	(E)	(F)	(G)

.....  
Signature of polling officer/  
Counting Assistant

.....  
Signature of Presiding Officer/  
Counting Officer

Date.....

Place.....

\* Appropriate particulars of the election to be inserted here.

**(Continuation of FORM 19 A)**

[See rule 89(3) (a) and rule 105(5)(a)]

**Table No.....**

**Sheet No.....**

.....\* *Gram Panchayat*

.....\* constituency

..... Seat No. ....

Votes secured by candidates						
(1)	(2)	(3)	(4)	(5)	(6)	(7)
A	B	C	D	E	F	G

Signature of polling officer/  
Counting Assistant

Signature of Presiding Officer/  
Counting Officer

Date.....

Place.....

\*Appropriate particulars of the election to be inserted here.

**FORM 20**

**Counting sheet**

[See rule 89(3) (b) and rule 105(5)(b)]

**Table No.....**

Election to the.\* ..... \*\*Panchayat Samiti/  
Mahakuma Parishad/ Zilla Parishad from the \* .....  
constituency.

Date of poll.....

**Votes cast in ballot box at polling station**

No. and name of polling station	Ballot papers found in ballot box	Number of valid ballot papers	Number of rejected ballot papers	No. of tendered votes
(1)	(2)	(3)	(4)	(5)

**Votes secured by candidates**

Serial No.	Name of candidates	Votes secured by candidates
(5)	(6)	(7)

.....  
Signature of polling officer/ Counting  
Assistants

.....  
Signature of Presiding Officer /  
Counting Officer

Date.....

Place.....

\* Appropriate particulars of the election to be inserted here.

\*\* Strike off the inappropriate alternative.

**FORM 21**  
**Result sheet**

[See rule 92(1) and rule 105(6) (a)]

Election to the.\*.....*Gram Panchayat* from the seat having serial No. .... of .....constituency.

Date of poll.....

**Votes cast in ballot box at polling station**

No. and name of polling station (1)	Number of Ballot papers found in ballot box (2)	Number of valid ballot papers (3)	Number of rejected ballot papers (4)	No. of tendered votes (5)
.....	.....	.....	.....	.....

**Votes secured by candidates**

Name of candidates				
A	B	C	D	E
1	2	3	4	5
No. of votes found in ballot box				
Election duty votes				
Total				

.....

*Signature of Presiding / Counting Officer*

Date.....

Place.....

\* Appropriate particulars of the election to be inserted here

**FORM 21A**  
**Result sheet for EVM**

[See rules 110(4)(c)]

Election to the.\* ..... \*\*Gram Panchayat from the seat having serial No. .... of ..... constituency.

Date of poll.....

No. and name of polling station (1)	Number of voters (2)	Number of votes recorded (3)	No. of tendered votes (4)

**Votes secured by candidates**

A	B	C	D	E

Name of candidates:

No. of votes  
secured:

Election duty votes  
secured

Total

.....  
*Signature of Counting Officer /  
Panchayat Returning Officer*

Date.....

Place.....

\* Appropriate particulars of the election to be inserted here

**FORM 22**  
**Result sheet**

[See rule 92(3) and rule 105(6)(b)]

Election to the.\*..... \*\**Panchayat Samiti / Mahakuma Parishad / Zilla Parishad* from the \*. constituency.

Date of poll.....

**Votes cast in ballot box at polling station**

Total Number of Ballot papers found in ballot boxes	Total Number of valid ballot papers	Total Number of rejected ballot papers	Total No. of tendered ballot papers
(1)	(2)	(3)	(4)

**Votes secured by candidates**

No. and name of polling station	Name of candidates	A	B	C	D	E

No. and name of polling station

- 1.
- 2.
- 3.

Total:

Election duty votes

Grand Total:

Date.....

*Signature of Panchayat Returning Officer*

\* Appropriate particulars of the election to be inserted here.

\*\* Strike off the inappropriate alternative.

**FORM 22A**

**Result sheet for EVM**

[See rules 110(4)(c)]

Election to the.\* ..... \*\**Panchayat Samiti/ Mahakuma Parishad/ Zilla Parishad from the .....* constituency.

Date of poll.....

No. and name of Polling station	Number of votes recorded	Number of tendered votes
(1)	(2)	(3)
1.		
2.		
3.		
4.		
.....etc.		

**Votes secured by candidates**

A                    B                    C                    D                    E

Name of the candidates:

No. and name of polling station

- 1.
- 2.
- 3.
- 4.
- .....etc.

Total:

Election duty votes secured:

Grand Total

Date.....

*Signature of Panchayat Returning Officer*

\* Appropriate particulars of the election to be inserted here.

\*\* Strike off the inappropriate alternative.

**FORM 23**  
**Declaration of result**

[See rule 92(1), rule 92 (3), rule 107 (1) and rule 107 (2)]

Election to the \* ..... \*\* Gram Panchayat/Panchayat Samiti/Zilla Parishad/Mahakuma Parishad (for Panchayat Samiti/Zilla Parishad/Mahakuma Parishad) from the..... constituency (for Gram Panchayat) from the seat having Serial No..... and serial No..... of..... constituency.

In pursuance of the provisions contained in rule 92 of the West Bengal Panchayat Election Rules, 2006, I declare that –

.....Name(s)

.....Address

has / have been duly elected to fill the seat in the said Gram Panchayat\*\*/ Panchayat Samiti/ Mahakuma Parishad/ Zilla Parishad from the above constituency and the seat having Serial No .....(for Gram Panchayat only)

.....  
Signature of \*\*Presiding / Panchayat Returning Officer

Date.....

Place.....

---

\* Appropriate particulars of the election to be inserted here.

\*\* Strike off the inappropriate alternative.

---

**FORM 24**  
**Certificate of election**

[See rule 92(5) and rule 107(5)]

I, \*\*Panchayat Returning Officer / Presiding Officer / Counting Officer for the\*  
..... \*Gram Panchayat/Panchayat Samiti/  
Mahakuma Parishad/ Zilla Parishad constituency, hereby certify that I have on  
the.....day of.....20.....declared Shri .....  
..... of ..... to have been duly elected to the  
\* ..... \*Gram Panchayat / Panchayat Samiti /  
Zilla Parishad from the.....\*  
constituency and the seat having Serial No..... (for Gram Panchayat only).

(Seal)

Date.....  
Place..... *Signature of \*\*Presiding / Panchayat Returning Officer*

---

\*Appropriate particulars of the election to be inserted here.

\*\*Strike off the inappropriate alternative.

---

By order of the Governor,

M.N.Roy  
Principal Secy. to the Govt. of West Bengal.

**THE WEST BENGAL  
PANCHAYAT  
(CONSTITUTION)  
RULES, 1975**



**THE WEST BENGAL  
PANCHAYAT (CONSTITUTION) RULES, 1975<sup>1</sup>**

**CHAPTER I**

**Preliminary**

1. These rules may be called the West Bengal <sup>Short title</sup> *Panchayat (Constitution) Rules, 1975.*
2. (1) In these rules,—  
  
(a) ‘Act’ means the West Bengal *Panchayat Act, 1973* (West Bengal Act XLI of 1973) ;  
  
<sup>2</sup>[(aa) ‘Commission’ means the West Bengal State Election Commission referred to in sub-section (1) of section 3 of the West Bengal State Election Commission Act, 1994 (West Bengal Act VIII of 1994)] ;  
  
(b) ‘Form’ means a Form appended to these rules and includes a translation thereof in Bengali and Nepali ;  
  
(c) ‘Section’ means a section of the Act ;  
  
<sup>3</sup>[(d) ‘Sub-divisional Officer’ means an officer appointed as such by the State Government, and includes an Additional Sub-divisional Officer having jurisdiction.]  
  
(2) The expressions used in these rules, but not defined, shall have the meanings assigned to them respectively in the Act.  
  
(3) The Bengal General Clauses Act, 1899 (I of 1899) shall apply for interpretation of these rules as it applies for the interpretation of an Act of the West Bengal Legislative Assembly.

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<sup>1</sup> Published under Notification No. 19325/Panch, dated the 24<sup>th</sup> November 1975, in the “Calcutta Gazette, Extraordinary”, Part I, dated the 24th November, 1975.

<sup>2</sup> Substituted by Notification No. 847/PN/O/I, dated 12.3.98 for “Commissioner.”

<sup>3</sup> Inserted by ibid.

## **<sup>1</sup>|CHAPTER IA**

### **Reservation of offices of chairpersons**

Reservation of  
offices at *Gram  
Panchayat* and  
*Panchayat  
Samiti*

- 2A.** (1) As soon as may be, but not later than six weeks before the date of poll appointed for any general election, the District Magistrate and District *Panchayat* Election Officer, shall, by an order in Form 1B, after previous publication of the draft of the order in Form 1A not later than nine weeks before the date of poll, determine,<sup>2</sup>[subject to such direction as may be issued by the Commission] in this behalf, from among the total number of the offices of -
- (i) the *Pradhan*,
  - (ii) the *Upa-Pradhan*,
  - (iii) the *Sabhapati*, and
  - (iv) the *Sahakari Sabhapati*

in a district, such number of offices reserved for —

- (a) the Scheduled Castes, the Scheduled Tribes and the Backward Classes as shall bear, as nearly as may be, the same proportion to the total number of the offices of the *Pradhan*, the *Upa-Pradhan*, the *Sabhapati* or the *Sahakari Sabhapati*, as the case may be, in the district as the population of the Scheduled Castes or the Scheduled Tribes or the Backward Classes, as the case may be, in the Blocks within the district, bears with the total population in the Blocks:

Provided that for the purpose of determination of offices of the *Pradhan* or the *Upa-Pradhan*, the *Sabhapati* or the *Sahakari Sabhapati*, as the case may be, to be reserved under this clause for aforesaid categories of persons, the provisions under sub-section (1) of section 9 and sub-section (1) of section 98 of the Act shall be taken into consideration:

Provided further that while determining the ceiling limit of fifty percent of the total number of offices of the *Pradhan* or the *Upa-Pradhan*, the

<sup>1</sup> Chapter IA containing Rules 2A & 2B substituted by Notification No. 5086/PN/O/I/3R-2/2012 dated 01.10.2012.

<sup>2</sup> Ins. by Notification No. 847/PN/O/I, dated 12.03.98.

*Sabhapati* or the *Sahakari Sabhapati*, as the case may be, only the whole integers shall be taken into consideration, ignoring any figure after the decimal point:

Provided also that when the number of offices of the *Pradhan* or the *Upa-Pradhan*, the *Sabhapati* or the *Sahakari Sabhapati*, as the case may be, determined for the Scheduled Castes and the Scheduled Tribes in terms of the prescribed manner reaches one-half of the total number of offices of the *Pradhan* or the *Upa-Pradhan*, the *Sabhapati* or the *Sahakari Sabhapati*, as the case may be, in a District, there shall be no reservation for the Backward Classes persons:

Provided also that when the total number of reserved offices for the Scheduled Castes and the Scheduled Tribes persons, taken together, exceeds fifty percent of the total number of offices of the *Pradhan* or the *Upa-Pradhan*, the *Sabhapati* or the *Sahakari Sabhapati*, as the case may be, the number of offices for each category shall be reduced in the proportion of the population of the Scheduled Castes and the Scheduled Tribes to the total population in that District in order to match the figure of one-half of the total number of offices of the *Pradhan* or the *Upa-Pradhan*, the *Sabhapati* or the *Sahakari Sabhapati*, as the case may be, in that District, in which case also there shall be no reservation for the Backward Classes persons:

Provided also that when the total number of reserved offices for the Scheduled Castes and the Scheduled Tribes and the Backward Classes persons in terms of the provisions of this clause exceeds one-half of the total number of offices of the *Pradhan* or the *Upa-Pradhan*, the *Sabhapati* or the *Sahakari Sabhapati*, as the case may be, in that District, the number of offices reserved for the Scheduled Castes and the Scheduled Tribes shall remain unaltered and the number of offices determined for the Backward Classes persons shall be suitably reduced to match the figure of one-half of the total number of offices of the *Pradhan* or the *Upa-Pradhan*, the *Sabhapati* or the *Sahakari Sabhapati*, as the case may be:

Provided also that when the number of reserved offices of the *Pradhan* or the *Upa-Pradhan*, the *Sabhapati* or the *Sahakari Sabhapati*, as the case may be, determined for the Scheduled Castes and the Scheduled Tribes persons taken together is less than one-half of the total number of offices of the *Pradhan* or the *Upa-Pradhan*, the *Sabhapati* or the *Sahakari Sabhapati*, as the case may be, in that District, the available balance number of offices of the *Pradhan* or the *Upa-Pradhan*, the *Sabhapati* or the *Sahakari Sabhapati*, as the case may be, shall be reserved for the Backward Classes persons in conformity with the percentage of their population to the total population in that District within the limit of fifty percent of the total number of offices in that District.

*Explanation I:*— For the purpose of determination of number of offices to be reserved for the Scheduled Castes, the Scheduled Tribes and the Backward Classes under clause (a), all figures for calculation shall be taken up to the second place of decimal ignoring any digit after the second place of decimal altogether.

*Explanation II:*— For the final stage of calculation for arriving at the number of offices to be reserved, the digit in the second place of decimal, if any, shall be totally ignored, and the whole number in the figure obtained shall be raised by one if the digit at the first place of decimal is not less than five while ignoring any digit below five at the first place of decimal.

(b) women as shall constitute—

- (i) as nearly as practicable one-half but not exceeding one-half of the offices reserved under clause (a), and
- (ii) as nearly as practicable one-half but not exceeding one-half of the total number of offices of the *Pradhan*, *Upa-Pradhan*, *Sabhapati* or *Sahakari Sabhapati*, as the case may be, in the district including the offices reserved under sub-clause (i).

*Explanation.*—For the purpose of determination of number of offices to be reserved under clause (b), while calculating the one-half of the figure, only the whole integers shall be taken into account, ignoring any figure after the decimal point.

- (2) The District Magistrate and District *Panchayat* Election Officer shall, <sup>1</sup>[subject to such direction as may be issued by the Commission,] by an order in Form 1B, after previous publication of the draft of the order in Form 1A, declare from among the offices of the—
- (i) *Pradhan*,
  - (ii) *Upa-Pradhan*,
  - (iii) *Sabhapati*, and
  - (iv) *Sahakari Sabhapati*
- in a district,—

- (a) such offices to be reserved, by rotation, for the Scheduled Castes, the Scheduled Tribes and the Backward Classes, as may be necessary to match the number determined under clause (a) of sub-rule (1) :

Provided that—

- (i) the District Magistrate and District *Panchayat* Election Officer shall assign consecutive serial numbers to all the *Grams* and separately to all the *Panchayat Samitis* in a district following, as far as practicable, the sequence of the numbers assigned to the Legislative Assembly constituencies and, if necessary, the numbers assigned to the Legislative Assembly polling stations within any such constituency comprising any part of the district;
- (ii) for the purpose of reservation under clause (a) of sub-rule (1), <sup>2</sup>[subject to the provisions under item (vii).] such *Grams* and such Blocks as may have the Scheduled Castes or the Scheduled Tribes or the Backward Classes population constituting more than five percent of the total population of that

<sup>1</sup> Ins. by Notification No. 847/PN/O/I, dated 12.3.98

<sup>2</sup> Ins. by Notification No. 847/PN/O/I, dated 12.3.98

*Gram* or that Block, as the case may be, shall be taken into consideration;

- (iii) on assignment of numbers referred to in item (i), the *Grams* or the Blocks coming into the zone of consideration in terms of item (ii) shall be arranged in ascending order of serial numbers and formed into groups of fifty *Grams* or Blocks of consecutive serial numbers with a part group, where necessary, consisting of any additional number of *Grams* or Blocks;
- (iv) for the purpose of reservation, the number of offices to be reserved shall be apportioned to different groups in the following manner :—
  - (a) if the total number of *Grams* or Blocks referred to in item (iii) is divisible by fifty, the number determined under clause (a) of sub-rule (1) shall be apportioned, as far as practicable, equally among such groups of fifty and, in the case of remainder, the number so apportioned shall be raised by one in as many groups as may be necessary, beginning from the first group having the lowest serial number, or
  - (b) if the total number referred to in item (iii) is not divisible by fifty, the number determined in terms of clause (a) of sub-rule (1) shall be notionally apportioned to each sub-group of ten offices among such total offices, raising the total number of such sub-groups by one, if the last digit in the total number is five or more, while ignoring any digit less than five; apportionment to each group of fifty *Grams* or Blocks shall, then, be made of the number arrived at by multiplying the number notionally assigned to a sub-group which may be whole number, or a decimal number taken up to second place of decimal, by five, and in the case of part group of less than fifty, the number apportioned shall be the number for the sub-group multiplied by the number of sub-group deemed to be comprised in the part group; in the case of remainder, initially apportioned number shall be raised by one in as many groups as may be necessary,

beginning from the first group commencing from the lowest serial number, or

- (c) if the total number referred to in item (iii) is less than fifty, the number determined in terms of clause (a) of sub-rule (1) shall be apportioned to the group comprising all *Gram* or Blocks, as the case may be.

*Explanations:*

- (1) For the purpose of calculations, figures upto second place of decimal shall be taken into account and, at the last stage, for determining the number of offices to be reserved from each group, the decimal number, if any, shall be rounded off to a whole number on raising it by one if the digits in the first place of decimal is five or more while ignoring such digit if it is less than five making such adjustments as may be necessary to adhere to the required number.
- (2) Notwithstanding anything in this rule, the number of offices to be reserved shall be apportioned, as far as practicable, equally among the available groups of fifty with appropriate apportionment to the part group consisting of less than fifty or to the groups of ten, where necessary, of *Grams* or Blocks, as the case may be; for this purpose, the number initially calculated for apportionment to a group of fifty or ten as the case may be, may be marginally increased or reduced, as far as practicable, in order to apportion the required number equally among the groups available on each occasion ;
- (v) reservation by rotation of the offices, determined under clause (a) of sub-rule (1) for every two consecutive terms, shall be made in accordance with the roster as specified in column (1) or column (2) of Schedule I for reservation of the offices of the *Pradhan* or the *Sabhapati* and in column (3) or column (4) of the said Schedule for reservation of the offices of the *Upa-Pradhan* or the *Sahakari Sabhapati* in the following manner :
- (a) the roster shall be applied separately for every group of fifty or ten *Grams* or Blocks, as the

case may be, or for the part group having less than fifty *Grams* or Blocks and, for this purpose, another set of consecutive serial numbers, commencing from figure one, shall be given to them, where necessary, so that reservation may be made on matching such consecutive serial numbers with the identical numbers in the roster, and

- (b) reservation of the offices shall be made when the serial number assigned to a *Gram* or a Block, as the case may be, matches the number obtained in the roster and, for this purpose, the roster shall be taken up from the beginning and followed in sequential order reserving such offices as match the numbers in the roster on ignoring the unmatched numbers until the required number is reached;
- (vi) If following the principle of rotation, any office is selected in any term of election simultaneously for reservation for the Scheduled Tribes, the Scheduled Castes and the Backward Classes persons or any two of such categories, such office shall be reserved in the preferential order of the Scheduled Tribes, the Scheduled Castes and the Backward Classes and reservation for the left out Scheduled Castes or Backward Classes or both, as the case may be, shall be made out of the offices coming next in order:

Provided that the office so reserved for the Scheduled Tribes or the Scheduled Castes on the aforesaid ground shall be eligible for consideration for reservation for the Scheduled Castes or the Backward Classes, as the case may be, in the next term of election.

- (vii) If, in a district, the number of the *Grams* or the Blocks available for reservation by rotation, falls short of the number determined under clause (a) of sub-rule (1), the <sup>1</sup>[Commission] may, by order, include, for the purpose of reservation, such other offices relating to the *Grams* or the Blocks, as the case may be, as have the Scheduled Castes or the Scheduled Tribes or the Backward Classes population, as the case may be, constituting not

<sup>1</sup> Subs. by Notification No. 847/PN/O/I, dated 12.3.98 for “Commissioner”

more than five percent of the total population in that *Gram* or that Block, as the case may be, to match the number of the offices required for reservation, and such inclusion shall commence from the *Gram* or the Block having higher proportion of the Scheduled Castes or the Scheduled Tribes or the Backward Classes population, as the case may be;

- (b) such offices to be reserved, by rotation, for women as may be necessary to match the number determined under sub-clause (i) and sub-clause (ii) of clause (b) of sub-rule (1) :

Provided that such declaration of offices shall be made at first in respect of the offices determined under sub-clause (i) of clause (b) of sub-rule (1), and then in respect of the offices determined under sub-clause (ii) of clause (b) of sub-rule (1) :

Provided further that the total number of offices reserved for the Scheduled Castes, the Scheduled Tribes and the Backward Classes shall be taken into account while determining the number of offices to be reserved for women among them:

Provided also that such declaration shall be made in accordance with the roster as specified in—

- (i) Schedule A for the offices of the *Pradhan* and the *Sabhapati*, and
- (ii) Schedule B for the offices of the *Upa-Pradhan* and the *Sahakari Sabhapati*:

Provided also that for the purpose of reservation of offices in accordance with the roster as aforesaid, all offices available for reservation by rotation shall be arranged in the ascending order of assigned serial numbers and another set of consecutive serial numbers, commencing from the figure one, shall be given to them so that reservation may be made on matching such consecutive serial numbers with the identical serial numbers in the roster:

Provided also that the publication of the order in Form 1A or Form 1B may be made with respect to any one or more of the offices separately or with respect to all the offices jointly as may be decided

by the District Magistrate and District *Panchayat* Election Officer:

Provided also that if, in any term of election, the number of offices of the *Upa-Pradhan* or the *Sahakari Sabhapati*, as determined for reservation under sub-clause (ii) of clause (b) of sub-rule (1), is not available from the roster valid for that term and if offices, not already reserved for that term, exist, the roster valid for the other term shall be applied for reservation for that term so as to match the number determined under sub-clause (ii) of clause (b) of sub-rule (1).

*Explanation.*— For the purpose of this rule,—

- (a) the population of the Scheduled Castes, the Scheduled Tribes and the Backward Classes or the total population in a *Gram* or Block shall be determined primarily on the basis of the last preceding census of which the relevant figures have been published;
- (b) when census figures are not available for a *Gram* or Block, the District Magistrate and District *Panchayat* Election Officer shall, subject to such order of Commissioner as may be made in this behalf, determine the population of the Scheduled Castes or the Scheduled Tribes or the Backward classes or the total population on the basis of any other authenticated record maintained by any office or any department of the State Government or, if no such record is available, on the basis of a local enquiry which may include house to house enumeration, caused by him for the purpose as aforesaid, after consulting, where necessary, any portion of the Assembly electoral roll or the electoral roll prepared by the Commission for the time being in force or any other authenticated record that may be of assistance.
- (3) For the purpose of reservation under clause (a) and clause (b) of sub-rule (1), preference shall be given to reservation of the offices of the *Pradhan* or the *Sabhapati*, as the case may be and after such reservation, offices of the *Upa-Pradhan* or the

*Sahakari Sabhapati* shall not be reserved in the same *Gram* or the same *Block*, as the case may be:

Provided that if, in a *Gram* or *Block*, for any term of election, an office of *Upa-Pradhan* or *Sahakari Sabhapati*, as the case may be, to be reserved in accordance with the roster applicable where office of the *Pradhan* or the *Sabhapati* has already been reserved for the same term, such reservation of the office of the *Upa-Pradhan* or the *Sahakari Sabhapati* shall be deemed to have no effect and such reservation for that term of election shall be carried forward to the next *Gram* or *Block* in the same roster or, if no *Gram* or *Block* is available in the same roster, in the *Gram* or *Block* occurring in sequential order in the roster valid for the next term of election:

Provided further that when reservation is made from the roster valid for the next term of election, such roster during the next term of election shall be deemed to commence after excluding the *Gram* or the *Blocks*, as the case may be, reserved for the preceding term but such excluded *Grams* or *Blocks* may be taken up again for reservation on exhausting the *Grams* or the *Blocks* available in the roster for that term.

- (4) Notwithstanding anything contained in these rules, if, for any term of election, an office of the *Pradhan* or the *Upa Pradhan* in a *Gram* or of the *Sabhapati* or the *Sahakari Sabhapati* in a *Block*, is required, in accordance with these rules, to be reserved for a specified category of persons when, in that *Gram* or the *Block*, as the case may be, no seat or constituency for members is reserved for such specified category of persons, such reservation for the office of the *Pradhan* or the *Upa Pradhan* in that *Gram* or the *Sabhapati* or the *Sahakari Sabhapati* in that *Block* shall be deemed to be inoperative and reservation for such specified category of persons shall be carried over to the next such *Gram* or *Block* occurring in the list of *Gram* or *Blocks* arranged in ascending order of the serial numbers assigned to each of them irrespective of whether any such serial number occurs in the roster for reservation for that term, where—

- (i) the office of the *Pradhan* or the *Upa-Pradhan*, the *Sabhapati* or the *Sahakari Sabhapati* is not required to be reserved in accordance with these rules, for any category of persons, and
- (ii) one or more seats or constituencies for members are reserved for that specified category of persons for which the office of the *Pradhan* or the *Upa-Pradhan*, the *Sabhapati* or the *Sahakari Sabhapati* is required to be reserved, and on such reservation for a specified category of persons being carried over from a *Gram* or Block, the office of the *Pradhan* or the *Upa-Pradhan*, the *Sabhapati* or the *Sahakari Sabhapati* in that *Gram* or that Block, as the case may be, shall remain eligible in that term of election for reservation, in accordance with these rules, for any other category of persons :

Provided that for the purpose of identifying an appropriate *Gram* or Block for carrying over the reservation, the list arranged in ascending order of the serial numbers assigned to the *Grams* or Blocks within the district, as the case may be, shall be taken up in consecutive order and on reaching the last number available, identification may again be taken up, if necessary, from the first serial number in the list.

*Explanation:* In this sub-rule, the expression “specified category of persons” shall mean and include Scheduled Castes, Scheduled Castes (Women), Scheduled Tribes and Scheduled Tribes (Women) and Backward Classes and Backward Classes (Women).

- (5) Notwithstanding anything contained in these rules, if in a district, for any term of election, the number of offices of the *Upa-Pradhan* or the *Sahakari Sabhapati* available for reservation after exclusion of the *Grams* or the Blocks, as the case may be, where offices of the *Pradhan* or the *Sabhapati* have been reserved for that term of election, is less than the number of offices determined under clause (a), or clause (b), of sub-rule (1), such number of offices of the *Upa-Pradhan* or the *Sahakari Sabhapati*

as are available shall be reserved for that term of election and the number of offices determined under clause (a), or clause (b), as the case may be, of sub-rule (1) shall be deemed to be redetermined accordingly.

Reservation of  
offices at *Zilla  
Parishad* and  
*Mahakuma  
Parishad*

**2B. (1)** As soon as may be, but not later than six weeks before the date of poll appointed for any general election, the Commission shall, by an order in Form 1D, after previous publication of the draft of the order in Form 1C not later than nine weeks before the date of poll, determine, from among the total number of the offices of—

- (i) the *Sabhadhipati*, and
- (ii) the *Sahakari Sabhadhipati*

of the *Zilla Parishad* and the *Mahakuma Parishad* in West Bengal, such number of offices reserved for—

(a) the Scheduled Castes, the Scheduled Tribes and the Backward Classes as shall bear, as nearly as may be, the same proportion to the total number of the offices of the *Sabhadhipati* or the *Sahakari Sabhadhipati*, as the case may be, in West Bengal, as the population of the Scheduled Castes or the Scheduled Tribes or the Backward Classes, as the case may be, in the Blocks under the jurisdiction of all *Zilla Parishads* and *Mahakuma Parishad* within West Bengal bears with the total population in the same areas:

Provided that for the purpose of determination of offices of the *Sabhadhipati* or the *Sahakari Sabhadhipati*, as the case may be, to be reserved under this clause for aforesaid three categories of persons, the provisions under sub-section (1) of section 143 of the Act shall be taken into consideration:

Provided further that the number of the Scheduled Castes or the Scheduled Tribes or the Backward Classes or the total population in the Blocks of West Bengal shall be determined on the basis of the last preceding census of which the relevant figures have been published:

Provided also that when census figures are not available, the Commissioner may, determine the proportion which the Scheduled Castes or the Scheduled Tribes or the Backward Classes population bears with the total population on the basis of any other authenticated record maintained by any office or organization or any department of the State Government:

Provided also that while determining the ceiling limit of fifty percent of the total number of offices of the *Sabhadhipati* or the *Sahakari Sabhadhipati*, as the case may be, only the whole integers shall be taken into consideration, ignoring any figure after the decimal point:

Provided also that when the number of offices of the *Sabhadhipati* or the *Sahakari Sabhadhipati*, as the case may be, determined for the Scheduled Castes and the Scheduled Tribes in terms of the prescribed manner reaches one-half of the total number of offices of the *Sabhadhipati* or the *Sahakari Sabhadhipati*, as the case may be, in West Bengal, there shall be no reservation for the Backward Classes persons:

Provided also that when the total number of reserved offices for the Scheduled Castes and the Scheduled Tribes persons, taken together, exceeds fifty percent of the total number of offices of the *Sabhadhipati* or the *Sahakari Sabhadhipati*, as the case may be, the number of offices for each category shall be reduced in the proportion of the population of the Scheduled Castes and the Scheduled Tribes to the total population in West Bengal in order to match the figure of one-half of the total number of offices of the *Sabhadhipati* or the *Sahakari Sabhadhipati*, as the case may be, in West Bengal, in which case also there shall be no reservation for the Backward Classes persons:

Provided also that when the total number of reserved offices for the Scheduled Castes and the Scheduled Tribes and the Backward Classes persons in terms of provision of this clause exceeds one-half of the total number of offices of the *Sabhadhipati* or the *Sahakari Sabhadhipati*, as the case may be,

in West Bengal, the number of offices reserved for the Scheduled Castes and the Scheduled Tribes shall remain unaltered and the number of offices determined for the Backward Classes persons shall be suitably reduced to match the exact figure of one-half of the total number of offices of the *Sabhadhipati* or the *Sahakari Sabhadhipati*, as the case may be:

Provided also that when the number of reserved offices of the *Sabhadhipati* or the *Sahakari Sabhadhipati*, as the case may be, determined for the Scheduled Castes and the Scheduled Tribes persons taken together is less than one-half of the total number of offices of the *Sabhadhipati* or the *Sahakari Sabhadhipati*, as the case may be, in West Bengal, the available balance number of offices of the *Sabhadhipati* or the *Sahakari Sabhadhipati*, as the case may be, shall be reserved for the Backward Classes persons in conformity with the percentage of their population to the total population in West Bengal within the limit of fifty percent of the total number of offices of the *Sabhadhipati* or the *Sahakari Sabhadhipati*, as the case may be in West Bengal;

*Explanation I:*— For the purpose of determination of number of offices to be reserved for the Scheduled Castes, the Scheduled Tribes and the Backward Classes under clause (a), all figures for calculation shall be taken up to the second place of decimal ignoring any digit after the second place of decimal altogether.

*Explanation II:*— For the final stage of calculation for arriving at the number of offices to be reserved, the digit in the second place of decimal, if any shall be totally ignored, and the whole number in the figure obtained shall be raised by one if the digit at the first place of decimal is not less than five while ignoring any digit below five at the first place of decimal;

(b) women as shall constitute—

(i) as nearly as practicable one-half but not exceeding one-half of the offices reserved under clause (a), and

- (ii) as nearly as practicable one-half but not exceeding one-half of the total number of offices of the *Sabhadhipati* or the *Sahakari Sabhadhipati*, as the case may be, in West Bengal including the offices reserved under sub-clause (i):

*Explanation.*—For the purpose of determination of number of offices to be reserved under clause (b), while calculating the one-half of the figure, only the whole integers shall be taken into account, ignoring any figure after the decimal point.

- (2) The <sup>1</sup>[Commission], by an order in Form 1D, after previous publication of the draft of the order in Form 1C, shall declare from among the offices of the—

- (i) *Sabhadhipati*, and
- (ii) *Sahakari Sabhadhipati*

of the *Zilla Parishads* and the *Mahakuma Parishads* in West Bengal—

- (a) such offices to be reserved, by rotation, for the Scheduled Castes, the Scheduled Tribes and the Backward Classes as may be necessary to match the number determined under clause (a) of sub-rule (1):

Provided that—

- (i) the <sup>1</sup>[Commission] shall assign consecutive serial numbers to all the *Zilla Parishads* and the *Mahakuma Parishad* in West Bengal following, as far as practicable, the sequence of the numbers assigned to the Legislative Assembly constituencies comprising parts of the districts;
- (ii) for the purpose of reservation under clause (a) of sub-rule (1) <sup>2</sup>[subject to the provisions of item (vii,) the *Zilla Parishad* or the *Mahakuma Parishad* having within its jurisdiction the Scheduled Castes or the Scheduled Tribes or the Backward Classes population constituting more than five percent of the total population of the same area, shall be taken into consideration;

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<sup>1</sup> Subs. by Notification No. 847/PN/O/I, dated 12.3.98 for “Commissioner”

<sup>2</sup> Ins. by Notification No. 847/PN/O/I, dated 12.3.98.

- (iii) on assignment of numbers referred to in item (i), the *Zilla Parishads* and the *Mahakuma Parishad* shall be arranged in ascending number of serials and thereafter reservation of the offices of the *Sabhadhipati* and *Sahakari Sabhadhipati* for two successive terms of elections will be made in accordance with the roster as specified in column (1) & column (2) for *Sabhadhipati* and column (3), column (4) for *Sahakari Sabhadhipati*, in the roster as specified in Schedule I following, *mutatis mutandis*, the manner laid down in items (iii), (iv) and (v) of the proviso to clause (a) of sub-rule (2) of rule 2A;
- (iv) if following the principle of rotation under these rules, any office is selected in any term of election simultaneously for reservation for the Scheduled Tribes, the Scheduled Castes and the Backward Classes persons or any two of such categories, such office shall be reserved in the preferential order of the Scheduled Tribes, the Scheduled Castes and the Backward Classes and reservation for the left out Scheduled Castes or Backward Classes or both, as the case may be, shall be made out of the offices coming next in order:

Provided that the office so reserved for the Scheduled Tribes or the Scheduled Castes on the aforesaid ground shall be eligible for consideration for reservation for the Scheduled Castes or the Backward Classes, as the case may be, in the next term of election.

- (v) if the number of offices available for reservation by rotation falls short of the number determined under clause (a) of sub-rule (1), the Commission may, by order, include such other offices which were excluded earlier for reason of having the Scheduled Castes or the Scheduled Tribes or the Backward Classes population, as the case may be, in that district or Mahakuma of not more than five percent of the total population of that district or Mahakuma, as the case may be, to reach the number of the offices required for reservation, and such inclusion shall commence

from the *Zilla Parishad* or the *Mahakuma Parishad* comprising the area having higher proportion of the Scheduled Castes population or the Scheduled Tribes population or the Backward Classes population, as the case may be;

- (b) Such offices to be reserved by rotation for women as may be necessary to match the number determined under sub-clause (i) and sub-clause (ii) of clause (b) of sub-rule (1):

Provided that such declaration of offices shall be made at first in respect of the offices determined under sub-clause (i) of clause (b) of sub-rule (1) and, then, in respect of the offices determined under sub-clause (ii) of clause (b) of sub-rule (1):

Provided further that the total number of offices reserved for the Scheduled Castes, the Scheduled Tribes and the Backward Classes shall be taken into account while determining the number of offices to be reserved for women among them:

Provided also that such declaration shall be made in accordance with the roster as specified in—

- (i) Schedule A for the offices of the *Sabhadhipati*, and  
(ii) Schedule B for the offices of the *Sahakari Sabhadhipati*:

Provided also that for the purpose of reservation of offices in accordance with the rosters as aforesaid, all offices available for reservation by rotation shall be arranged in the ascending order of numbers and another set of consecutive serial numbers, commencing from the figure one, shall be given to them so that reservation may be made on matching such consecutive serial numbers with the identical serial numbers in the roster.

- (3) For the purpose of reservation of the offices of the *Sahakari Sabhadhipati*, the provisions of sub-rules (3), (4) and (5) of rule 2A shall apply *mutatis mutandis*.

## CHAPTER II

### Election of *Pradhan* and *Upa-Pradhan* of *Gram Panchayat*

3. (1) As soon as may be after the constitution of *Gram Panchayat* is notified in the Official Gazette under sub-section (4) of section 4, but not later than twenty one days from the date of publication of the notification or within such further time as may be allowed by the District *Panchayat* Election Officer for reasons to be recorded by him in this behalf, the prescribed authority appointed for the purpose of sub-section (2) of section 9 shall call a meeting of all the members <sup>1</sup>[referred to in clause (i) of sub-section (2A) of section 4] of such *Gram Panchayat* for the taking of oath and for the election of a *Pradhan* and *Upa-Pradhan* of the *Gram Panchayat*, by fixing a date, place and time and causing a written notice to this effect in Form 1 to be <sup>2</sup>[served on each of the members referred to in clause (i) of sub-section (2A) of section 4] of the *Gram Panchayat* at least <sup>3</sup>[seven] days before the date fixed for the meeting.  
(2) Such meeting shall be presided over by such officer as may be authorised by the prescribed authority in Form 2, and such officer shall not be entitled to vote at the election.  
(3) On the date of the meeting if there is no quorum <sup>4</sup>[consisting of one-third of the total number of members referred to in clause (i) of sub-section (2A) of section 4], subject to a minimum of three members, the Presiding Officer shall adjourn the meeting. The adjourned meeting shall be held on such date, place and time as may be fixed by the prescribed authority and the provisions regarding notice to members of *Gram Panchayat* referred to in sub-rule (1) shall apply :

<sup>1</sup> Subs. by Notification No. 1524/PN/O/I, dated 21.6.95, for “referred to in clause (ii) of sub-section (2A) or section 4.”

<sup>2</sup> Subs. by ibid, for “served on each of the members, referred to in clause (ii) of sub-section (2A) of section 4.”

<sup>3</sup> Subs. by Notification No. 16778/Panch, dated 21.7.78

<sup>4</sup> Subs. by Notification No. 1524/PN/O/I, dated 21.6.95, for “consisting of one-third of the number of members referred to in clause (ii) of sub-section (2A) of section 4.”

<sup>1</sup>[Provided that in an adjourned meeting at least three members shall form a quorum:

Provided further that in any subsequent adjourned meeting also, quorum referred to in the preceding proviso shall be applicable.]

- (4) The members who are required to take oath under section 197 <sup>2</sup>[and have not already made and subscribed such oath or affirmation] shall, before taking the seats, make and subscribed an oath or affirmation in Form 3 before the Presiding Officer.  
<sup>3</sup>[(5)\*\*\*]
- (6) The Presiding Officer shall call upon the members present to propose and second, the names of the <sup>4</sup>[candidates eligible under order in Form 1B for election] of the *Pradhan* of the *Gram Panchayat*. He shall record the names of the candidates proposed together with the names of the proposers and seconders. <sup>5</sup>[\*\*\*]
- <sup>6</sup>[(6A) Commencing from the date on which section 7 of the West Bengal *Panchayat* (Amendment) Act, 1997 (West Bengal Act XV of 1997) comes into force, the Presiding Officer, on recording the names, shall call upon each candidate to furnish a written declaration in Form 3A to the effect that on being elected, he shall be a whole time functionary of his office and that during the period for which he holds, or is due to hold, such office, he shall not hold any office of profit unless he has obtained leave of absence from his place of employment or shall not carry on, or be associated with, any business, profession or calling in such manner as shall, or is likely to, interfere with due exercise of his powers, due performance of his functions or due discharge of his duties. If the declaration in Form 3A is not received from any candidate, the Presiding Officer shall reject the candidature of such candidate on recording the reason and, thereafter, the list of candidates shall be made final. He shall reject

<sup>1</sup> Subs by Notification No. 7106/PN/O/I/3R-4/10 (Pt-I), dated 06.12.2012.

<sup>2</sup> Ins. by Notification No. 121-PN/O/I/, dated 13.1.95

<sup>3</sup> Sub-rule (5) omitted by *ibid*.

<sup>4</sup> Subs. by *ibid*, for "candidates for election."

<sup>5</sup> Omitted by Notification No. 847/PN/O/I, dated 12.3.98.

<sup>6</sup> Sub-rule (6A) ins. by Notification No. 847/PN/O/I, dated 12.3.1998.

any proposal after the list of candidates has been finalised by him].

- <sup>1</sup>[7. (a) If only one candidate is proposed and seconded, the Presiding Officer shall, in Form 4, declare him to be duly elected to be the *Pradhan* of the *Gram Panchayat* :

<sup>2</sup>[Provided that when an office of the *Pradhan* is reserved for the category of persons belonging to the Scheduled Castes, the Scheduled Castes (Woman), the Scheduled Tribes or the Scheduled Tribes (Woman), <sup>3</sup>[the Backward Classes or the Backward Classes (Women)], and when –

- (i) there is only one seat or constituency of members reserved for the same category of persons in that *Gram Panchayat*, and
- (ii) only one candidate elected from the reserved seat referred to in clause (i) is proposed as candidate for election to the office of the *Pradhan*, it shall not be necessary to second the candidature of that person and on being proposed, the Presiding Officer shall declare him, in Form 4, to be duly elected to be the *Pradhan* of the *Gram Panchayat*].

- (b) If more than one candidate have been proposed and seconded, the Presiding Officer shall cause to be prepared as many ballot papers as there are members present containing the names of candidates arranged in alphabetical order of their surnames in Form 5. The Presiding Officer shall put his signature with date on the back of each ballot paper and shall hand over one such ballot paper to each member present after writing the name of the member and obtaining his dated initial on the back of the ballot paper. The Presiding Officer shall also ask each member to record his vote by placing the mark ‘X’ in the place provided for the purpose in the ballot paper opposite to the name of the candidate for whom he intend to vote, and to return it to the Presiding Officer.

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<sup>1</sup> Sub-rule (7) subs, by Notification No. 121-PN/O/I, dated 13.1.95.

<sup>2</sup> Proviso added by Notification No. 1236/PN/O/I, dated 11.4.98.

<sup>3</sup> Ins. by Notification No. 5086/PN/O/I/3R-2/2012 dated 01.10.2012.

Immediately after the ballot papers are received back, the Presiding Officer shall, in the presence of the attending members, count them and record the number against each candidate in Form 6. If requested by any member present, the Presiding Officer may, at the time of counting, show both sides of any ballot paper to the member or members; but he shall not allow any member to touch the ballot paper. The Presiding Officer may reject any ballot paper which, in his opinion, raises a reasonable doubt as to for whom the voter has cast his vote. A note to that effect shall be made by the Presiding Officer Upon the ballot paper so rejected, and it shall not be included in the court. The Presiding Officer shall declare in Form 7 the candidate who has secured the largest number of votes to be duly elected to be the *Pradhan* of the *Gram Panchayat*. In the case of equal number of votes being recorded in favour of two or more candidates, selection shall be made from among such candidates by lot in such manner as the Presiding Officer may deem fit and, thereupon, the candidate thus selected shall be declared to be duly elected to be the *Pradhan* of the *Gram Panchayat*.

- (8) After the election of the *Pradhan*, election of the *Upa-Pradhan* shall be held in the <sup>1</sup>[manner provided in sub-rule (6) and sub-rule (7)].
- (9) The Presiding Officer shall forward the names of the *Pradhan* and the *Upa-Pradhan* to the prescribed authority who shall publish the same in the locality in such manner as he may think fit. The prescribed authority shall forward the names of *Pradhan* and *Upa-Pradhan* to the District *Panchayat* Election Officer, <sup>2</sup>[the Commission, the Director of *Panchayats* and Rural Development and] the State Government for information. <sup>3</sup>[The Director of *Panchayats* and Rural Development] shall publish the names of the *Pradhan* and the *Upa-Pradhan* in the Official Gazette.

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<sup>1</sup> Subs. by Notification No. 121/PN/O/I, dated 13.1.95, for “aforsaid manner.”

<sup>2</sup> Subs. by Notification No. 847/PN/O/I, dated 12.3.98 for “the Commissioner and.”

<sup>3</sup> Subs. by ibid. for “The Commissioner.”

- (10) The papers relating to the election of the *Pradhan* or the *Upa-Pradhan* shall be sent by the Presiding Officer to the prescribed authority for safe custody. The prescribed authority shall keep the papers in safe custody for six months after which they may be destroyed.

### CHAPTER III

#### **Election of *Sabhapati* and *Sahakari Sabhapati* of *Panchayat Samiti***

4. (1) As soon as may be after the constitution of a *Panchayat Samiti* is notified in the Official Gazette under sub-section (3) of section 94 but not later than twenty-one days from the date of publication of the notification or within such further time as may be allowed by the District *Panchayat* Election Officer for reasons to be recorded by him in this behalf, the prescribed authority appointed for the purpose of sub-section (2) of section 98 shall call a meeting of all the members <sup>1</sup>[referred to in clause (ii) of subsection (2) of section 94] of the *Panchayat Samiti* for the taking of oath and for the election of a *Sabhapati* and a *Sahakari Sabhapati* of the *Panchayat Samiti*, by fixing a date, place and time and by causing a written notice to this effect in Form 1 to be <sup>2</sup>[served on each of the members, referred to in clause (ii) of sub-section (2) of section 94] of the *Panchayat Samiti* at least <sup>3</sup>[seven] days before the date fixed for the meeting.
- (2) Such meeting shall be presided over by such officer, not below the rank of a <sup>4</sup>[group A officer] as may be authorised by the prescribed authority in Form 2, and such officer shall not be entitled to vote at the election.
- (3) On the date of the meeting if there is no quorum <sup>5</sup>[consisting of one-fourth of the total number of members referred to in clause (ii) of sub-section (2) of section 94], the Presiding Officer shall adjourn

<sup>1</sup> Ins. by Notification No. 121/PN/O/I, dated 13.1.95.

<sup>2</sup> Subs. by Notification No. 121/PN/O/I, dated 13.1.95, for “served on each member.”

<sup>3</sup> Subs. by Notification No. 16778/Panch, dated 21.7.78

<sup>4</sup> Subs. by Notification No. 121/PN/O/I, dated 13.1.95 for “gazetted officer.”

<sup>5</sup> Subs. by ibid. for “as provided for in sub-section (3) of section 105.”

the meeting. The adjourned meeting shall be held on such date, place and time as may be fixed by the prescribed authority and the provisions regarding notice to members of *Panchayat Samiti* referred to in sub-rule (1) shall apply :

<sup>1</sup>[Provided that in an adjourned meeting, at least one-half of the members required for quorum in the first meeting subject to a minimum of three members shall form a quorum:

Provided further that in any subsequent adjourned meeting also, quorum referred to in the preceding proviso shall be applicable.]

(4) <sup>2</sup>[The members who are required to take oath under section 197 shall, before taking the seats, make and subscribe an oath or affirmation in Form 3 before the Presiding Officer].

<sup>3</sup>[Provided that the members who have already made and subscribed such oath or affirmation, need not do so again].

<sup>4</sup>[(5) \*\*\*]

(6) The Presiding Officer shall call upon the members present to propose and second the names of the <sup>5</sup>[eligible candidates for election] of the *Sabhapati* of the *Panchayat Samiti*. He shall record the names of the candidates proposed together with the names of the proposers and the seconds. He shall then call upon each candidate to furnish a written declaration in Form 3A to the effect that on being elected, he shall be a whole-time functionary of his office and that during the period for which he holds or is due to hold such office, he shall not hold any office of profit unless he has obtained leave of absence from his place of employment or shall not carry on or be associated with any business, profession or calling in such manner as shall of likely to interfere with due exercise of his powers, due performance of his functions or due discharge of his duties. If the declaration in Form 3A is not

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<sup>1</sup> Subs by Notification No. 7106/PN/O/I/3R-4/10 (Pt-I), dated 06.12.2012.

<sup>2</sup> Amended by Notification No. 1658/Panch, dated 26.5.93

<sup>3</sup> Proviso added by Notification No. 121-PN/O/I, dated 13.1.95

<sup>4</sup> Sub-rule (5) omitted by *ibid*.

<sup>5</sup> Subs. by *ibid*, for "candidates for election."

received from any candidate, the Presiding Officer shall reject his candidature on recording the reason, and thereafter the list of candidates shall be made final. He shall reject any proposal after the list of candidates has been finalised by him.

- (7) The Presiding Officer shall then conduct the election of the *Sabhapati* in the same manner as laid down in sub-rules (7), (8), (9) and (10) of rule 3.
- (8) After the election of the *Sabhapati*, the election of the *Sahakari Sabhapati* shall be held in the aforesaid manner.

## CHAPTER IV

### **Election of *Sabhadhipati* and *Sahakari Sabhadhipati* of Zilla Parishad**

5. (1) As soon as may be after the constitution of a *Zilla Parishad* is notified in the Official Gazette under sub-section (3)<sup>1</sup>[or clause (a) of sub-section 5)] of section 140 but not later than<sup>2</sup>[twenty one] days from the date of publication of the notification or within such further time as may be allowed by the District *Panchayat* Election Officer for reasons to be recorded by him in this behalf, the prescribed authority appointed for the purpose of sub-section (2) of section 143 shall call a meeting of all the members<sup>3</sup>[referred to in clause (ii) of sub-section (2) of section 140] of the *Zilla Parishad* for the taking of oath and for the election of a *Sabhadhipati* and *Sahakari Sabhadhipati* of the *Zilla Parishad*, by fixing a date, place and time and by causing a written notice to this effect in Form 1 to be<sup>4</sup>[served on each of the members, referred to in clause (ii) of subsection (2) of section 140] of the *Zilla Parishad* at least<sup>5</sup>[seven] days before the date fixed for the meeting.

<sup>1</sup> Subs. by Notification No. 11264/I/Panch, dated 23.5.86

<sup>2</sup> Amended by Notification No. 1658/I/Panch, dated 26.5.93

<sup>3</sup> Ins. by Notification No. 121-PN/O/I, dated 13.1.95

<sup>4</sup> Subs. by ibid, for “served on each member.”

<sup>5</sup> Subs. by Notification No. 16778/Panch. dated 21.7.78

- (2) Such meeting shall be presided over by such officer not below the rank of a <sup>1</sup>[group A officer] as may be authorised by the prescribed authority in Form 2, and such officer shall not be entitled to vote at the election.
- (3) On the date of the meeting if there is no quorum <sup>2</sup>[consisting of one-fourth of total number of members referred to in clause (ii) of sub-section (2) of section 140], the Presiding Officer shall adjourn the meeting. The adjourned meeting shall be held on such date, place and time as may be fixed by the prescribed authority and the provisions regarding notice to members of *Zilla Parishad* as referred to in sub-rule (1) shall apply:

<sup>3</sup>[Provided that in an adjourned meeting, at least one-half of the members required for quorum in the first meeting subject to a minimum of three members shall form a quorum:

Provided further that in any subsequent adjourned meeting also, quorum referred to in the preceding proviso shall be applicable.]

- (4) The Presiding Officer shall then conduct the election of the *Sabhadhipati* or *Sahakari Sabhadhipati* in the same manner as laid down <sup>4</sup>[in sub-rules (4), (6), (7) and (8)] of rule 4.

<sup>5</sup>[Provided that Presiding Officer shall allow only such candidates for election who are eligible under the order, if any, in Form 1D referred to in rule 2B].

## CHAPTER IV-A<sup>6</sup>

### **Election of *Sabhadhipati* and *Sahakari Sabhadhipati* of *Mahakuma Parishad***

- 5A.** (1) As soon as may be after the constitution of a *Mahakuma Parishad* is notified in the Official Gazette under sub-section (3) of section 185B but

<sup>1</sup> Subs. by Notification No. 121-PN/O/I, dated 13.1.95, for “gazetted officer.”

<sup>2</sup> Subs. by ibid, for “as provided for in sub-section (3) of section 150.”

<sup>3</sup> Subs by Notification No. 7106/PN/O/I/3R-4/10 (Pt-I), dated 06.12.2012.

<sup>4</sup> Subs. by Notification No. 121-PN/O/I, dated 13.1.95, for “under sub-rules (4), (5), (6), (7) and (8).”

<sup>5</sup> Proviso added by Notification No. 121-PN/O/I, dated 13.1.95

<sup>6</sup> Ins. by Notification No. 12932/I/Panch, dated 19.5.89

not later than <sup>1</sup>[twenty one] days from the date of publication of the notification or within such further time as may be allowed by the District *Panchayat* Election Officer for reasons to be recorded by him in this behalf, the prescribed authority appointed for the purpose of sub-section (2) of section 143, read with sub-section (6) of section 185B shall call a meeting of all the members <sup>2</sup>[referred to in clause (ii) of sub-section (3) of section 185B] of the *Mahakuma Parishad* for taking of oath and for the election of *Sabhadhipati* and *Sahakari Sabhadhipati* of the *Mahakuma Parishad* by fixing a date, place and time and by causing a written notice to this effect in Form 1 to be <sup>3</sup>[served on each of the members, referred to in clause (ii) of sub-section (3) of section 185B] of the *Mahakuma Parishad* at least seven days before the date fixed for the meeting.

- (2) Such meeting shall be presided over by such officer not below the rank of group ‘A’ officer, as may be authorised by the prescribed authority in Form 2, and such officer shall not be entitled to vote at the election.
- (3) On the date of the meeting, if there is no quorum <sup>4</sup>[consisting of one-fourth of the total number of members referred to in clause (ii) of sub-section (3) of section 185B], the Presiding Officer shall adjourn the meeting. The adjourned meeting shall be held on such date, place and time as may be fixed by the prescribed authority and the provisions regarding notice to members of the *Mahakuma Parishad* as referred to in sub-rule (1) of this rule shall apply :

<sup>5</sup>[Provided that in an adjourned meeting, at least one-half of the members required for quorum in the first meeting subject to a minimum of three members shall form a quorum:

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<sup>1</sup> Amended by Notification No. 1658/I/panch, dated 26.5.1993

<sup>2</sup> Ins. by Notification No. 121-PN/O/I, dated 13.1.95

<sup>3</sup> Subs. by *ibid*, for “served on each member”.

<sup>4</sup> Subs. by *ibid*, for “as provided for in sub-section (3) of section 150, read with sub-section (6) of section 185B”.

<sup>5</sup> Subs by Notification No. 7106/PN/O/I/3R-4/10 (Pt-I), dated 06.12.2012.

Provided further that in any subsequent adjourned meeting also, quorum referred to in the preceding proviso shall be applicable.]

- (4) The Presiding Officer shall then conduct the election of the *Sabhadhipati* or *Sahakari Sabhadhipati* in the same manner as laid down [<sup>1</sup>in sub-rules (4), (6), (7) and (8)] of rule 4.

<sup>2</sup>[Provided that the Presiding Officer shall allow only such candidates for election who are eligible under the order if any, in Form 1D referred to in rule 2B.]

### <sup>3</sup>|CHAPTER IVB

#### **Removal of *Pradhan* or *Upa-Pradhan* of a *Gram Panchayat*, *Sabhapati* or *Sahakari Sabhapati* of a *Panchayat Samiti*, *Sabhadhipati* or *Sahakari Sabhadhipati* of a *Mahakuma/Zilla Parishad***

- 5B.** (1) The prescribed authority appointed under section 12, section 101 or section 146, as the case may be, on receipt of a legally acceptable motion referred to in sub-section (2) of any of the aforesaid section, as may be relevant, specially convene a meeting of the *Gram Panchayat* or the *Panchayat Samiti* or the *Mahakuma Parishad* or *Zilla Parishad*, as may be appropriate, by issue of notice in Form 1E.
- (2) In the notice referred to in sub-rule (1), the prescribed authority shall specify the item of agenda and the place, date and hour of the meeting as may be fixed by him and shall cause copies of such notice to be sent either by registered post with acknowledgement due or by special messenger on obtaining acknowledgement of receipt as may be deemed reasonable by him, at least clear seven days before the date fixed for the meeting, upon all members referred to in sub-section (1) of section 12 or section 101 or section 146, as the case may be. He shall also cause to display a copy of the notice in the notice board of the *Panchayat* concerned.

<sup>1</sup> Subs. by Notification No. 121-PN/O/I, dated 13.1.95, for “under sub-rules (4), (5), (6), (7) and (8).”

<sup>2</sup> Proviso added by *ibid*.

<sup>3</sup> Chapter IVB Ins. by Notification No. 7106/PN/O/I/3R-4/10 (Pt-I), dated 06.12.2012.

- (3) The prescribed authority shall authorize in Form 2A an officer to preside over the meeting referred to in sub-rule (1) and such officer shall be not below the rank of an Extension Officer posted in a Block in case of a *Gram Panchayat*, not below the rank of a Joint Block Development Officer in case of a *Panchayat Samiti* and not below the rank of an Additional District Magistrate in case of a *Mahakuma Parishad* or *Zilla Parishad*. The Prescribed Authority shall hand over the service returns of notices to the presiding officer before he proceeds for the meeting.
- (4) At the appointed hour of the day, the presiding officer shall take up the business of the meeting on ascertaining and apprising the members present that the notices have been duly served upon all members. If he finds at that time that the quorum for the meeting has not been formed, he may wait for one hour and no longer reckoned from the appointed hour of the meeting. On the occasion when the quorum is not formed within such extended period of one hour, he shall declare the meeting as cancelled and once he declares so, he shall not hold the meeting afterwards even if the quorum is formed later on arrival of one or more members. The fact of cancellation of the meeting shall be recorded in the minute book referred to in sub-rule (7).
- (5) Once quorum is reached, it shall remain valid throughout the meeting even if one or more members meanwhile depart from the meeting place.
- (6) The presiding officer shall allow a member to join the meeting at any time before its closure subject to the condition that such member shall not claim reopening of any earlier stage of the proceedings already concluded before his arrival.
- (7) The proceedings of the meeting shall be recorded by the Secretary of the concerned *Panchayat* or in his absence by any other employee except for Group-D employee as may be authorized by the presiding officer, in the Attendance Register-cum-Minute book specially provided by the prescribed

authority with his authentication. Every member on his arrival shall put his signature or his left thumb impression on the minute book against his name. The Secretary or the employee authorized to record the proceedings, shall attest such left thumb impression and also record the time of arrival of each member under the supervision of the presiding officer.

- (8) The presiding officer at the initial stage shall read out the motion brought before the meeting and ask the members present to express their views. He may state the legal provision on any related matter raised by any member but shall not express any view in this regard. When there is no consensus decision in the meeting, he shall call upon the members to cast their votes through open ballot system. He shall cause to be prepared as many ballot papers as there are members present noting the motion of the meeting and showing two separate columns of 'For' and 'Against' the motion. The presiding officer shall then put his full signature with date on the back of each ballot paper and shall hand over such ballot paper to each member present after complying with the provision under sub-section (6) of the aforesaid section relating to signature or left thumb impression with attestation of the member.
- (9) The presiding officer shall ask each member to record his vote by placing the mark 'X' in the column of 'For' or 'Against' the motion and to return it to the presiding officer.
- (10) Immediately after all ballot papers are received back, the presiding officer shall, in presence of the attending members, count them and record the number of votes cast 'For' and 'Against' the motion. The presiding officer may, on demand of a member show both sides of a ballot paper without allowing any member to touch it.
- (11) The presiding officer may reject a ballot paper which in his opinion, raises a reasonable doubt as to whether the vote has been cast 'For' or 'Against' the motion. A note to that effect shall be recorded by the presiding officer upon the ballot paper so rejected as well as in the minutes of the meeting

and such paper shall not be counted for decision. However, the presiding officer may not reject a ballot paper on any flimsy ground or for any minor procedural defect if the ballot paper is genuine and intention of the voter is clear.

- (12) Although the presiding officer shall announce the number of votes cast in favour of 'For' and 'Against' the motion, he shall not formally declare the result or the effect of the meeting. The presiding officer after recording the entire proceedings of the meeting in terms of sub-section (7) and then complying with the provisions of sub-section (8) of any of the section referred to in sub-rule (2) shall conclude the meeting.
- (13) The presiding officer before leaving the premises shall hand over a copy of the minutes to the Executive Assistant or in his absence to the Secretary of the *Gram Panchayat*, to the Executive Officer or in his absence, to the Joint Executive Officer of the *Panchayat Samiti*, to the Executive Officer or in his absence to the Additional Executive Officer of the *Zilla Parishad* or *Mahakuma Parishad* as the meeting may relate to, for forwarding a copy of the minute to the prescribed authority in terms of sub-section (9) of section 12 or 101 or 146, as the case may be.
- (14) Then the presiding officer within three working days of the meeting shall submit a report in writing along with a copy of the minutes and all other documents of the meeting to the prescribed authority who shall, within next five working days, take such action in terms of sub-section (10) as he may deem fit.]

## CHAPTER V

### **Resignation of and filling up of casual vacancy in the office of the *Pradhan* and *Upa-Pradhan* of a *Gram Panchayat*, *Sabhapati* and *Sahakari Sabhapati* of *Panchayat Samiti* or *Sabhadhipati* and *Sahakari Sabhadhipati* of [Mahakuma]<sup>1</sup> / *Zilla Parishad***

6. (1) As soon as may be but not later than thirty days from the date of any casual vacancy in the office

<sup>1</sup> Amended by Notification No. 12932/I/Panch, dated 19.5.89

of *Pradhan* or *Upa-Pradhan*, *Sabhapati* or *Sahakari Sabhapati* and *Sabhadhipati* or *Sahakari Sabhadhipati* by reason of death, resignation, removal or otherwise, or within such further time as may be allowed by the District *Panchayat* Election Officer for reasons to be recorded by him in this behalf<sup>1</sup>[the prescribed authority referred to in sub-rule (1) of rule 3, sub-rule (1) of rule 4, sub-rule (1) of rule 5, or sub-rule (1) of rule 5A] shall call a meeting of all the members<sup>2</sup>[eligible to participate under rule 3, rule 4, rule 5 or rule 5A as may be appropriate] for the election of a *Pradhan* or an *Upa-Pradhan*, a *Sabhapati* or a *Sahakari Sabhapati*, a *Sabhadhipati* or a *Sahakari Sabhadhipati* as the case may be, by fixing a date, place and time and causing a written notice to this effect in Form 1<sup>3</sup>[to be served on each such member] at least<sup>4</sup>[seven] days before the date fixed for such meeting.

- <sup>5</sup>[(1A) Such meeting shall be presided over by such officer as may be authorised by the prescribed authority in Form 2 and such officer shall not be entitled to vote at the election].
- (2) On the date of the meeting if there is no quorum, as provided in sub-rule (3) of rule 3, sub-rule (3) of rule 4, sub-rule (3) of rule 5 or<sup>6</sup>[sub-rule (3) of rule 5A,]<sup>7</sup>[the Presiding Officer] shall adjourn the meeting. The adjourned meeting shall be held on such date, place and time as may be fixed by the<sup>8</sup>[prescribed authority] and the provisions regarding notice to members referred to in sub-rule (1) shall apply :

<sup>9</sup>[Provided that in an adjourned meeting, at least three members shall form a quorum:

Provided further that in any subsequent adjourned meeting also, quorum referred to in the preceding proviso shall be applicable.]

<sup>1</sup> Amended by Notification No. 1658/I/Panch, dated 26.5.93

<sup>2</sup> Ins. by Notification No. 121-PN/O/I, dated 13.1.95

<sup>3</sup> Subs. by ibid, for “to be served on each member”.

<sup>4</sup> Subs. by Notification No. 16778/Panch, dated 21.7.78

<sup>5</sup> Amended by Notification No. 1658/I/Panch, dated 26.5.93

<sup>6</sup> Subs. by Notification No. 121-PN/O/I, dated 13.1.95

<sup>7</sup> Amended by Notification No. 1658/I/Panch, dated 26.5.93

<sup>8</sup> Amended by ibid.

<sup>9</sup> Subs by Notification No. 7106/PN/O/I/3R-4/10 (Pt-I), dated 06.12.2012.

- (3) The <sup>1</sup>[Presiding Officer] shall then conduct the election of the *Pradhan* or *Upa-Pradhan*, *Sabhapati* or *Sahakari Sabhapati*, or *Sabhadhipati* or *Sahakari Sabhadhipati*, as the case may be, in the same manner as laid down in <sup>2</sup>[sub-rules (6), (7), (8) and (9)] of rule 3 <sup>3</sup>[and sub-rules (6), (7) and (8) of rule 4] as far as applicable.
- (4) The papers relating to an election to fill a casual vacancy shall be kept in safe custody by the <sup>4</sup>[prescribed authority] for six months after which they may be destroyed.

## CHAPTER VI

### Number of members of *Sthayee Samiti* of *Panchayat Samiti*

7. The number of members of each *Sthayee Samiti* of a *Panchayat Samiti* to be elected by members of a *Panchayat Samiti* under clause (b) of sub-section (2) of section 124 shall be as follows :

Number of members of a <i>Panchayat Samiti</i> under section 94 (2)	Number of members of each <i>Sthayee Samiti</i> of <i>Panchayat Samiti</i>
(1)	(2)
<sup>5</sup> [15 and below	3
16 to 30	4
31 and above]	5

<sup>6</sup>[Provided that the number of members of a *Sthayee Samiti* already constituted shall remain unchanged for its unexpired term].

## CHAPTER VII

### Election of members of *Sthayee Samiti* of *Panchayat Samiti*

8. (1) Within one week from the date of election of the *Sabhapati* of a *Panchayat Samiti* <sup>7</sup>[or within such

<sup>1</sup> Amended by Notification No. 1658/I/Panch, dated 26.5.93

<sup>2</sup> Subs. by Notification No. 121-PN/O/I, dated 13.1.95

<sup>3</sup> Amended by Notification No. 1658/I/Panch, dated 26.5.93

<sup>4</sup> Amended by Notification No. 1658/I/Panch, dated 26.5.1993

<sup>5</sup> Subs. by Notification No. 121-PN/O/I, dated 13.1.95

<sup>6</sup> Proviso added by *ibid*.

<sup>7</sup> Subs. by Notification No. 141/Panch, dated 11.1.79

further time as may be allowed by the District *Panchayat* Election Officer for reasons to be recorded by him in this behalf], the Sub-divisional Officer shall call a meeting of the members of *Panchayat Samiti* for election under clause (b) of sub-section (2) of section 124 of members of the *Sthayee Samitis* by fixing a date, time and place and by causing a written notice thereof in Form 1 to be served on each member of the *Panchayat Samiti* at least <sup>1</sup>[seven] days before the date fixed for the purpose.

- (2) Such meeting shall be presided over by such officer not below the rank of a <sup>2</sup>[group A officer] as may be authorised by the Sub-divisional Officer in Form 2 and such officer shall not be entitled to vote at the election.
- (3) If on the date of the meeting, <sup>3</sup>[the number of members falls short of a quorum that is one-fourth of the total number of members,] the Presiding Officer shall adjourn the meeting which shall be held on a date to be fixed by the Sub-divisional Officer. The adjourned meeting shall be held on such date, place and time as may be fixed by the Sub-divisional Officer and the provisions regarding notice to members of *Panchayat Samiti* referred to in sub-rule (1) shall apply :

<sup>4</sup>[Provided that in an adjourned meeting, at least three members shall form a quorum.

Provided further that in any subsequent adjourned meeting also, quorum referred to in the preceding proviso shall be applicable.]

- <sup>5</sup>[(4) There shall be as many receptacles as there are *Sthayee Samitis* to be constituted, each receptacle bearing a label mentioning the name of *Sthayee Samiti* for which it is meant. The Presiding Officer shall, as soon as may be, after the commencement of the meeting, satisfy all the members present that the receptacles are empty and shall then place them in the view of himself and the attending members].

<sup>1</sup> Subs. by Notification No. 16778/Panch dated 21.7.78.

<sup>2</sup> Subs. by Notification No. 121-PN/O/I, dated 13.1.95

<sup>3</sup> Subs by Notification No. 7106/PN/O/I/3R-4/10 (Pt-I), dated 06.12.2012.

<sup>4</sup> Subs by Notification No. 7106/PN/O/I/3R-4/10 (Pt-I), dated 06.12.2012.

<sup>5</sup> Sub-rule (4) subs, by Notification No. 121-PN/O/I, dated 13.1.1995

- (5) The election of *Sthayee Samiti* shall be conducted one after another in the same order as mentioned in sub-section (1) of section 124.
- (6) The Presiding Officer shall call upon the members present to propose and second the names of candidates in conformity with the provisions of sub-section (3) of section 124 for election as members of a *Sthayee Samiti*. He shall record the names of the candidates proposed for the *Sthayee Samiti*, together with the names of their proposers and seconds. If the number of candidates proposed and seconded for a *Sthayee Samiti* is equal to or less than the number of seats prescribed under rule 7, the Presiding Officer shall declare them in Form 4 to be duly elected members of the *Sthayee Samiti*.
- (7) When the number of candidates declared to be elected under sub-rule (6) is less than the number of seats prescribed, the Sub-divisional Officer shall call a meeting of members of the *Panchayat Samiti* for a fresh election to complete the number and the provisions regarding notice to members referred to in sub-rule (1) shall apply.
- (8) If more than the prescribed number of seats are proposed and seconded for a *Sthayee Samiti*, the Presiding Officer shall cause to be prepared as many ballot papers in Form 5 as there are members present, each ballot paper bearing the name of the *Sthayee Samiti* and containing the names of the candidates <sup>1</sup>[in the alphabetical order of] their surnames for election to the *Sthayee Samiti*.
- <sup>2</sup>[(9) The Presiding Officer shall put his signature with date on the back of each ballot paper and shall hand over a ballot paper to each member present after writing the name of that member and obtaining his dated initial on the back of the ballot paper. He shall then ask each member to record his vote by placing the mark ‘x’ in the place provided for the purpose in the ballot paper opposite to the name of the candidate or candidates for whom the member intends to vote and then place it in the receptacle bearing the label of the *Sthayee Samiti* concerned.]

<sup>1</sup> Ins. by Notification No. 847/PN/O/I, dated 12.3.98

<sup>2</sup> Sub-rule (9) subs. by Notification No. 121-PN/O/I, dated 13.1.95

- <sup>1</sup>[(10) Immediately after voting is over, the Presiding Officer shall, in the presence of the attending members, take out the ballot papers from the receptacle count them and record the number thereof in Form 6. On being requested by any member present, the Presiding Officer may, at the time of counting, show both sides of any ballot paper to the member or members; but he shall not allow any member to touch the ballot paper.]
- (11) The Presiding Officer may reject any ballot paper which, in his opinion, raises a reasonable doubt as to for whom the voter cast the vote, after recording a note to this effect on the ballot papers so rejected. He shall in Form 7 declare the prescribed number of candidates who have secured the larger number of votes in order of merit to be duly elected as members of the *Sthayee Samiti* concerned.
- (12) In case of an equal number of votes recorded in favour of two or more candidates, selection shall be made of such candidates by lot in such manner as the Presiding Officer shall deem fit and thereupon the candidates thus selected shall be declared to be duly elected as member of the *Sthayee Samiti*.
- (13) As soon as election of members to all the *Sthayee Samitis* is completed in the aforesaid manner, the presiding Officer shall forthwith forward the names of elected members of all the *Sthayee Samitis* to the *Sabhapati of Panchayat Samiti* and to the Sub-divisional Officer for publication in their offices. The Sub-divisional Officer shall forward the names of elected members of all the *Sthayee Samiti* to the <sup>2</sup>[District *Panchayat* Election Officer, the Director of *Panchayats* and Rural Development, the Commission] and the State Government for information. <sup>3</sup>[The Director of *Panchayat* and Rural Development shall] publish the names of the members of the *Sthayee Samiti* in the Official Gazette.
- (14) The papers relating to the election of members to *Sthayee Samitis* of the *Panchayat Samiti* shall be sent to the Sub-divisional Officer for safe custody.

<sup>1</sup> Sub-rule (10) subs. by ibid.

<sup>2</sup> Subs. by Notification No. 847-PN/O/I dated 12.3.98 for "District *Panchayat* Election Officer, Commissioner."

<sup>3</sup> Subs. by ibid, for "The Commissioner shall."

The Sub-divisional Officer shall keep the papers in safe custody for three months after which they may be destroyed.

## CHAPTER VIII

### **Election of *Karmadhyaksha* of *Sthayee Samiti* of *Panchayat Samiti***

9. (1) Within one week from the <sup>1</sup>[date of completion of elections of all the members] of *Sthayee Samiti* under clause (b) of sub-section (2) of section 124 <sup>2</sup>[or within such further time as may be allowed by the District *Panchayat* Election Officer for reasons to be recorded by him in this behalf] the Sub-divisional Officer shall call a meeting of the members of each *Sthayee Samiti* other than members appointed under clause (c) of sub-section (2) of that section by fixing a date, place and time and by causing a notice thereof in Form 1 to be served on each member of the *Sthayee Samiti* at least <sup>3</sup>[Seven] days before the date fixed for the election of a *Karmadhyaksha* .  
(2) The election meeting shall be presided over by an officer not below the rank of <sup>4</sup>[group A officer] as may be authorised by the Sub-divisional Officer in Form 2. Such officer shall not be entitled to vote at the election.  
(3) The election of the *Karmadhyaksha* of the *Sthayee Samiti* shall be conducted in the same manner as laid down under <sup>5</sup>[sub-rules (3), (6) and (7)] of rule 3 as far as applicable :

<sup>6</sup>[Provided that not less than one-half of total number of elected members] of the *Sthayee Samiti* shall form a quorum for the meeting :

<sup>7</sup>[Provided further that] no quorum is necessary in an adjourned meeting.

<sup>1</sup> Subs. by *ibid*, for “date of the election of members.”

<sup>2</sup> Subs. by Notification No. 141/Panch, dated 11.1.79

<sup>3</sup> Subs. by Notification No. 16778/Panch, dated 21.1.78

<sup>4</sup> Subs. by Notification No. 121-PN/O/I, dated 13.1.95.

<sup>5</sup> Subs. by *ibid*.

<sup>6</sup> Subs. by Notification No. 847/PN/O/I, dated 12.3.98, for “provided that one half of the total number of members.”

<sup>7</sup> Subs. by *ibid*, “provided that.”

- (4) The Presiding Officer shall send the name of the *Karmadhyaksha* of each *Sthayee Samiti* to the Sub-divisional Officer who shall forward the same to the *Sabhapati* of the *Panchayat Samiti* as also to the District *Panchayat* Election Officer, <sup>1</sup>[the Director of *Panchayats* and Rural Development, the Commission] and the State Government for information. <sup>2</sup>[The Director of *Panchayats* and Rural Development] shall publish the name of the *Karmadhyaksha* in the Official Gazette.
- (5) The Presiding Officer shall send the papers relating to the election of *Karmadhyaksha* to *Sthayee Samitis* of a *Panchayat Samiti* to the Sub-divisional Officer for safe custody. The Sub-divisional Officer shall keep the papers in safe custody for three months after which they may be destroyed.
- (6) The name of the *Karmadhyaksha* along with the names of members of each *Sthayee Samiti* shall then be published in the offices of the Sub-divisional Officer and the *Panchayat Samiti*.

## CHAPTER IX

### **Election of members of *Sthayee Samiti* of <sup>3</sup>[Mahakuma]/ *Zilla Parishad***

10. The number of <sup>4</sup>[Members of] each *Sthayee Samiti* of *Zilla Parishad* to be elected by the members of the *Zilla Parishad* under clause (b) of sub-section (2) of section 171 shall be as follows :

Number of members of a <i>Zilla Parishad</i> under section 140(2) or <sup>5</sup> [section 140(5)(a)]	Number of members of each <i>Sthayee Samiti</i> of <i>Zilla Parishad</i>
(1)	(2)
30 and below	3
31 to 60	4
61 and above	5

- 6[10A. The number of members of Artha, Sanstha, Unnayan O Parikalpana *Sthayee Samiti* or any

<sup>1</sup> Subs. by ibid, for “the Commission.”

<sup>2</sup> Subs. by ibid.

<sup>3</sup> Amended by Notification No. 12932/I/Panch, dated 19.5.89

<sup>4</sup> Subs. by Notification No. 16778/Panch, dated 21.7.78.

<sup>5</sup> Amended by Notification No. 11264/I/Panch, dated 23.5.86

<sup>6</sup> Inserted by Notification No. 12932/I/Panch, dated 19.5.89

other *Sthayee Samiti*, that may be constituted, of the *Mahakuma Parishad* to be elected by the members of the *Mahakuma Parishad* under sub-clause (ii) of clause (c) of sub-section (7) of section 185B, shall be three.

## CHAPTER X

### **Election of members of *Sthayee Samitis* of ¹[Mahakuma]/ *Zilla Parishad***

11. (1) Within one week from the date of election of the *Sabhadhipati* of a *Zilla Parishad* <sup>2</sup>[or within such further time as may be allowed by the District *Panchayat* Election Officer for reasons to be recorded by him in this behalf], the District Magistrate shall call a meeting of the members of the *Zilla Parishad* for election of members of the *Sthayee Samitis* by fixing a date, time and place and by causing a written notice thereof in Form 1 to be served on each member of the *Zilla Parishad* at least <sup>3</sup>[seven] days before the date fixed for the purpose.  
(2) The election meeting shall be presided over by an officer not below the rank of a <sup>4</sup>[group A officer] authorised in this behalf in Form 2 by the District Magistrate. Such officer shall not be entitled to vote at this election.  
(3) The election shall be conducted, as far as possible, in the manner as laid down under sub-rule (3) to (12) of rule 8.  
(4) As soon as election of members to all *Sthayee Samitis* is completed, the Presiding Officer shall forward to the District Magistrate and the *Sabhadhipati* of the *Zilla Parishad* the names of the candidates elected as members of each *Sthayee Samiti* for publication in their offices. The District Magistrate shall forward these names of elected members of *Sthayee Samitis* to the District *Panchayat* Election Officer, <sup>5</sup>[the Director of *Panchayats* and Rural Development, the Commission] and the State

<sup>1</sup> Amended by ibid.

<sup>2</sup> Subs. by Notification No. 16778/Panch, dated 21/7/1978

<sup>3</sup> Subs. by Notification No. 141/Panch, dated 11/1/1979

<sup>4</sup> Subs. by Notification No. 121-PN/O/I, dated 13.1.95

<sup>5</sup> Subs. by Notification No. 847/PN/O/I, dated 12.3.98

Government for information. <sup>1</sup>[The Director of *Panchayats* and Rural Development shall] publish the names of the members of the Sathayee *Samiti* in the Official Gazette.

- (5) The papers relating to the election of members to the *Sthayee Samitis* shall be sent to the District Magistrate for safe custody. The District Magistrate shall keep the papers in safe custody for three months after which they may be destroyed.

- 11A.** (1) Within one week from the date of election of *Sabhadhipati* of a *Mahakuma Parishad* or within such further time as may be allowed by the District *Panchayat* Election Officer for reasons to be recorded by him in this behalf, the District Magistrate shall call a meeting of the members of the *Mahakuma Parishad* for election of members of the *Sthayee Samitis* by fixing a date, time and place and by causing a written notice thereof in Form 1 to be served on each member of the *Mahakuma Parishad* at least seven days before the date fixed for the purpose.
- (2) The meeting shall be presided over by an officer not below the rank of a group ‘A’ officer authorised in this behalf in Form 2 by the District Magistrate. Such officer shall not be entitled to vote at this election.
- (3) The election shall be conducted, as far as possible, in the manner as laid down under sub-rules (3) to (12) of rule 8.
- (4) As soon as election of members to all *Sthayee Samitis* is completed, the Presiding Officer shall forward to the District Magistrate and the *Sabhadhipati* of the *Mahakuma Parishad*, the names of the candidates elected as members of each *Sthayee Samiti* for publication in their offices. The District Magistrate shall forward the names of elected members of *Sathayee Samitis* to the District *Panchayat* Election Officer, <sup>2</sup>[the Director of *Panchayats* and Rural Development, the Commission and] the State Government for information. <sup>3</sup>[The Director of

<sup>1</sup> Subs. by *ibid.*

<sup>2</sup> Subs. by Notification No. 847/PN/O/I, dated 12.3.98

<sup>3</sup> Subs. by *ibid.*

*Panchayats and Rural Development shall] publish the names of the members of the Sthayee Samiti in the Official Gazette.*

- (5) The papers relating to the election of the members to the *Sthayee Samitis* shall be sent to the District Magistrate for safe custody. <sup>1</sup>[The District Magistrate shall keep the papers in safe custody for three months after which they may be destroyed.]

## CHAPTER XI

### **Election of Karmadhyaksha of Sthayee Samiti of <sup>2</sup>[Mahakuma]/ Zilla Parishad**

12. (1) Within one week from the <sup>3</sup>[date of completion of elections of all members] of *Sthayee Samiti* under <sup>4</sup>[sub-clause (ii) of clause (c) of sub-section (7) of section 185B or under clause (b) of sub-section (2) of section 171, as the case may be] <sup>5</sup>[or within such further time as may be allowed by the District *Panchayat* Election Officer for reasons to be recorded by him in this behalf], the District Magistrate shall, by a notice in Form 1, call a meeting of the members of each *Sthayee Samiti* other than the members appointed under clause (c) of sub-section (2) of that section for the election of *Karmadhyaksha*. Such notice shall specify the date, time and place of the meeting and shall be served at least <sup>6</sup>[seven] days before the date fixed for the meeting.
- (2) The election meeting shall be presided over by such officer, not below the rank of a <sup>7</sup>[group A officer] as may be authorised in this behalf, in Form 2 by the District Magistrate. Such officer shall not be entitled to vote at the election.
- (3) The election of *Karmadhyaksha* of a *Sthayee Samiti* shall be conducted in the same manner as laid down under <sup>8</sup>[sub-rules (4), (6) and (7)] of rule 4 as far as applicable :

<sup>1</sup> Amended by Notification No. 12932/I/Panch, dated 19.5.89

<sup>2</sup> Amended by ibid.

<sup>3</sup> Subs. by Notification No. 847/PN/O/I, dated 12.3.1998

<sup>4</sup> Amended by Notification No. 12932/I/Panch, dated 19.5.89

<sup>5</sup> Subs. by Notification No. 141/Panch, dated 11.1.79

<sup>6</sup> Subs. by Notification No. 16778/Panch, dated 21.7.78

<sup>7</sup> Subs. by Notification No. 121-PN/O/I, dated 13.1.95

<sup>8</sup> Subs. by Notification No. 121-PN/O/I, dated 13.1.95

Provided that not less than one half of the elected members]<sup>1</sup> of a *Sthayee Samiti* shall form a quorum for the meeting :

Provided further that no quorum shall be necessary in an adjourned meeting.

- (4) The Presiding Officer shall send the name of the *Karmadhyaksha* of each *Sthayee Samiti* to the *Sabhadhipati* of the <sup>2</sup>[*Mahakuma Parishad* or *Zilla Parishad* as the case may be] and the District Magistrate who shall forward the same to the District *Panchayat* Election Officer, <sup>3</sup>[the Director of *Panchayats* and Rural Development, the Commission] and the State Government for information. <sup>4</sup>[The Director of *Panchayats* & Rural Development shall] publish the name of *Karmadhyaksha* in the Official Gazette.
- (5) The Presiding Officer shall send the papers relating to the election of *Karmadhyaksha* to a *Sthayee Samiti* of a <sup>2</sup>[*Mahakuma Parishad* or *Zilla Parishad* as the case may be] to the District Magistrate for safe custody. The District Magistrate shall keep the papers in safe custody for three months after which they may be destroyed.
- (6) The names of *Karmadhyaksha* along with the names of the members of each *Sthayee Samiti* shall then be published in the offices of the <sup>2</sup>[*Mahakuma Parishad* or *Zilla Parishad* as the case may be] and the District Magistrate.

## CHAPTER XII

### Resignation of and filling up of casual vacancy in the office of the *Karmadhyaksha* or any member of a *Sthayee Samiti* of a *Panchayat Samiti* or a <sup>5</sup>[*Mahakuma Parishad*] or *Zilla Parishad*

13. (1) The *Karmadhyaksha* or any other member of *Sthayee Samiti* of a *Panchayat Samiti* may resign his office by giving notice in writing to

<sup>1</sup> Subs. by Notification No. 847/PN/O/I, dated 12.3.98

<sup>2</sup> Ins. by Notification No. 12932/I/Panch, dated 19.5.89

<sup>3</sup> Subs. by Notification No. 847/PN/O/I, dated 12.3.98

<sup>4</sup> Subs. by ibid.

<sup>5</sup> Amended by Notification No. 12932/I/Panch, dated 19.5.89

the *Sabhapati* <sup>1</sup>[who shall cause the notice to be placed within a period not exceeding one month before the *Panchayat Samiti* in its meeting] and on such resignation being accepted by the *Panchayat Samiti*, the *Karmadhyaksha* or such member shall be deemed to have vacated his office.]

- (2) The *Karmadhyaksha* or any other member of a *Sthayee Samiti* of <sup>2</sup>[the *Mahakuma Parishad*] or a *Zilla Parishad* may resign his office by giving notice in writing to the *Sabhadhipati* <sup>3</sup>[who shall cause the notice to be placed within a period not exceeding one month before the *Mahakuma Parishad* or the *Zilla Parishad*, as the case may be, in its meeting], and on such resignation being accepted by the <sup>2</sup>[*Mahakuma Parishad* or *Zilla Parishad*], the *Karmadhyaksha* or such member shall be deemed to have vacated his office.]

- 14.** (1) Any casual vacancy in the office of the *Karmadhyaksha* of a *Sthayee Samiti* of a *Panchayat Samiti* or <sup>2</sup>[*Mahakuma Parishad*] or a *Zilla Parishad* by death, resignation, removal or otherwise shall be filled by election in the manner laid down in rules 9 or 12 as the case may be.
- (2) When a casual vacancy in the office of a *Karmadhyaksha* of a *Sthayee Samiti* of a *Panchayat Samiti* occurs, the Sub-divisional Officer shall, by a notice in Form 1, <sup>4</sup>[call, within fifteen days from the date of the casual vacancy or within such further time as may be allowed by the District *Panchayat Election Officer* for reasons to be recorded by him in this behalf, a meeting] of the members of the *Sthayee Samiti* for election of a *Karmadhyaksha*.
- (3) When a casual vacancy in the office of a *Karmadhyaksha* of a *Sthayee Samiti* of <sup>2</sup>[*Mahakuma Parishad*] or *Zilla Parishad* occurs, the District Magistrate shall, by a notice in Form 1, call, <sup>5</sup>[within thirty days] from the date of the casual vacancy or within such further time as may be allowed by the District *Panchayat Election Officer* for reasons to be recorded by him in this behalf a meeting of the

<sup>1</sup> Ins. by Notification No. 847/PN/O/I, dated 12.3.98

<sup>2</sup> Amended by Notification No. 12932/1/Panch, dated 19.5.89

<sup>3</sup> Ins. by Notification No. 847/PN/O/I dated 12.3.98

<sup>4</sup> Subs by Notification No. 16765/Panch, dated 31.8.79

<sup>5</sup> Subs by Notification No. 7106/PN/O/I/3R-4/10 (Pt-I), dated 06.12.2012.

members of the *Sthayee Samiti* for the election of a *Karmadhyaksha*.

- 15.** (1) Any casual vacancy in the office of an elected members of a *Sthayee Samiti* of a *Panchayat Samiti* shall be filled by a fresh election.  
(2) When a casual vacancy in the office of an elected member occurs, the Sub-divisional Officer shall, <sup>1</sup>[within twenty one days] <sup>2</sup>[or within such further time as may be allowed by the District *Panchayat* Election Officer for reasons to be recorded by him in writing in this behalf], by a notice in Form 1, call a meeting of the members of the *Panchayat Samiti* for the election of a member. The Provisions of rule 8 shall, as far as may be, apply to such election.
- 16.** (1) Any casual vacancy in the office of an elected member of a *Sthayee Samiti* of <sup>3</sup>[*Mahakuma Parishad* or] a *Zilla Parishad* shall be filled by a fresh election.  
(2) When a casual vacancy in the office of an elected member occurs, the District Magistrate shall, <sup>4</sup>[within twenty one days] <sup>5</sup>[or within such further time as may be allowed by the District *Panchayat* Election Officer for reasons to be recorded by him in writing in this behalf], by a notice in Form 1, call a meeting of the members of the <sup>3</sup>[*Mahakuma Parishad* or] *Zilla Parishad* for the election of a member. The provisions of rule 11 shall, as far as may be, apply to such election.

## **<sup>6</sup>[CHAPTER XIII]**

### **Removal of a members of *Sthayee Samiti* of a *Panchayat Samiti* or <sup>7</sup>[*Mahakuma*/ *Zilla Parishad*]**

- 17.** (1) The Sub-divisional Officer may, after giving an opportunity to show cause, by order, remove a member, other than members, referred to in clause (a) and (c) of sub-section (2) of section 124, from

<sup>1</sup> Subs by Notification No. 7106/PN/O/I/3R-4/10 (Pt-I), dated 06.12.2012.

<sup>2</sup> Ins. by Notification No. 847/PN/0/I, dated 12.3.89

<sup>3</sup> Amended by Notification No. 12932/I/Panch, dated 19.5.89

<sup>4</sup> Subs by Notification No. 7106/PN/O/I/3R-4/10 (Pt-I), dated 06.12.2012.

<sup>5</sup> Ins. by Notification No. 12932/I/Panch, dated 19.5.89.

<sup>6</sup> Chapter XIII added by Notification No. 534/I/Panch dated 10.1.84

<sup>7</sup> Amended by Notification No. 12932/I/Panch, dated 19.5.89

office if he is absent from three consecutive meeting of a *Sthayee Samiti* without the leave of the *Sthayee Samiti*.

- (2) The District Magistrate may, after giving an opportunity to show cause, by order, remove a member, other than the members referred to in <sup>1</sup>[clauses (i), (iii) and (iv) of sub-section (3) of section 185B] or in clauses (a) and (c) of sub-section (2) of section 171, as the case may be, from office if he is absent from three consecutive meetings of a *Sthayee Samiti* of the <sup>1</sup>[Mahakuma or] *Zilla Parishad* without the leave of the *Sthayee Samiti*.
  - (3) Any member of a *Sthayee Samiti* of a *Panchayat Samiti* who is removed from office under sub-rule (1) may, within thirty days from the date of the order, appeal to the District Magistrate against the order of such removal.
  - (4) Any members of a *Sthayee Samiti* of <sup>1</sup>[the Mahakuma or] a *Zilla Parishad* who is removed from office under sub-rule (2) may, within thirty days from the date of the order, appeal to the Divisional Commissioner against the order of such removal.
  - (5) The District Magistrate or the Divisional Commissioner, as the case may be, may stay the operation of the order made under sub-rule (1) or sub rule (2), as the case may be, till the disposal of the appeal and may, after giving notice of the appeal to the Sub-divisional Officer or the District Magistrate, as the case may be and after giving the appellant an opportunity of being heard, modify, set aside or confirm the order. The order passed by the District Magistrate or the Divisional Commissioner, as the case may be, on such appeal shall be final.
- <sup>2</sup>[(6)(a) The members of a *Panchayat Samiti* or *Zilla Parishad* or *Mahakuma Parishad* as the case may be, may in a meeting specially convened for the purpose, remove any one or more than one or all members elected by it to any of its *Sthayee Samiti* or all such *Sthayee Samitis* simultaneously, by

<sup>1</sup> Amended by Notification No. 12932/I/Panch, dated 19.5.89

<sup>2</sup> Subs by Notification No. 7106/PN/O/I/3R-4/10 (Pt-I), dated 06.12.2012.

a resolution carried by the majority of existing members:

Provided that no such meeting shall be convened within one year from the date of constitution or reconstitution of such *Sthayee Samiti* or in case of removal of any individual member, from the date of his election as a member and if any such meeting is convened, it shall be deemed to be void ab initio. –

*Explanation.* – Reconstitution of a *Sthayee Samiti* means electing one or more members in the casual vacancies in that *Sthayee Samiti* at such situation when a quorum cannot be reached with the existing members.

- (b) For the purpose of removal of a member or members referred to under clause (a), one-third of the existing members of the *Panchayat Samiti* or *Mahakuma Parishad* or *Zilla Parishad* having right to vote, as the case may be, subject to a minimum of three members shall sign a motion in writing expressing their lack of confidence against one member or more than one member, or all members of a *Sthayee Samiti* or more than one *Sthayee Samiti* or all *Sthayee Samitis* or recording their intention to remove such member or members indicating party affiliation or independent status of each of such signatory members and either deliver the motion in person through any of such members or send it by registered post to the Sub-divisional Officer in case of *Panchayat Samiti* and to the Divisional Commissioner in case of *Mahakuma Parishad* or *Zilla Parishad*; one copy of the motion shall be delivered to the member or members proposed to be removed either by hand or by registered post at the *Pachayat Samiti* or *Mahakuma Parishad* office or *Zilla Parishad* office, as the case may be, and another copy shall be sent by registered post at the residential address of each such member.
- (c) The Sub-divisional Officer or the Divisional Commissioner, as the case may be, shall satisfy himself that the motion conforms to the requirements of sub-rule (b) and on his satisfaction shall specially convene, by issue of notice with the

item of agenda in Form 1F, within five working days of the receipt of the motion, a meeting of the *Panchayat Samiti* or *Mahakuma Parishad* or *Zilla Parishad*, as the case may be, to be held in its office fixing date and hour of the meeting and sending such notice before at least clear seven days to each of its existing members for consideration of the motion and for taking a decision on it.

- (d) The meeting referred to in clause (c) shall be held on a working day which shall not be later than fifteen working days from the date of receipt of the motion by the authority concerned and the meeting so convened shall not be postponed or cancelled except in pursuance of an order or direction of a competent court or for any other reason beyond control of the authority concerned.
- (e) Quorum required for such meeting shall be more than fifty percent of the existing members having right to vote.
- (f) For the purpose of conduct of the aforesaid meeting, the provisions under sub-rules (3) to (14) of rule 5B shall be followed *mutatis mutandis* barring that for the purpose of authorization of presiding officer, Form 2B shall be applicable:

Provided that if the meeting is convened to consider the motion to remove more than one member of one *Sthayee Samiti* or more than one *Sthayee Samiti*, the motion shall be taken up for consideration one after another in the same order as mentioned in sub-section (1) of section 124 or sub-section (1) of section 171 as the case may be.

Provided further that in case of *Mahakuma Parishad*, the sequential order in sub-section (1) of section 171, shall be followed *mutatis mutandis*.

- (g) If the motion is not carried by the majority of its existing members having right to vote or the meeting cannot be held for want of quorum, no notice of any subsequent motion under this sub-rule for the removal of the same member or members of the same *Sthayee Samiti* shall be taken into cognizance within a period of one year from the date appointed for such meeting.

- (h) When the *Karmadhyaksha* of a *Sthayee Samiti* who had been elected to the said office on being an elected member of the said *Sthayee Samiti*, is removed under this sub-rule, from the office of the member of the said *Sthayee Samiti*, he shall be deemed to be removed from the said office of the *Karmadhyaksha* at the same time on the ground that he is no longer a member of the said *Sthayee Samiti*;
- (i) Any casual vacancy in the membership in a *Sthayee Samiti* shall be filled in the manner *mutatis mutandis* laid down in rule 8 or rule 11 as the case may be within a period of twenty-one days from the date of its occurrence and in case of casual vacancy in the office of the *Karmadhyaksha* in the manner laid down in rule 9 or rule 12 as the case may be, within thirty days from the date of its occurrence:

Provided that District *Panchayat* Election Officer may, for reasons recorded in writing in this behalf, may extend the period for holding such election:

Provided further that at the time of vacancy in the office of the *Karmadhyaksha*, the *Sabhapati* or the *Sabhadhipati* shall perform the functions of the *Karmadhyaksha*.]

#### **<sup>1</sup>CHAPTER XIV**

##### **Removal of a *Karmadhyaksha* of a *Sthayee Samiti* of a *Panchayat Samiti* or a<sup>2</sup>[*Mahakuma*]/ *Zilla Parishad***

- 18.** (1) The Sub-divisional Officer may, after giving an opportunity to show cause by order, remove a *Karmadhyaksha* of a *Sthayee Samiti* of a *Panchayat Samiti*, other than the *Karmadhyaksha* referred to in the first proviso to sub-section (1) of section 125, from office if he fails to convene the meetings of the *Sthayee Samiti* for three consecutive months.
- (2) The District Magistrate may, after giving an opportunity to show cause, by order, remove a *Karmadhyaksha* of *Sthayee Samiti* of <sup>2</sup>[the *Mahakuma Parishad* or] a *Zilla Parishad*, other

<sup>1</sup> Chapter XIV added by Notification No. 534/I/Panch dated 10.1.84

<sup>2</sup> Amended by Notification No. 12932/I/Panch, dated 19.5.89

than the *Karmadhyaksha* referred to in the second proviso to sub section (1) of section 172 from office if he fails to convene the meetings of the *Sthayee Samiti* for three consecutive months.

- (3) The *Karmadhyaksha* of *Sthayee Samiti* of a *Panchayat Samiti* who is removed under sub-rule (1) may, within thirty days from the date of the order, appeal to the District Magistrate against the order of such removal.
  - (4) The *Karmadhyaksha* of a *Sthayee Samiti* of <sup>1</sup>[the *Mahakuma Parishad* or] *Zilla Parishad* who is removed under sub-rule (2) may, within thirty days from the date of the order, appeal to the Divisional Commissioner against the order of such removal.
  - (5) The District Magistrate or the Divisional Commissioner, as the case may be, may stay the operation of the order made under sub-rule (1) or sub-rule (2) as the case may be, till the disposal of the appeal and may, after giving notice of the appeal to the Sub-divisional Officer or the District Magistrate, as the case may be and after giving the appellant an opportunity of being heard, modify, set aside or confirm the order. The order passed by the District Magistrate or the Divisional Commissioner, as the case may be, on such appeal shall be final.
- <sup>2</sup>[(6)(a) The *Karmadhyaksha* of the *Sthayee Samiti* of the *Panchayat Samiti* or *Mahakuma Parishad* or *Zilla Parishad*, as the case may be, other than the ex-officio *Karmadhyaksha* of Artha, Sanstha, Unnayan O Parikalpana *Sthayee Samiti* may at any time, after one year of his election to the office of the *Karmadhyaksha* may be removed from office by a resolution of the *Sthayee Samiti* at a meeting specially convened for the purpose, carried by the majority of the existing members having right to vote, subject to a minimum of three such members.
- (b) For the purpose of removal of *Karmadhyaksha* of a *Sthayee Samiti* of a *Panchayat Samiti* or <sup>1</sup>[the *Mahakuma Parishad* or] *Zilla Parishad*, as the case may be, not less than members, other

<sup>1</sup> Amended by Notification No. 12932/1/Panch, dated 19.5.89

<sup>2</sup> Subs by Notification No. 7106/PN/O/I/3R-4/10 (Pt-I), dated 06.12.2012.

than the members appointed under clause (c) of sub-section (2) of section 124<sup>1</sup>[or under sub-clause (iii) of clause (c) of sub-section (7) of section 185B] or under clause (c) of sub-section (2) of section 171, as the case may be, shall sign a motion in writing expressing their lack of confidence against the *Karmadhyaksha* of the said *Sthayee Samiti* or recording their intention to remove the *Karmadhyaksha* indicating party affiliation or independent status of each of such members and either deliver the motion in person through any of such members or send it by registered post to the Sub-divisional Officer in case of *Panchayat Samiti* and to the Divisional Commissioner in the case of *Mahakuma Parishad* or *Zilla Parishad*; one copy of the motion shall be delivered to the concerned *Karmadhyaksha* either by hand or by registered post at the *Panchayat Samiti* or *Zilla Parishad* office, as the case may be, and another copy shall be sent by registered post at his residential address.

- (c) The Sub-divisional Officer or the Divisional Commissioner, as the case may be, shall satisfy himself that it conforms to the requirements of sub-rule (b) and on his satisfaction, shall specially convene, by issue of notice with the item of agenda in Form 1F, within five working days of the receipt of the motion, a meeting of the said *Sthayee Samiti* to be held in its office fixing date and hour of the meeting and sending such notice at least clear seven days ahead to each of its existing members referred to in clause (b) for consideration of the motion and for taking decision on it.
- (d) The meeting referred to in clause (c) shall be held on a working day which shall not be later than fifteen working days from the date of receipt of the motion by the authority concerned and the meeting so convened shall not be adjourned or cancelled except in pursuance of an order or direction of a competent court or for

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<sup>1</sup> Amended by Notification No. 12932 dated 19.5.1989

any other reason beyond control of the authority concerned.

- (e) Quorum for such meeting shall be more than fifty percent of the existing members having right to vote subject to a minimum of three members.
- (f) For the purpose of conduct of the aforesaid meeting, the provisions under sub-rules (3) to (14) of rule 5B shall be followed *mutatis mutandis* barring that for the purpose of authorization of presiding officer, Form 2B shall be applicable.
- (g) If the motion is not carried by the majority of the existing members having right to vote, subject to a minimum of three members or the meeting cannot be held for want of quorum, no notice of any subsequent motion under this sub-rule for the removal of the same Karmadhyaksha of same *Sthayee Samiti* shall be taken into cognizance within a period of one year from the date appointed for such meeting.]

#### <sup>1</sup>[CHAPTER XV

##### **Number of members in each *Upa-Samiti* of a *Gram Panchayat***

- 19.** The number of members in each *Upa-Samiti* of a *Gram Panchayat* to be elected by members of a *Gram Panchayat* under clause (b) of sub-section (3) of section 32A shall be as follows :—

<b>Number of members of a <i>Gram Panchayat</i> under section 4 (2A)</b>	<b>Number of members in each <i>Upa-Samiti</i> of <i>Gram Panchayat</i></b>
(1)	(2)
10 and below	1
11 to 20	2
21 and above	3

<sup>1</sup> Chapter XV to XVIII inserted by Notification No. 2061/PN/O/I/3R-4/2003 dated 22.06.2004

Provided that no person, other than the *Pradhan* or the *Upa-Pradhan* of a *Gram Panchayat*, shall be a member of more than two *Upa-Samitis* at a time.

## CHAPTER XVI

### Election of members of *Upa-Samiti* of *Gram Panchayat*

20. (1) Within three months from the date of election of the *Pradhan* of the *Gram Panchayat*, the Block Development Officer shall call a meeting of the members of *Gram Panchayat* for election of members of the *Upa-Samitis* under clause (b) of sub-section (3) of section 32A for fixing a date, time and place by giving a notice thereof in Form I to each member of the *Gram Panchayat* at least seven days before the date fixed for the meeting.
- (2) Such meeting shall be presided over by such officer not below the rank of an Extension Officer as may be authorised by the Block Development Officer in Form 2 and such officer shall not be entitled to vote at the election.
- (3) <sup>1</sup>[If on the date of the meeting, quorum i.e. presence of one-third of the total members is not obtained], the Presiding Officer shall adjourn the meeting which shall be held on a date to be fixed by the Block Development Officer and the provisions referred to in sub-rule (1) shall apply *mutatis mutandis*:

<sup>2</sup>[Provided that in an adjourned meeting, at least three members shall form a quorum.

Provided further that in subsequent adjourned meeting also, quorum referred to in the preceding proviso shall be applicable.]

- (4) There shall be as many receptacles as there are *Upa-Samitis* and each receptacle shall bear a label mentioning the name of *Upa-Samiti*. The Presiding Officer shall, as soon as may be, after commencement of the meeting, satisfy all the members present that the receptacles are empty and shall then place them in the view of him and the attending members.

<sup>1</sup> Subs by Notification No. 7106/PN/O/I/3R-4/10 (Pt-I), dated 06.12.2012.

<sup>2</sup> Subs by Notification No. 7106/PN/O/I/3R-4/10 (Pt-I), dated 06.12.2012.

- (5) The election of *Upa-Samitis* shall be conducted one after another in the same order as mentioned in sub-section (2) of section 32A.
- (6) The Presiding Officer shall call upon the members present to propose and second the names of candidates in conformity with rule 19, for election of members to the *Upa-Samitis* as mentioned in sub-section (2) of section 32A. If the name of members proposed and seconded for such *Upa-Samitis* is equal to or less than the number of seats as specified in rule 19, the Presiding Officer shall declare them in Form 4 to be duly elected members of such *Upa-Samitis*;

Provided that no member in absentia shall be elected in any of the *Upa-Samitis*.

- (7) When the number of candidates declared to be elected is less than the number of seats as specified in rule 19, the Block Development Officer shall call a meeting of the members of the *Gram Panchayat* for a fresh election to complete the number and the provisions regarding notice to members referred to in Sub-rule (1) shall apply *mutatis mutandis*.
- (8) If name of candidates proposed and seconded is more than the specified number of seats, the Presiding Officer shall cause to be prepared as many ballot papers in Form 5 as there are members present, each ballot paper bearing the name of a *Upa-Samiti* and containing the name of the candidates in alphabetical order of their surnames for election to the *Upa-Samiti*.
- (9) The Presiding Officer shall put his signature with date on the back of each ballot paper and shall hand over a ballot paper to each member present after writing his name and obtaining his signature with date, on the back of ballot paper. He shall then ask each member to record his vote by placing the mark 'x' in the place provided for the purpose in the ballot paper opposite to the name of the candidate or candidates for whom the member intends to cast his vote and then place it in the receptacle bearing the label of the *Upa-Samiti* concerned.

- (10) Immediately after the voting procedure is over, the Presiding Officer shall, in the presence of the attending members, take out the ballot papers from the receptacles, count them and record the number thereof in Form 6. On being requested by any member present, the Presiding Officer may, at the time of counting, show both sides of any ballot paper to the member but he shall not allow any member to touch the ballot paper.
- (11) The Presiding Officer may reject any ballot paper, which, in his opinion, raises a reasonable doubt as to for whom the voter cast his vote, after recording a note to this effect on the ballot paper so rejected. He shall declare in Form 7, the number of duly elected candidates who have secured the larger number of votes in order of merit to be duly elected as members of the *Upa-Samiti* concerned.
- (12) In case of an equal number of votes recorded in favour of two or more candidates, selection shall be made of such candidates by drawing lots in such manner as the Presiding Officer shall deem fit and thereupon the candidates thus selected shall be declared to be duly elected as members of the *Upa-Samiti*.
- (13) As soon as election of members to all *Upa-Samitis* is completed, the Presiding Officer shall forthwith forward the names of elected members of all the *Upa-Samitis* to the *Pradhan* of the *Gram Panchayat* and to the Block Development Officer for notice in their respective offices. The Block Development Officer shall forward the names of elected members to the Sub-divisional Officer, District *Panchayat* Election Officer, the Director of *Panchayats* and Rural Development, the Commission and the State Government for information. The Director of *Panchayats* and Rural Development shall publish the names of the members of the *Upa-Samitis* in the Official Gazette.
- (14) The Block Development Officer shall preserve the papers relating to the election of members to *Upa-Samitis* of *Gram Panchayat* in safe custody for three months after which they may be destroyed.

## CHAPTER XVII

### Election of *Sanchalak* of an *Upa-Samiti* of *Gram Panchayat*

21. (1) Within one week from the date of completion of elections of all the members of an *Upa-Samiti* under clause (b) of sub-section (3) of section 32A or within such further time as may be allowed by the District *Panchayat* Election Officer for reasons to be recorded by him in this behalf, the Block Development Officer shall call a meeting of each *Upa-Samiti* other than members appointed under clause (c) of sub-section (3) of that section by fixing a date, place and time and by causing a notice thereof in Form 1 to be served on each member to the *Upa-Samiti* at least seven days before the date fixed for the election of a *Sanchalak*.  
(2) The election meeting shall be presided over by an Extension Officer as may be authorised by the Block Development Officer in Form 2. Such officer shall not be entitled to vote at the election.  
(3) The Presiding Officer shall call upon the members present to propose and second the name of candidate in conformity with the provisions of sub-section (4) of section 32A. If only one candidate is proposed and seconded, the Presiding Officer shall, in Form 4, declare him to be duly elected to be the *Sanchalak* of the *Upa-Samiti*. If more than one candidate have been proposed and seconded, the Presiding Officer shall hold election in the manner as laid down under sub-rules (8) to (12) of rule 20:

Provided that quorum shall be necessary for an election meeting and presence of two members of an *Upa-Samiti* other than the members referred to in clause (c) of sub-section (3) of section 32A of the Act shall form a quorum for a meeting:

Provided further that no member shall be a *Sanchalak* for more than two *Upa-Samitis* at a time.

- (4) As soon as election of *Sanchalak* is completed, the Presiding Officer shall forthwith forward the name of *Sanchalak* of *Upa-Samiti* to the *Pradhan* of the *Gram Panchayat* and to the Block Development

Officer for publication in their offices. The Block Development Officer shall forward the names of all *Sanchalaks* to the Sub-divisional Officer, District *Panchayat* Election Officer, the Director of *Panchayats* and Rural Development, the Commission and the State Government for information. The Director of *Panchayats* and Rural Development shall publish the names of the *Sanchalaks* of the *Upa-Samitis* in the Official Gazette.

- (5) The Block Development Officer shall preserve the papers relating to the election of members to *Upa-Samitis* of *Gram Panchayat* in safe custody for three months after which they may be destroyed.

## CHAPTER XVIII

### **Removal of a member or *Sanchalak* of an *Upa-Samiti* of *Gram Panchayat***

22. (1) The Block Development Officer may, after giving an opportunity to show cause, by order, remove a member, other than members referred to in clause (a) and (c) of sub-section (3) of section 32A from office if he is absent for three consecutive meetings of an *Upa-Samiti* without the leave of the *Upa-Samiti* or remove a *Sanchalak* of an *Upa-Samiti*, other than the *Sanchalak* of Artha-O-Parikalpana *Upa-Samiti*, from office if he fails to convene three consecutive meetings of the *Upa-Samiti*.
- (2) Member of *Sanchalak* of an *Upa-Samiti* who is removed under sub-rule (1) may, within thirty days from the date of the order, appeal to the Sub-divisional Officer against the order of such removal.
- (3) The Sub-divisional Officer upon receiving such appeal, may stay the operation of the order made under sub-rule (1) till the disposal of the appeal and may, after giving notice of appeal to the Block Development Officer and after giving the appellant an opportunity of being heard, modify, set aside or confirm the order. The order passed by the Sub-divisional Officer on such appeal shall be final.

- <sup>1</sup>[(4)(a) Any one member, more than one member or all members or the *Sanchalak(s)* of an *Upa-Samiti*, more than one *Upa-Samiti* or all *Upa-Samitis* other than the *Sanchalak* of the Artha-O-Parikalpana *Upa-Samiti*, may at any time after one year from the date of constitution or reconstitution of such *Upa-Samiti* or in case of any individual member from the date of his election as a member(s) of *Upa-Samiti*, be removed from office by a resolution of the *Gram Panchayat* carried by the majority of the existing members of the *Gram Panchayat*, at a meeting, specially convened for the purpose.
- (b) For the purpose of removal of one or more member or a *Sanchalak(s)* as referred to under clause (a), one-third of the existing members of the *Gram Panchayat* subject to a minimum of three members shall sign a motion in writing expressing their lack of confidence against one or more member or *Sanchalak(s)*, as the case may be, indicating party affiliation or independent status of each of such signatory members and either deliver the motion in person through any of such members or send it by registered post to the Block Development Officer; one copy of the motion shall be delivered to the member or members or *Sanchalak(s)* proposed to be removed, as the case may be, either by hand or by registered post at the *Gram Panchayat* office and another copy shall be sent by registered post at the residential address of such members.
- (c) The Block Development Officer on receipt of the motion shall satisfy himself that it conforms to the requirements of clause (b) and on his satisfaction shall specially convene, by issue of notice with the item of agenda in Form 1F, within five working days of the receipt of the motion, a meeting of the *Gram Panchayat* to be held in its office fixing date and hour of the meeting and sending such notice at least before clear seven days to each of its existing members for consideration of the motion and for taking a decision on it.

<sup>1</sup> Subs by Notification No. 7106/PN/O/I/3R-4/10 (Pt-I), dated 06.12.2012.

- (d) The meeting referred to in sub-rule (c) shall be held on a working days which shall not be later than fifteen working days from the date of receipt of the motion by the authority concerned and the meeting so convened shall not be postponed or cancelled except in pursuance of an order or direction of a competent court or for any other reason beyond control of the authority concerned.
- (e) Quorum for such meeting shall be formed by more than fifty percent of the existing members having right to vote subject to the minimum of three members.
- (f) For the purpose of conduct of the aforesaid meeting, the provisions under sub-rules (3) to (14) of rule 5B shall be followed *mutatis mutandis* barring that for the purpose of authorization of presiding officer, Form 2B shall be applicable:

Provided that if the meeting is convened to consider the motion to remove more than one member or *Sanchalak* of one *Upa-Samiti* or more than one *Upa-Samiti*, the motion shall be taken up for consideration one after another in the same order as mentioned in sub-section (2) of section 32A.

- (g) If the motion is not carried by the majority of its existing members or the meeting cannot be held for want of quorum, no notice of any subsequent motion for the removal of the same member or *Sanchalak* of same *Upa-Samiti* shall be taken into cognizance within a period of one year from the date appointed for such meeting.
- (h) When the *Sanchalak* of an *Upa-Samiti* who had been elected to the said office on being an elected member of the said *Upa-Samiti*, is removed under this sub-rule, from the office of the member of the said *Upa-Samiti*, he shall be deemed to be removed from the said office of the *Sanchalak* at the same time on the ground that he is no longer a member of the said *Upa-Samiti*.

- <sup>1</sup>[(5) The *Sanchalak* or any member of an *Upa-Samiti* of *Gram Panchayat* may resign his office by giving notice in writing to the *Pradhan* who shall cause the notice to be placed within a period not exceeding one month before the *Gram Panchayat* in its meeting and on such resignation being accepted by the *Gram Panchayat*, the *Sanchalak* or such member shall be deemed to have vacated his office.
- (6) Any casual vacancy in the membership in an *Upa-Samiti* shall be filled in the manner *mutatis mutandis* laid down in rule 20 within a period of fifteen days from the date of its occurrence or within such further time as may be allowed by the District *Panchayat* Election Officer for reasons to be recorded by him in writing in this behalf.
- (7) Any casual vacancy in the office of the *Sanchalak* in an *Upa-Samiti* shall be filled in the manner *mutatis mutandis* laid down in rule 21 within a period of 21 days from the date of its occurrence or within such further time as may be allowed by the District *Panchayat* Election Officer for reasons to be recorded by him in writing in this behalf. ]

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<sup>1</sup> Ins. by Notification No. 7106/PN/O/I/3R-4/10 (Pt-I), dated 06.12.2012.

**<sup>1</sup>|SCHEDULE A**

**(See rules 2A, 2B)**

Roster for reservation of offices of the *Pradhan*, the *Sabhapati* and the *Sabhadhipati* for Women by rotation (For the Scheduled Castes, the Scheduled Tribes, the Backward Classes and the General Category)

<b>Total number of offices among which reservation shall be made</b>	<b>Offices to be reserved in 1st term of General Election</b>	<b>Offices to be reserved in 2nd term of General Election</b>
<b>(1)</b>	<b>(2)</b>	<b>(3)</b>
1	1	—
2	1	2
3	1	2
4	1,3	2,4
5	1,3	2,4
6	1,3,5	2,4,6
7	1,3,5	2,4,6
8	1,3,5,7	2,4,6,8
9	1,3,5,7	2,4,6,8
10	1,3,5,7,9	2,4,6,8,10
11	1,3,5,7,9	2,4,6,8,10
12	1,3,5,7,9,11	2,4,6,8,10,12
13	1,3,5,7,9,11	2,4,6,8,10,12
14	1,3,5,7,9,11,13	2,4,6,8,10,12,14
15	1,3,5,7,9,11,13	2,4,6,8,10,12,14
16	1,3,5,7,9,11,13,15	2,4,6,8,10,12,14,16
17	1,3,5,7,9,11,13,15	2,4,6,8,10,12,14,16
18	1,3,5,7,9,11,13,15,17	2,4,6,8,10,12,14,16,18
19	1,3,5,7,9,11,13,15,17	2,4,6,8,10,12,14,16,18
20	1,3,5,7,9,11,13,15,17,19	2,4,6,8,10,12,14,16,18,20
21	1,3,5,7,9,11,13,15,17,19	2,4,6,8,10,12,14,16,18,20
22	1,3,5,7,9,11,13,15,17,19,21	2,4,6,8,10,12,14,16,18,20,22
23	1,3,5,7,9,11,13,15,17,19,21	2,4,6,8,10,12,14,16,18,20,22
24	1,3,5,7,9,11,13,15,17,19,21,23	2,4,6,8,10,12,14,16,18,20,22,24
25	1,3,5,7,9,11,13,15,17,19,21,23	2,4,6,8,10,12,14,16,18,20,22,24
26	1,3,5,7,9,11,13,15,17,19,21,23,25	2,4,6,8,10,12,14,16,18,20,22,24,26

<sup>1</sup> Schedule A and Schedule B Subs. by Notification No. 5086/PN/O/I/3R-2/2012 dated 01.10.2012

The West Bengal Panchayat (Constitution) Rules, 1975

<b>Total number of offices among which reservation shall be made</b>	<b>Offices to be reserved in 1st term of General Election</b>	<b>Offices to be reserved in 2nd term of General Election</b>
<b>(1)</b>	<b>(2)</b>	<b>(3)</b>
27	1,3,5,7,9,11,13,15,17,19,21,23,25	2,4,6,8,10,12,14,16,18,20,22,24,26
28	1,3,5,7,9,11,13,15,17,19,21,23,25,2 7	2,4,6,8,10,12,14,16,18,20,22,24,26 ,28
29	1,3,5,7,9,11,13,15,17,19,21,23,25,2 7	2,4,6,8,10,12,14,16,18,20,22,24,26 ,28
30	1,3,5,7,9,11,13,15,17,19,21,23,25,2 7,29	2,4,6,8,10,12,14,16,18,20,22,24,26 ,28,30
31	1,3,5,7,9,11,13,15,17,19,21,23,25,2 7,29	2,4,6,8,10,12,14,16,18,20,22,24,26 ,28,30
32	1,3,5,7,9,11,13,15,17,19,21,23,25,2 7,29,31	2,4,6,8,10,12,14,16,18,20,22,24,26 ,28,30,32
33	1,3,5,7,9,11,13,15,17,19,21,23,25,2 7,29,31	2,4,6,8,10,12,14,16,18,20,22,24,26 ,28,30,32
34	1,3,5,7,9,11,13,15,17,19,21,23,25,2 7,29,31,33	2,4,6,8,10,12,14,16,18,20,22,24,26, 28,30,32,34
35	1,3,5,7,9,11,13,15,17,19,21,23,25,2 7,29,31,33,33	2,4,6,8,10,12,14,16,18,20,22,24,26, 28,30,32,34,34
36	1,3,5,7,9,11,13,15,17,19,21,23,25,2 7,29,31,33,35	2,4,6,8,10,12,14,16,18,20,22,24,26, 28,30,32,34,36
37	1,3,5,7,9,11,13,15,17,19,21,23,25,2 7,29,31,33,35	2,4,6,8,10,12,14,16,18,20,22,24,26, 28,30,32,34,36
38	1,3,5,7,9,11,13,15,17,19,21,23,25,2 7,29,31,33,35,37	2,4,6,8,10,12,14,16,18,20,22,24,26, 28,30,32,34,36,38
39	1,3,5,7,9,11,13,15,17,19,21,23,25,2 7,29,31,33,35,37	2,4,6,8,10,12,14,16,18,20,22,24,26, 28,30,32,34,36,38
40	1,3,5,7,9,11,13,15,17,19,21,23,25,2 7,29,31,33,35,37,39	2,4,6,8,10,12,14,16,18,20,22,24,26, 28,30,32,34,36,38,40
41	1,3,5,7,9,11,13,15,17,19,21,23,25,2 7,29,31,33,35,37,39	2,4,6,8,10,12,14,16,18,20,22,24,26, 28,30,32,34,36,38,40
42	1,3,5,7,9,11,13,15,17,19,21,23,25,2 7,29,31,33,35,37,39,41	2,4,6,8,10,12,14,16,18,20,22,24,26, 28,30,32,34,36,38,40,42

\* Serial number shown under column 2 and 3 indicate the position of seat in the Schedule drawn up in ascending order of assigned serial number of seats.

\*\* In the case of higher number of total seats available for reservation, same procedure may be followed by the prescribed authority commencing from first seat in first term of election, and second seat in second term of election, and selecting every third seat in each occasion and the first and second seat as the occasion may arise.”;

## SCHEDULE — B

Roster for reservation of offices of the *Upa-Pradhan*, the *Sahakari Sabhapati* and *Sahakari Sabhadhipati* for Women by rotation.

(For the Scheduled Castes, the Scheduled Tribes, the Backward Classes and the General Category)

**(See rules 2A, 2B)**

<b>Total number of offices among which reservation shall be made</b>	<b>Offices to be reserved in 1st term of General Election</b>	<b>Offices to be reserved in 2nd term of General Election</b>
<b>(1)</b>	<b>(2)</b>	<b>(3)</b>
1	—	1
2	2	1
3	2	1
4	2,4	3,1
5	2,4	3,5
6	2,4,6	3,5,1
7	2,4,6	3,5,7
8	2,4,6,8	3,5,7,1
9	2,4,6,8	3,5,7,9
10	2,4,6,8,10	3,5,7,9,1
11	2,4,6,8,10	3,5,7,9,11
12	2,4,6,8,10,12	3,5,7,9,11,1
13	2,4,6,8,10,12	3,5,7,9,11,13
14	2,4,6,8,10,12,14	3,5,7,9,11,13,1
15	2,4,6,8,10,12,14	3,5,7,9,11,13,15
16	2,4,6,8,10,12,14,16	3,5,7,9,11,13,15,1
17	2,4,6,8,10,12,14,16	3,5,7,9,11,13,15,17
18	2,4,6,8,10,12,14,16,18	3,5,7,9,11,13,15,17,1
19	2,4,6,8,10,12,14,16,18	3,5,7,9,11,13,15,17,19
20	2,4,6,8,10,12,14,16,18,20	3,5,7,9,11,13,15,17,19,1
21	2,4,6,8,10,12,14,16,18,20	3,5,7,9,11,13,15,17,19,21
22	2,4,6,8,10,12,14,16,18,20,22	3,5,7,9,11,13,15,17,19,21,1
23	2,4,6,8,10,12,14,16,18,20,22	3,5,7,9,11,13,15,17,19,21,23
24	2,4,6,8,10,12,14,16,18,20,22,24	3,5,7,9,11,13,15,17,19,21,23,1
25	2,4,6,8,10,12,14,16,18,20,22,24	3,5,7,9,11,13,15,17,19,21,23,25
26	2,4,6,8,10,12,14,16,18,20,22,24,26	3,5,7,9,11,13,15,17,19,21,23,25,1

The West Bengal Panchayat (Constitution) Rules, 1975

<b>Total number of offices among which reservation shall be made</b>	<b>Offices to be reserved in 1st term of General Election</b>	<b>Offices to be reserved in 2nd term of General Election</b>
<b>(1)</b>	<b>(2)</b>	<b>(3)</b>
27	2,4,6,8,10,12,14,16,18,20,22,24,26	3,5,7,9,11,13,15,17,19,21,23,25,27
28	2,4,6,8,10,12,14,16,18,20,22,24,26,28	3,5,7,9,11,13,15,17,19,21,23,25,27,1
29	2,4,6,8,10,12,14,16,18,20,22,24,26,28	3,5,7,9,11,13,15,17,19,21,23,25,27,29
30	2,4,6,8,10,12,14,16,18,20,22,24,26,28,30	3,5,7,9,11,13,15,17,19,21,23,25,27,29,1
31	2,4,6,8,10,12,14,16,18,20,22,24,26,28,30	3,5,7,9,11,13,15,17,19,21,23,25,27,29,31
32	2,4,6,8,10,12,14,16,18,20,22,24,26,28,30,32	3,5,7,9,11,13,15,17,19,21,23,25,27,29,31,1
33	2,4,6,8,10,12,14,16,18,20,22,24,26,28,30,32	3,5,7,9,11,13,15,17,19,21,23,25,27,29,31,33
34	2,4,6,8,10,12,14,16,18,20,22,24,26,28,30,32,34	3,5,7,9,11,13,15,17,19,21,23,25,27,29,31,33,1
35	2,4,6,8,10,12,14,16,18,20,22,24,26,28,30,32,34	3,5,7,9,11,13,15,17,19,21,23,25,27,29,31,33,35
36	2,4,6,8,10,12,14,16,18,20,22,24,26,28,30,32,34,36	3,5,7,9,11,13,15,17,19,21,23,25,27,29,31,33,35,1
37	2,4,6,8,10,12,14,16,18,20,22,24,26,28,30,32,34,36	3,5,7,9,11,13,15,17,19,21,23,25,27,29,31,33,35,37
38	2,4,6,8,10,12,14,16,18,20,22,24,26,28,30,32,34,36,38	3,5,7,9,11,13,15,17,19,21,23,25,27,29,31,33,35,37,1
39	2,4,6,8,10,12,14,16,18,20,22,24,26,28,30,32,34,36,38	3,5,7,9,11,13,15,17,19,21,23,25,27,29,31,33,35,37,39
40	2,4,6,8,10,12,14,16,18,20,22,24,26,28,30,32,34,36,38,40	3,5,7,9,11,13,15,17,19,21,23,25,27,29,31,33,35,37,39,1
41	2,4,6,8,10,12,14,16,18,20,22,24,26,28,30,32,34,36,38,40	3,5,7,9,11,13,15,17,19,21,23,25,27,29,31,33,35,37,39,41
42	2,4,6,8,10,12,14,16,18,20,22,24,26,28,30,32,34,36,38,40,42	3,5,7,9,11,13,15,17,19,21,23,25,27,29,31,33,35,37,39,41,1

\* Serial numbers shown under columns 2 & 3 indicate the position of seats in the Schedule drawn up in ascending order of assigned serial number of seats.

\*\* In the case of higher number of total seats available for reservation, same procedure may be followed by the prescribed authority commencing from second seat in first term of election and third seat in the second term of election, and selecting every third seat on each occasion and the first or the second seat as the occasion may arise.”;

## **<sup>1</sup>|SCHEDULE-I**

Roster for reservation of offices of the *Pradhan*, the *Upa-Pradhan*, the *Sabhapati*, the *Sahakari Sabhapati*, the *Sabhadhipati* and the *Sahakari Sabhadhipati* for the Scheduled Castes, the Scheduled Tribes and the Backward Classes by rotation.

**(See rules 2A, 2B)**

<b>Serial No. of offices of the <i>Pradhan</i>, the <i>Sabhapati</i> and the <i>Sabhadhipati</i> to be reserved</b>		<b>Serial No. of offices of the <i>Upa-Pradhan</i>, the <i>Sahakari Sabhapati</i>, and the <i>Sahakari Sabhadhipati</i> to be reserved</b>	
<b>(A)</b>		<b>(B)</b>	
<b>For the 1st term of election</b>	<b>For the 2nd term of election</b>	<b>For the 1st term of election</b>	<b>For the 2nd term of election</b>
<b>(1)</b>	<b>(2)</b>	<b>(3)</b>	<b>(4)</b>
1	18	16	37
7	24	22	43
13	30	28	49
19	36	34	5
25	42	40	11
31	48	46	17
37	4	2	23
43	10	8	29
49	16	14	35
5	22	20	41
11	28	26	47
17	34	32	3
23	40	38	9
29	46	44	15
35	2	50	21
41	8	6	27
47	14	12	33
3	20	18	39
9	26	24	45
15	32	30	1
21	38	36	7
27	44	42	13
33	50	48	19
39	6	4	25
45	12	10	31

- \* Serial numbers shown under column (1) to (4) shall be matched with the serial number of seats in each group of fifty or the part group consisting of less than fifty Grams or Block, as the case may be.

<sup>1</sup> Schedule-I Subs. by Notification No. 5086/PN/O/I/3R-2/2012 dated 01.10.2012

**<sup>1</sup>FORM 1**

[\*See Rules 3(1), 4(1), 5(1) 6, 8(1), 9(1), 11(1), 12(1), 14(1),  
14(3), 15(2), 16(2), 20(1), 21(1)]

Form of notice of meeting for the taking of oath and/or for election of *Pradhan/ Upa-Pradhan* of *Gram Panchayat, Sabhapati/ Sahakari Sabhapati* of *Panchayat Samiti, Sabhadhipati/ Sahakari Sabhadhipati* of <sup>2</sup>[Mahakuma]/ *Zilla Parishad*, Members/ *Karmadhyaksha* of *Sthayee Samiti* of *Panchayat Samiti*/ <sup>2</sup>[Mahakuma]/ *Zilla Parishad*, Members/ *Sanchalak* of *Upa-Samiti* of *Gram Panchayat*.

In pursuance of the provisions under rules \*3(1), 4(1), 5(1), 6, 8(1), 9(1), 11(1), 12(1), 14(1), 14(3), 15(2), 16(2), 20(1), 21(1) of the West Bengal *Panchayat* (Constitution) Rules, <sup>3</sup>[1975], notice is hereby given for a meeting of the \*\* .....

..... *Gram Panchayat\*/ Panchayat Samiti/* <sup>2</sup>[Mahakuma] / *Zilla Parishad / Sthayee Samiti\*\** of.....  
..... *Panchayat Samiti\*/* <sup>2</sup>[Mahakuma]/ *Zilla Parishad/ Upa-Samiti* of .....  
..... *Gram Panchayat* to be held at the time, place and on the date fixed below to take oath and/ or to elect *Pradhan\** and *Upa-Pradhan/ Sabhapati* and *Sahakari Sabhapati/ Sabhadhipati* and *Sahakari Sabhadhipati/ Members* of *Sthayee Samiti/ Karmadhyaksha* of *Sthayee Samiti/ Members/ Sanchalak* of *Upa-Samiti*.

All members of *Gram Panchayat\*/ Panchayat Samiti/* <sup>2</sup>[Mahakuma]/ *Zilla Parishad/ Sthayee Samitis* of *Panchayat Samitis/* <sup>2</sup>[Mahakuma]/ *Zilla Parishad/ Upa-Samitis* of *Gram Panchayat* are requested to attend.

Date	Place	Time
(1)	(2)	(3)

<sup>4</sup>[Prescribed authority and Block Development Officer/  
Sub-divisional Officer/ District Magistrate]

Date .....

Place .....

\* Strike off the words and figures which are not applicable.

\*\* Appropriate particulars of the election to be inserted here.

<sup>1</sup> Form 1 Subs. by Notification No. 2061/PN/O/I/3R-4/2003 dated 22.06.2004

<sup>2</sup> Amended by Notification No. 12932/I/Panch, dated 16.5.89

<sup>3</sup> Subs by Notification No. 14364/Panch, dated 21.6.78

<sup>4</sup> Subs by Notification No. 847/PN/O/I, dated 12.3.98

**<sup>1</sup>FORM 1A**

**(See rule 2A)**

In Exercise of the power conferred by \*sub-section (1) of section 9, and sub-section (1) of section 98, of the West Bengal *Panchayat* Act, 1973 (West Bengal Act XLI of 1973), read with rule 2A of the West Bengal *Panchayat* (Constitution) Rules, 1975, I, the District Magistrate and District *Panchayat* Election officer of the district of ..... for the purpose of reconstitution of the *Panchayat* following the next general elections, hereby publish the draft of the order to determine for the offices <sup>2</sup>[of *Pradhan/ Upa-Pradhan/ Sabhapati/ Sahakari Sabhapati* of the *Gram Panchayats/ Panchayat Samitis*] \*within the district, as specified in column (1) of the Schedule below, the total number of offices in the district specified in the corresponding entries in column (2) of the said Schedule, the number of offices in the district reserved for <sup>3</sup>[the Scheduled Castes, the Schedule Tribes, the Backward Classes and women members specified in the corresponding entries in columns (3a), (3b), (3c) and (3d) respectively] of the said Schedule, the offices reserved for <sup>4</sup>[the Scheduled Castes or the Scheduled Tribes or the Backward Classes] specified in the corresponding entries in column (4), and the offices reserved for women specified in the corresponding entries in column (5), of the said Schedule, for the information of persons likely to be affected thereby.

The draft will be taken into consideration after two weeks from this day and any objection or suggestion with respect thereto which may be received by the undersigned before the date shall be duly considered.

**THE SCHEDULE**

**District .....**

Description of the office	Total number of offices in the district	Number of offices to be reserved for				Number of the <i>Gram Panchayats</i> or <i>Panchayat Samitis</i> , offices of which are reserved for <sup>3</sup> [the Scheduled Castes or the Scheduled Tribes or the Backward Classes]	Name of the <i>Gram Panchayats</i> or <i>Panchayat Samitis</i> , offices of which are reserved for women
		Scheduled Caste	Scheduled Tribes	<sup>3</sup> [Back- ward Classes]	<sup>5</sup> [Women]		
(1)	(2)	(3a)	(3b)	(3c)	(3d)]	(4)	(5)

.....  
Signature of the District Magistrate and  
District *Panchayat* Election Officer

\* Delete the portion not applicable.

<sup>1</sup> Form 1A to 1D ins. by Notification No. 121-PN/O/I, dated 13.01.95

<sup>2</sup> Subs. by Notification No. 847/PN/O/I dated 12.3.98

<sup>3</sup> Subs. by Notification No. 5086/PN/O/I/3R-2/2012 dated 01.10.2012

<sup>4</sup> Ins. by Notification No. 5086/PN/O/I/3R-2/2012 dated 01.10.2012

<sup>5</sup> Inserted by Notification No. 5086/PN/O/I/3R-2/2012 dated 01.10.2012

## FORM 1B

### (See rule 2A)

In exercise of the power conferred by \*sub-section (1) of section 9, and sub-section (1) of section 98, of the West Bengal *Panchayat* Act, 1973 (West Bengal Act XLI of 1973), read with rule 2A of the West Bengal *Panchayat* (Constitution) Rules, 1975, I, the District Magistrate and District *Panchayat* Election Officer of the District of ..... for the purpose of reconstitution of the *Panchayats* following the next general elections, hereby determine, after previous publication of the draft of this order as required under the said rules, for the offices <sup>1</sup>[of *Pradhan/ Upa-Pradhan/ Sabhapati/ Sahakari Sabhapati* of the *Gram Panchayats/ Panchayat Samitis*] within the district, as specified in column (1) of the schedule below, the total number of offices in the district specified in the corresponding entries in column (2) of the said Schedule, the number of offices in the district reserved for <sup>2</sup>[the Scheduled Castes, the Scheduled Tribes, the Backward Classes and women members specified in the corresponding entries in columns (3a), (3b), (3c) and (3d) respectively] of the said Schedule, the offices reserved for <sup>3</sup>[the Scheduled Castes or the Scheduled Tribes or the Backward Classes] specified in the corresponding entries in column (4), and the offices reserved for women specified in the corresponding entries in column (5), of the said Schedule.

### THE SCHEDULE

#### District .....

Description of the office	Total number of offices in the district	Number of offices to be reserved for				Number of the <i>Gram Panchayats</i> or <i>Panchayat Samitis</i> , offices of which are reserved for <sup>4</sup> [the Scheduled Castes or the Scheduled Tribes or the Backward Classes]	Name of the <i>Gram Panchayats</i> or <i>Panchayat Samitis</i> , offices of which are reserved for women
		Scheduled Castes	Scheduled Tribes	<sup>4</sup> [Backward Classes]	<sup>3</sup> [Women]		
(1)	(2)	(3a)	(3b)	(3c)	(3d)]	(4)	(5)

.....  
Signature of the District Magistrate and  
District *Panchayat* Election Officer

\* Delete the portion not applicable.

<sup>1</sup> Subs. by Notification No. 847/PN/O/I, dated 12.3.98

<sup>2</sup> Amended by Notification No. 5086/PN/O/I/3R-2/2012 dated 01.10.2012

<sup>3</sup> Inserted by Notification No. 5086/PN/O/I/3R-2/2012 dated 01.10.2012

<sup>4</sup> Substituted by Notification No. 5086/PN/O/I/3R-2/2012 dated 01.10.2012

## FORM 1C

### (See rule 2B)

In exercise of the power conferred by \*sub-section (1) of section 143 of the West Bengal *Panchayat Act, 1973* (West Bengal Act XLI of 1973), read with rule 2B of the West Bengal *Panchayat (Constitution) Rules, 1975*, I, the State Election Commissioner, for the purpose of reconstitution of the *Zilla Parishad* and the *Mahakuma Parishad* following the next general elections, hereby publish the draft of the order to determine for the offices <sup>1</sup>[of the *Sabhadhipati/ Sahakari Sabhadhipati* of the *Zilla Parishad*]\* and the *Mahakuma Parishad* within the State, as specified in column (1) of the Schedule below, the total number of offices in the State specified in the corresponding entries in column (2) of the said Schedule, the number of offices in the State reserved for <sup>2</sup>[the Schedule Castes, the Scheduled Tribes, the Backward Classes and women members specified in the corresponding entries in column (3a), (3b), (3c) and (3d) respectively] of the said Schedule, the offices reserved for <sup>2</sup>[the Scheduled Castes or the Scheduled Tribes or the Backward Classes] specified in the corresponding entries in column (4), and the offices reserved for women specified in the corresponding entries in column (5), of the said schedule, for the information of persons likely to be affected thereby.

The draft will be taken consideration after two weeks from this day and any objection or suggestion with respect thereto which may be received by the undersigned before that date shall be duly considered.

### THE SCHEDULE *State of West Bengal*

Description of the office	Total number of offices in the State	Number of offices to be reserved for				Names of the <i>Zilla Parishad/ Mahakuma Parishad</i> , offices of which are reserved for <sup>3</sup> [the Scheduled Castes or the Scheduled Tribes or the Backward Classes]	Name of the <i>Zilla Parishad/ Mahakuma Parishad</i> , offices of which are reserved for women
		Scheduled Castes	Scheduled Tribes	<sup>3</sup> [Backward Classes]	<sup>4</sup> [Women]		
(1)	(2)	(3a)	(3b)	(3c)	(3d)]	(4)	(5)

.....  
Signature of the State  
Election Commissioner

\* Delete the portion not applicable.

<sup>1</sup> Subs, by Notification No. 847/PN/O/I, dated 12.3.98

<sup>2</sup> Amended by Notification No. 5086/PN/O/I/3R-2/2012 dated 01.10.2012

<sup>3</sup> Substituted by Notification No. 5086/PN/O/I/3R-2/2012 dated 01.10.2012

<sup>4</sup> Inserted by Notification No. 5086/PN/O/I/3R-2/2012 dated 01.10.2012

## FORM 1D

### (See rule 2B)

In exercise of the power conferred by sub-section (1) of section 143 of the West Bengal *Panchayat Act*, 1973 (West Bengal Act XLI of 1973), read with rule 2B of the West Bengal *Panchayat (Constitution) Rules*, 1975, I, the State Election Commissioner, for the purpose of reconstitution of the *Zilla Parishads* and the *Mahakuma Parishad* following the next general elections, hereby determine after previous publication of the draft of this order as required under the said rules, <sup>1</sup>[for the offices of the *Sabhadhipati/Sahakari Sabhadhipati* of] the *Zilla Parishads* and the *Mahakuma Parishad* within the State, as specified in column (1) of the Schedule below, the total number of offices in the State specified in the corresponding entries in column (2) of the said Schedule, the number of offices in the State reserved for <sup>2</sup>[the Scheduled Castes, the Scheduled Tribes, the Backward Classes and women members specified in the corresponding entries in columns (3a), (3b), (3c) and (3d) respectively] of the said Schedule, the offices reserved for <sup>2</sup>[the Scheduled Castes or the Scheduled Tribes or the Backward Classes] specified in the corresponding entries in column (4), and the offices reserved for women specified in the corresponding entries in column (5) of the said Schedule.

### THE SCHEDULE

#### State of West Bengal

Description of the office	Total number of offices in the State	Number of offices to be reserved for				Names of the <i>Zilla Parishad/Mahakuma Parishad</i> , offices of which are reserved for <sup>3</sup> [the Scheduled Castes or the Scheduled Tribes or the Backward Classes or the Women]	Name of the <i>Zilla Parishad/Mahakuma Parishad</i> , offices of which are reserved for women
		Scheduled Castes	Scheduled Tribes	<sup>3</sup> [Backward Classes]	<sup>4</sup> [Women]		
(1)	(2)	(3a)	(3b)	(3c)	(3d)]	(4)	(5)

.....  
Signature of the State  
Election Commissioner

<sup>1</sup> Substituted by Notification No. 847/PN/O/I, dated 12.3.98

<sup>2</sup> Amended by Notification No. 5086/PN/O/I/3R-2/2012 dated 01.10.2012

<sup>3</sup> Substituted by Notification No. 5086/PN/O/I/3R-2/2012 dated 01.10.2012

<sup>4</sup> Inserted by Notification No. 5086/PN/O/I/3R-2/2012 dated 01.10.2012

^1[FORM 1E]

(See rule 5B)

## **Form of notice of meeting on motion for removal of *Pradhan* \*\*\*/ *Upa-Pradhan* of *Gram Panchayat*, *Sabhapati*/ *Sahakari Sabhapati* of *Panchayat Samiti*, *Sabhadhipati*/ *Sahakari Sabhadhipati* of *Mahakuma*/ *Zilla Parishad*.**

To,

Sri/ Smt. ....

In pursuance of provisions under sub-rule (2) of rule 5B of the West Bengal *Panchayat* (Constitution) Rules, 1975, as subsequently amended, notice is hereby given for a meeting of the \*..... *Gram Panchayat*\*\*/ *Panchayat Samiti*/ *Mahakuma Parishad*/ *Zilla Parishad* to be held at the hour, place and on the date shown below for consideration of the motion for removal of/ \*\* lack of confidence against *Pradhan*/ *Upa-Pradhan*/ *Sabhapati*/ *Sahakari Sabhapati*/ *Sabhadhipati*/ *Sahakari Sabhadhipati*, and for taking decision on it.

You are requested to attend at the appointed date and hour.

<b>Place</b>	<b>Date</b>	<b>Hour</b>
(1)	(2)	(3)

Agenda: As stated above

**Prescribed Authority and  
Block Development Officer/ Sub-divisional Officer/  
Divisional Commissioner.**

Date:

Place:

\* Name of GP/ PS/ ZP to be inserted here.

\*\* Strike off the words and figures which are not applicable.

---

<sup>1</sup> Form 1E & 1F ins. by Notification No. 7106/PN/O/I/3R-4/10 (Pt-I), dated 06.12.2012.

**<sup>1</sup>[FORM 1F]**

**[See rules 17(6)(c), 18(6)(c) and 22(4)(c)]**

**Form of notice of meeting on motion for removal of Member(s) \*\*/ *Sanchalak(s)* of *Upa-Samiti(s)* of *Gram Panchayat*, Member(s)/ *Karmadhyaksha of Sthayee Samiti* of *Panchayat Samiti/ Mahakuma/ Zilla Parishad*.**

To,

Sri/ Smt. ....

In pursuance of provisions under rule **17(6)(c), 18(6)(c) and 22(4)(c)** of the West Bengal *Panchayat*(Constitution)Rules,1975,assubsequentlyamended,noticeisherebygivenfor a meeting of the \* ..... *Gram Panchayat\*\*/ Panchayat Samiti/ Mahakuma/ Zilla Parishad/ Upa-Samiti* of ..... *Gram Panchayat/ Sthayee Samiti* of ..... *Panchayat Samiti/ Mahakuma/ Zilla Parishad* to be held at the hour, place and on the date shown below for consideration of the motion for removal of/ \*\* lack of confidence against Member(s)\*\*/ *Sanchalak(s)/ Karmadhyaksha* and for taking decision on it.

You are requested to attend at the appointed date and hour.

Name of the members/ <i>Sanchalak/ Karmadhyaksha proposed to be removed</i>	Place	Date	Hour
(1)	(2)	(3)	(4)

Agenda: As stated above

.....  
Prescribed Authority and  
Block Development Officer/ Sub-divisional Officer/  
Divisional Commissioner.

Date:

Place:

\* Name of GP/PS/ZP/*Upa-Samiti/Sthayee Samiti* to be inserted here.

\*\* Strike off the words and figures which are not applicable.

<sup>1</sup> Form 1E & 1F ins. by Notification No. 7106/PN/O/I/3R-4/10 (Pt-I), dated 06.12.2012.

**<sup>1</sup>FORM 2**

[\*See rules 3(2), 4(2), 5(2), 6, 8(2), 9(2), 11(2), 12(2), 14(1), 15(2), 16(2), 20(2), 21(2)]

Form of appointment of Presiding Officer for election of *Pradhan\** and *Upa-Pradhan* of *Gram Panchayat/ Sabhapati* and *Sahakari Sabhapati* of *Panchayat Samiti, Sabhadhipati/ Sahakari Sabhadhipati* of <sup>2</sup>[*Mahakuma/ Zilla Parishad*, Members/*Karmadhyaksha* of *Sthayee Samiti* of *Panchayat Samiti/ Mahakuma/ Zilla Parishad*, Members/*Sanchalak* of *Upa-Samiti* of *Gram Panchayat*.

In exercise of the powers conferred on me by rule(s) \*3(2), 4(2), 5(2), 6, 8(2), 9(2), 11(2), 12(2), 14(1), 15(2), 16(2), 20(2), 21(2) of the West Bengal *Panchayat* (Constitution) Rules, [1975]<sup>3</sup>, I do hereby appoint Shri/Smt. \_\_\_\_\_ (designation) to preside over the meeting for election of *Pradhan/ Upa-Pradhan* of \*\* \_\_\_\_\_ *Gram Panchayat/ Sabhapati\** and *Sahakari Sabhapati* of\*\* \_\_\_\_\_ *Panchayat Samiti/ Sabhadhipati\** and *Sahakari Sabhadhipati* of\*\* \_\_\_\_\_ <sup>2</sup>[*Mahakuma/ Zilla Parishad*/ Members\* and *Karmadhyaksha* of *Sthayee Samiti* of\* \_\_\_\_\_ *Panchayat Samiti/ Members/ Karmadhyaksha* of\* \_\_\_\_\_ *Sthayee Samiti* of\* \_\_\_\_\_ *Panchayat Samiti/ <sup>2</sup>[Mahakuma/ Zilla Parishad, Members/ Sanchalak of Upa-Samitis* of \_\_\_\_\_ *Gram Panchayat*.

.....  
Prescribed Authority and  
Block Development Officer/ Sub-divisional  
Officer/ District Magistrate

Date : .....

Place : .....

\* Strike off the words and figures which are not applicable.

\*\* Appropriate particulars of the election to be inserted here.

<sup>1</sup> Form 2 Subs. by Notification No.2061/PN/O/I/3R-4/2003 dated 22.6.2004

<sup>2</sup> Amended by Notification No. 12932, dated 19.5.89

<sup>3</sup> Subs. by Notification No.14364/Panch, dated 21.6.78

[**FORM 2A**

[See rule 5B(3)]

**Form for authorization of presiding officer for the meeting for removal of  
Pradhan\*\*/ Upa-Pradhan of Gram Panchayat, Sabhapati/ Sahakari Sabhapati  
of Panchayat Samiti, Sabhadhipati/ Sahakari Sabhadhipati of Mahakuma/ Zilla  
Palishad**

In exercise of the powers conferred by sub-rule (3) of rule 5B of the West Bengal Panchayat (Constitution) Rules, 1975, as subsequently amended, I do hereby authorize Shri/Smt. \_\_\_\_\_ (name and designation) to preside over the meeting for consideration of the motion for removal of/ \*\* lack of confidence against Pradhan\*\*/ Upa-Pradhan of \_\_\_\_\_ Gram Panchayat/ Sabhapati\* and Sahakari Sabhapati of\* \_\_\_\_\_ Panchayat Samiti/ Sabhadhipati\*\*/ Sahakari Sabhadhipati of\* \_\_\_\_\_ Mahakuma/ Zilla Parishad at the hour place and on the date shown below vide notice in Form 1E dated .....

<b>Place</b> <b>(1)</b>	<b>Date</b> <b>(2)</b>	<b>Hour</b> <b>(3)</b>
----------------------------	---------------------------	---------------------------

.....  
Prescribed Authority and  
Block Development Officer/ Sub-divisional  
Officer/ Divisional Commissioner

Date : .....

Place : .....

\* Name of GP/PS/ZP/Upa-Samiti/ Sthayee Samiti to be inserted here.

\*\* Strike off the words and figures which are not applicable.

<sup>1</sup> Form 2A & 2B Ins. by Notification No. 7106/PN/O/I/3R-4/10 (Pt-I), dated 06.12.2012.

<sup>1</sup>[FORM 2B]

[See rules 17(6)(f), 18(6)(f) and 22(4)(f)]

**Form for authorization of presiding officer for the meeting for removal of Member  
\*\*/ Sanchalak of Upa-Samiti of Gram Panchayat, Member/ Karmadhyaksha of  
Sthayee Samiti of Panchayat Samiti/ Mahakuma/ Zilla Palishad.**

In exercise of the powers conferred by rule 17(6)(f) or 18(6)(f) or 22(4)(f) of the West Bengal Panchayat (Constitution) Rules, 1975, as subsequently amended, I do hereby authorize Shri/Smt.

\_\_\_\_\_ (name and designation) to preside over the meeting for consideration of the motion for removal of/\*\* lack of confidence against Member\*\*/ Sanchalak of \* ..... Upa-Samiti of ..... Gram Panchayat/ Member\*/ Karmadhyaksha of\* ..... Sthayee Samiti of ..... Panchayat Samiti/ Mahakuma/ Zilla Parishad at the hour place and on the date shown below vide notice in Form 1F dated .....

Place	Date	Hour
(1)	(2)	(3)

.....  
Prescribed Authority and  
Block Development Officer/ Sub-divisional  
Officer/ Divisional Commissioner

Date : .....

Place : .....

\* Strike off the words and figures which are not applicable.

\*\* Name of GP/PS/ZP/Upa-Samiti/ Sthayee Samiti to be inserted here.

<sup>1</sup> Form 2A & 2B Ins. by Notification No. 7106/PN/O/I/3R-4/10 (Pt-I), dated 06.12.2012.

**FORM 3**  
[\*See rule 3(4)]  
**Form of oath or affirmation**

I, A.B., <sup>1</sup>[ ] having been elected/ appointed a member of the .....  
..... Gram Panchayat/ Panchayat Samiti/ <sup>2</sup>[Mahakuma]/ Zilla Parishad, do  
swear in the name of God/ solemnly affirm that I will bear true faith and allegiance to  
the Constitution of India as by law established, and that I will faithfully discharge the  
duties upon which I am about to enter.

Date :.....

.....  
(Signature)

Place :.....

**<sup>3</sup>[FORM 3A]**  
[See rule 4(6)]

**Form of declaration of candidates for election of <sup>4</sup>[Pradhan/ Upa-Pradhan of Gram Panchayat]/ Sabhapati /Sahakari Sabhapati of Panchayat Samiti/ Sabhadhipati/ Sahakari Sabhadhipati of Mahakuma Parishad/ Zilla Parishad/ Karmadhyaksha of a Sthayee Samiti of Mahakuma Parishad/ Zilla Parishad.**

I, Shri ..... having been proposed  
and seconded as a candidate for election to the office of <sup>4</sup>[\*Pradhan/ Upa-Pradhan\*\*..... Gram Panchayat] \*Sabhapati/ Sahakari Sabhapati\*\*..... Panchayat Samiti/\*Sabhadhipati/ Sahakari Sabhadhipati \*\*..... Mahakuma Parishad/ Zilla Parishad\*/ Karmadhyaksha \*\*..... Sthayee Samiti ..... Mahakuma Parishad/ Zilla Parishad,  
do hereby declare that on being elected, I shall be a whole-time functionary of my office and that during the period for which I hold or am due to hold such office, I shall not hold any office of profit unless I have obtained leave of absence from my place of employment and I shall not carry on, or be associated with, any business, profession or calling in such manner as shall or is likely to interfere with due exercise of my powers, due performance of my functions or due discharge of my duties.

.....  
(Signature of Candidate)

\* Strike off the words which are not applicable.

\*\* Appropriate particulars of the election to be inserted here.

<sup>1</sup> Omitted by Notification No. 11264/I/Panch, Dated 23.5.86

<sup>2</sup> Amended by Notification No. 12932/I/Panch, dated 19.5.89

<sup>3</sup> Ins, by Notification No. 1658/I/Panch, dated 26.5.93

<sup>4</sup> Ins, by Notification No. 847/PN/O/I, dated 12.3.98

**<sup>1</sup>FORM 4**

[\*See rules 3(7), 4(4), 5(4), 6, 8(6), 9(3), 11(3), 12(3), 14(1), 15(2), 16(2), 20(6), 21(3)]

Form of declaration of result of an uncontested election in the office of *Pradhan\** and *Upa-Pradhan of Gram Panchayat/ Sabhapati and Sahakari Sabhapati of Panchayat Samiti/ Sabhadhipati and Sahakari Sabhadhipati* of <sup>2</sup>[Mahakuma]/ *Zilla Parishad/ Members/ Karmadhyaksha* of a *Sthayee Samiti of Panchayat Samiti/* <sup>2</sup>[Mahakuma]/ *Zilla Parishad, Members/ Sanchalak of an Upa-Samiti of Gram Panchayat.*

In pursuance of the provisions under rules \*3(7), 4(4), 5(4), 6, 8(6), 9(3), 11(3), 12(3), 14(1), 15(2), 16(2), 20(6), 21(3) of the West Bengal *Panchayat (Constitution) Rules, [1975]*<sup>3</sup>, the following person(s) is/ are hereby declared as duly elected *Pradhan\*/ Upa-Pradhan/ Sabhapati/ Sahakari Sabhapati/ Sabhadhipati/ Sahakari Sabhadhipati/ Members/ Karmadhyaksha* of a *Sthayee Samiti of Panchayat Samiti/* <sup>2</sup>[Mahakuma]/ *Zilla Parishad, Members/ Sanchalak of an Upa-Samiti of Gram Panchayat.*

Name of the <i>Gram Panchayat/ Panchayat Samiti/ Mahakuma/ Zilla Parishad/ Sthayee Samiti of Panchayat Samiti/</i> <sup>2</sup> [Mahakuma]/ <i>Zilla Parishad/ Upa-Samiti of Gram Panchayat</i>	Name and address of the person(s) elected	Name of the office to which elected	<sup>4</sup> Name of the political party with whose symbol he was elected as member
(1)	(2)	(3)	(4)

Date : .....

Place : .....

.....  
Signature of the Presiding Officer

\* Strike off the words and figures which are not applicable.

<sup>1</sup> Form 4 Subs. by Notification No. 2061/PN/O/I/3R-4/2003 dated 22.6.2004

<sup>2</sup> Amended by Notification No. 12932/I/Panch, dated 19.5.89

<sup>3</sup> Subs. by Notification No. 14364/Panch, dated 21.6.78

<sup>4</sup> Inserted by Notification No. 847/PN/O/I, dated 12.3.98

**<sup>1</sup>FORM 5**

[\*See rules 3(7), 4(4), 5(4), 6, 8(8), 9(3), 11(3), 12(3), 14(1), 15(2), 16(2), 20(8)]

Form of Ballot Paper for election of *Pradhan\*/ Upa-Pradhan* of \*\* \_\_\_\_\_  
\_\_\_\_\_*Gram Panchayat, Sabhapati\*/ Sahakari Sabhapati of\**  
*Sabhadhipati of \*/ Panchayat Samiti, Sabhadhipati\*/ Sahakari*  
*Sabhadhipati of \*/ [Mahakuma]/ Zilla*  
*Parishad, Members\*/ Karmadhyaksha of \*/ Sthayee Samiti of \*/*  
*Panchayat Samiti\*/ [Mahakuma]/ Zilla Parishad, Members/ Sanchalak of*  
*Upa-Samiti of \*/ Gram Panchayat, Members/ Upadhyaksha of District Council of*  
*Zilla Parishad.*

Serial No. (1)	Name(s) of candidate(s) (2)	For mark (x) by voter (3)
1.		
2.		
3.		
4.		
5.		
etc.		

Date : .....

Place : .....

.....  
Signature of the Presiding Officer

\* Strike off the words and figures which are not applicable.

\*\* Appropriate particulars of the election to be inserted here.

<sup>1</sup> Form 5 Subs. by Notification No. 2061/PN/O/I/3R-4/2003 dated 22.6.2004

<sup>2</sup> Amended by Notification No. 12932/I/Panch, dated 19.5.89

**<sup>1</sup>FORM 6**

[\*See rules 3(7), 4(4), 5(4), 6, 8(10), 9(3), 11(3), 12(3), 14(1), 15(2), 16(2), 20(10)]

Form of recording the number of valid votes in an election of *Pradhan\*/ Upa-Pradhan of Gram Panchayat, Sabhapati/ Sahakari Sabhapati of Panchayat Samiti, Sabhadhipati/ Sahakari Sabhadhipati of <sup>2</sup>[Mahakuma]/ Zilla Parishad, Members/ Karmadhyaksha of Sthayee Samiti of Panchayat Samiti/ <sup>2</sup>[Mahakuma]/ Zilla Parishad, Members/ Sanchalak of Upa-Samiti of Gram Panchayat.*

In pursuance of the provisions under rules \*3(7), 4(4), 5(4), 6, 8(10), 9(3), 11(3), 12(3), 14(1), 15(2), 16(2), 20(10) of the West Bengal *Panchayat (Constitution) Rules, [1975]*<sup>3</sup>, the number of valid votes received by the person(s) in an election of *Pradhan\*/ Upa-Pradhan of a Gram Panchayat, Sabhapati/ Sahakari Sabhapati of a Panchayat Samiti, Sabhadhipati/ Sahakari Sabhadhipati of <sup>2</sup>[Mahakuma]/ Zilla Parishad, Members/ Karmadhyaksha of a Sthayee Samiti of\*\* Panchayat Samiti/Mahakuma/ Zilla Parishad, Member(s)/ Sanchalak of an Upa-Samiti of Gram Panchayat* is recorded below :

Name of <i>Gram Panchayat/ Panchayat Samiti/ Zilla Parishad/ Sthayee Samiti of Panchayat Samiti/ <sup>2</sup>[Mahakuma]/ Zilla Parishad/ Upa-Samiti of Gram Panchayat</i>	Name of the contesting candidate	Name of the Office to which election held	Number of valid votes secured
(1)	(2)	(3)	(4)
1.			
2.			
3.			
4.			
5.			
etc.			

Date .....

Place .....

.....  
Signature of the Presiding Officer

\* Strike off the words and figures which are not applicable.

\*\* Appropriate particulars of the election to be inserted here.

<sup>1</sup> Form 6 Subs. by Notification No. 2061/PN/O/I/3R-4/2003 dated 22.6.2004

<sup>2</sup> Amended by Notification No. 12932/I/Panch, dated 19.5.89

<sup>3</sup> Subs. by Notification No. 14364/Panch, dated 21.6.78

**<sup>1</sup>FORM 7**

[\*See rules 3(7), 4(4), 5(4), 6, 8(11), 9(3), 11(3), 12(3), 14(1), 15(2), 16(2), 20(11)]

Form of declaration of result of a contested election in the office of *Pradhan*\* and *Upa-Pradhan* of *Gram Panchayat/ Sabhapati* and *Sahakari Sabhapati* of *Panchayat Samiti/ Sabhadhipati* and *Sahakari Sabhadhipati* of<sup>2</sup>[*Mahakuma*]/ *Zilla Parishad*, Members/ *Karmadhyaksha* of *Sthayee Samiti* of *Panchayat Samiti/* <sup>2</sup>[*Mahakuma*]/ *Zilla Parishad*, Members/ *Sanchalak* of an *Upa-Samiti* of *Gram Panchayat*.

In pursuance of the provisions under rules\*3(7), 4(4), 5(4), 6, 8(11), 9(3), 11(3), 12(3), 14(1), 15(2), 16(2), 20(11) of the West Bengal *Panchayat* (Constitution) Rules, [1975]<sup>3</sup>, the following persons(s) is/are hereby declared as duly elected *Pradhan*\*/ *Upa-Pradhan* of *Gram Panchayat, Sabhapati/ Sahakari Sabhapati* of a *Panchayat Samiti, Sabhadhipati/ Sahakari Sabhadhipati* of <sup>2</sup>[*Mahakuma*]/ *Zilla Parishad*, Members/ *Karmadhyaksha* of a *Sthayee Samiti* of *Panchayat Samiti/* <sup>2</sup>[*Mahakuma*]/ *Zilla Parishad*, Members/ *Sanchalak* of an *Upa-Samiti* of *Gram Panchayat*.

Name of <i>Gram Panchayat/ Panchayat Samiti/ Zilla Parishad/ Sthayee Samiti of Panchayat Samiti/</i> <sup>2</sup> [ <i>Mahakuma</i> ]/ <i>Zilla Parishad/ Upa-Samiti of Gram Panchayat</i>	Name and address of the person(s) elected	Name of the Office to which elected	<sup>4</sup> [Name of the political party with whose symbol he was elected as member]
(1)	(2)	(3)	(4)]

Date: .....

Place:.....

.....  
Signature of the Presiding Officer

\* Strike off the words and figures which are not applicable.

<sup>1</sup> Form 7 Subs. by Notification No. 2061/PN/O/I/3R-4/2003 dated 22.6.2004

<sup>2</sup> Amended by Notification No. 12932/I/Panch, dated 19.5.89

<sup>3</sup> Subs. by Notification No. 14364/Panch, dated 21.6.78

<sup>4</sup> Inserted by Notification No. 847/PN/O/I, dated 12.3.98



**EXTRACTS FROM THE  
CONSTITUTION OF  
INDIA**



# EXTRACTS FROM THE CONSTITUTION OF INDIA

## <sup>1</sup>[PART IX

### THE PANCHAYATS

Definitions.

**243.** In this Part, unless the context otherwise requires,—

- (a) “district” means a district in a State;
- (b) “Gram Sabha” means a body consisting of persons registered in the electoral rolls relating to a village comprised within the area of Panchayat at the village level;
- (c) “intermediate level” means a level between the village and district levels specified by the Governor of a State by public notification to be the intermediate level for the purposes of this Part;
- (d) “Panchayat” means an institution (by whatever name called) of self-government constituted under Article 243B, for the rural areas;
- (e) “Panchayat area” means the territorial area of a Panchayat;
- (f) “population” means the population as ascertained at the last preceding census of which the relevant figures have been published;
- (g) “village” means a village specified by the Governor by public notification to be a village for the purposes of this Part and includes a group of villages so specified.

Gram Sabha.

**243A.** A Gram Sabha may exercise such powers and perform such functions at the village level as the Legislature of a State may, by law, provide.

Constitution of  
Panchayats.

**243B.**(1) There shall be constituted in every State, Panchayats at the village, intermediate and district levels in accordance with the provisions of this Part.

- (2) Notwithstanding anything in clause (1), Panchayats at the intermediate level may not be constituted in a State having a population not exceeding twenty lakhs.

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<sup>1</sup> Ins. by the Constitution (Seventy third Amendment) Act, 1992, s. 2 (w.e.f. 24-4-1993). Original Part IX was omitted by the Constitution (Seventh Amendment) Act, 1956, s. 29 and Sch.

Composition of Panchayats.

**243C.(1)** Subject to the provisions of this Part, the Legislature of a State may, by law, make provisions with respect to the composition of Panchayats:

Provided that the ratio between the population of the territorial area of a Panchayat at any level and the number of seats in such Panchayat to be filled by election shall, so far as practicable, be the same throughout the State.

- (2) All the seats in a Panchayat shall be filled by persons chosen by direct election from territorial constituencies in the Panchayat area and, for this purpose, each Panchayat area shall be divided into territorial constituencies in such manner that the ratio between the population of each constituency and the number of seats allotted to it shall, so far as practicable, be the same throughout the Panchayat area.
- (3) The Legislature of a State may, by law, provide for the representation—
  - (a) of the Chairpersons of the Panchayats at the village level, in the Panchayats at the intermediate level or, in the case of a State not having Panchayats at the intermediate level, in the Panchayats at the district level;
  - (b) of the Chairpersons of the Panchayats at the intermediate level, in the Panchayats at the district level;
  - (c) of the members of the House of the People and the members of the Legislative Assembly of the State representing constituencies which comprise wholly or partly a Panchayat area at a level other than the village level, in such Panchayat;
  - (d) of the members of the Council of States and the members of the Legislative Council of the State, where they are registered as electors within—
    - (i) a Panchayat area at the intermediate level, in Panchayat at the intermediate level;
    - (ii) a Panchayat area at the district level, in Panchayat at the district level.

- (4) The Chairperson of a Panchayat and other members of a Panchayat whether or not chosen by direct election from territorial constituencies in the Panchayat area shall have the right to vote in the meetings of the Panchayats.
- (5) The Chairperson of—
  - (a) a Panchayat at the village level shall be elected in such manner as the Legislature of a State may, by law, provide; and
  - (b) a Panchayat at the intermediate level or district level shall be elected by, and from amongst, the elected members thereof.

Reservation of  
seats.

**243D.** (1) Seats shall be reserved for—

- (a) the Scheduled Castes; and
- (b) the Scheduled Tribes,

in every Panchayat and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Panchayat as the population of the Scheduled Castes in that Panchayat area or of the Scheduled Tribes in that Panchayat area bears to the total population of that area and such seats may be allotted by rotation to different constituencies in a Panchayat.

- (2) Not less than one-third of the total number of seats reserved under clause (1) shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes.
- (3) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Panchayat shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Panchayat.
- (4) The offices of the Chairpersons in the Panchayats at the village or any other level shall be reserved for the Scheduled Castes, the Scheduled Tribes and women in such manner as the Legislature of a State may, by law, provide:

Provided that the number of offices of Chairpersons reserved for the Scheduled Castes and the Scheduled Tribes in the Panchayats at each level in any State shall bear, as nearly as may be, the same proportion to the total number of such offices in the Panchayats at each level as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State bears to the total population of the State:

Provided further that not less than one-third of the total number of offices of Chairpersons in the Panchayats at each level shall be reserved for women:

Provided also that the number of offices reserved under this clause shall be allotted by rotation to different Panchayats at each level.

- (5) The reservation of seats under clauses (1) and (2) and the reservation of office of Chairpersons (other than the reservation for women) under clause (4) shall cease to have effect on the expiration of the period specified in Article 334.
- (6) Nothing in this Part shall prevent the Legislature of a State from making any provision for reservation of seats in any Panchayat or offices of Chairpersons in the Panchayats at any level in favour of backward class of citizens.

**243E.** (1) Every Panchayat, unless sooner dissolved under any law for the time being in force, shall continue for five years from the date appointed for its first meeting and no longer.

Duration of Panchayats etc.

- (2) No amendment of any law for the time being in force shall have the effect of causing dissolution of a Panchayat at any level, which is functioning immediately before such amendment, till the expiration of its duration specified in clause (1).
- (3) An election to constitute a Panchayat shall be completed—
  - (a) before the expiry of its duration specified in clause (1);
  - (b) before the expiration of a period of six months from the date of its dissolution;

Provided that where the remainder of the period for which the dissolved Panchayat would have continued is less than six months, it shall not be necessary to hold any election under this clause for constituting the Panchayat for such period.

- (4) A Panchayat constituted upon the dissolution of a Panchayat before the expiration of its duration shall continue only for the remainder of the period for which the dissolved Panchayat would have continued under clause (1) had it not been so dissolved.

**243F.** (1) A person shall be disqualified for being chosen as, and for being, a member of a Panchayat—

- (a) if he is so disqualified by or under any law for the time being in force for the purposes of elections to the Legislature of the State concerned:

Provided that no person shall be disqualified on the ground that he is less than twenty-five years of age, if he has attained the age of twenty-one years;

- (b) if he is so disqualified by or under any law made by the Legislature of the State.

- (2) If any question arises as to whether a member of a Panchayat has become subject to any of the disqualifications mentioned in clause (1), the question shall be referred for the decision of such authority and in such manner as the Legislature of a State may, by law, provide.

**243G.** Subject to the provisions of this Constitution, the Legislature of a State may, by law, endow the Panchayats with such powers and authority as may be necessary to enable them to function as institutions of self-government and such law may contain provisions for the devolution of powers and responsibilities upon Panchayats at the appropriate level, subject to such conditions as may be specified therein, with respect to—

- (a) the preparation of plans for economic development and social justice;
- (b) the implementation of schemes for economic development and social justice as may be entrusted

Disqualifications for membership.

Powers, authority and responsibilities of Panchayats.

to them including those in relation to the matters listed in the Eleventh Schedule.

**243H. The Legislature of a State may, by law,—**

- (a) authorise a Panchayat to levy, collect and appropriate such taxes, duties, tolls and fees in accordance with such procedure and subject to such limits;
- (b) assign to a Panchayat such taxes, duties, tolls and fees levied and collected by the State Government for such purposes and subject to such conditions and limits;
- (c) provide for making such grants-in-aid to the Panchayats from the Consolidated Fund of the State; and
- (d) provide for constitution of such Funds for crediting all moneys received, respectively, by or on behalf of the Panchayats and also for the withdrawal of such moneys therefrom, as may be specified in the law.

Powers  
to impose  
taxes by, and  
Funds of, the  
Panchayats.

**243I.(1) The Governor of a State shall, as soon as may be within one year from the commencement of the Constitution (Seventy-third Amendment) Act, 1992, and thereafter at the expiration of every fifth year, constitute a Finance Commission to review the financial position of the Panchayats and to make recommendations to the Governor as to—**

Constitution  
of Finance  
Commission to  
review financial  
position.

- (a) the principles which should govern
  - (i) the distribution between the State and the Panchayats of the net proceeds of the taxes, duties, tolls and fees leviable by the State, which may be divided between them under this Part and the allocation between the Panchayats at all levels of their respective shares of such proceeds;
  - (ii) the determination of the taxes, duties, tolls and fees which may be assigned to, or appropriated by, the Panchayats;
  - (iii) the grants-in-aid to the Panchayats from the Consolidated Fund of the State;
- (b) the measures needed to improve the financial position of the Panchayats;

- (c) any other matter referred to the Finance Commission by the Governor in the interests of sound finance of the Panchayats.
- (2) The Legislature of a State may, by law, provide for the composition of the Commission, the qualifications which shall be requisite for appointment as members thereof and the manner in which they shall be selected.
- (3) The Commission shall determine their procedure and shall have such powers in the performance of their functions as the Legislature of the State may, by law, confer on them.
- (4) The Governor shall cause every recommendation made by the Commission under this article together with an explanatory memorandum as to the action taken thereon to be laid before the Legislature of the State.

Audit of  
accounts of  
Panchayats.

- 243J.** The Legislature of a State may, by law, make provisions with respect to the maintenance of accounts by the Panchayats and the auditing of such accounts.

Elections to the  
Panchayats.

- 243K.** (1) The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the Panchayats shall be vested in a State Election Commission consisting of a State Election Commissioner to be appointed by the Governor.  
(2) Subject to the provisions of any law made by the Legislature of a State, the conditions of service and tenure of office of the State Election Commissioner shall be such as the Governor may by rule determine:

Provided that the State Election Commissioner shall not be removed from his office except in like manner and on the like grounds as a Judge of a High Court and the conditions of service of the State Election Commissioner shall not be varied to his disadvantage after his appointment.

- (3) The Governor of a State shall, when so requested by the State Election Commission, make available to the State Election Commission such staff as may be necessary for the discharge of the functions

conferred on the State Election Commission by clause (1).

- (4) Subject to the provisions of this Constitution, the Legislature of a State may, by law, make provision with respect to all matters relating to, or in connection with, elections to the Panchayats.

**243L.** The provisions of this Part shall apply to the Union territories and shall, in their application to a Union territory, have effect as if the references to the Governor of a State were references to the Administrator of the Union territory appointed under Article 239 and references to the Legislature or the Legislative Assembly of a State were references, in relation to a Union territory having a Legislative Assembly, to that Legislative Assembly:

Application to Union territories.

Provided that the President may, by public notification, direct that the provisions of this Part shall apply to any Union territory or part thereof subject to such exceptions and modifications as he may specify in the notification.

**243M.** (1) Nothing in this Part shall apply to the Scheduled Areas referred to in clause (1), and the tribal areas referred to in clause (2), of Article 244.

Part not to apply to certain areas.

(2) Nothing in this Part shall apply to—

- the States of Nagaland, Meghalaya and Mizoram;
- the hill areas in the State of Manipur for which District Councils exist under any law for the time being in force.

(3) Nothing in this Part—

- relating to Panchayats at the district level shall apply to the hill areas of the District of Darjeeling in the State of West Bengal for which Darjeeling Gorkha Hill Council exists under any law for the time being in force;
- shall be construed to affect the functions and powers of the Darjeeling Gorkha Hill Council constituted under such law.

- <sup>1</sup>[(3A) Nothing in Article 243D, relating to reservation of seats for the Scheduled Castes, shall apply to the State of Arunachal Pradesh.]
- (4) Notwithstanding anything in this Constitution,—
- (a) the Legislature of a State referred to in sub-clause (a) of clause (2) may, by law, extend this part to that State, except the areas, if any, referred to in clause (1), if the Legislative Assembly of that State passes a resolution to that effect by a majority of the total membership of that House and by a majority of not less than two-thirds of the members of that House present and voting;
  - (b) Parliament may, by law, extend the provisions of this Part to the Scheduled Areas and the tribal areas referred to in clause (1) subject to such exceptions and modifications as may be specified in such law, and no such law shall be deemed to be an amendment of this Constitution for the purposes of Article 368.

Continuance of existing laws and Panchayats.

- 243N.** Notwithstanding anything in this Part, any provision of any law relating to Panchayats in force in a State immediately before the commencement of the Constitution (Seventy-third Amendment) Act, 1992, which is inconsistent with the provisions of this Part, shall continue to be in force until amended or repealed by a competent Legislature or other competent authority or until the expiration of one year from such commencement, whichever is earlier:

Provided that all the Panchayats existing immediately before such commencement shall continue till the expiration of their duration, unless sooner dissolved by a resolution passed to that effect by the Legislative Assembly of that State or, in the case of a State having a Legislative Council, by each House of the Legislature of that State.

Bar to interference by courts in electoral matters.

- 243O.** Notwithstanding anything in this Constitution,—
- (a) the validity of any law relating to the delimitation of constituencies or the allotment of seats to such constituencies, made or purporting to be made

<sup>1</sup> Ins. by the Constitution (Eighty-third) Amendment Act, 2000, s. 2 (w.e.f. 8-9-2000).

Extracts from the Constitution of India

under Article 243K, shall not be called in question in any court;

- (b) no election to any Panchayat shall be called in question except by an election petition presented to such authority and in such manner as is provided for by or under any law made by the Legislature of a State.]

**THE WEST BENGAL  
STATE ELECTION  
COMMISSION ACT, 1994**



**THE WEST BENGAL STATE ELECTION  
COMMISSION ACT, 1994<sup>1</sup>**

*as amended up to 2010*

**[West Bengal Act VIII of 1994]**

**[w.e.f. 1.6.1994]**

**[22<sup>nd</sup> March, 1994]**

**[Passed by the West Bengal Legislature]**

*An Act to provide for matters relating to the constitution of a State Election Commission for the superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the Panchayats and the Municipalities.*

WHEREAS it is expedient to provide for matters relating to the constitution of a State Election Commission for the superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the *Panchayats* and the Municipalities;

It is hereby enacted in the Forty-fifth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

Short title and commencement.

- 1.** (1) This Act may be called the West Bengal State Election Commission Act, 1994.  
(2) It shall come into force<sup>2</sup> on such date as the State Government may, by notification, appoint.
- 2.** In this Act, unless the context otherwise requires,—
  - (a) “Commission” means the West Bengal State Election Commission referred to in sub-section (1) of section 3;
  - (b) “Constituency” means an area declared as such under any law for the time being in force for the purpose of<sup>3</sup> [election of members, not exceeding two] of a member from that area to a *Panchayat* or Municipality;
  - (c) “Constitution” means the Constitution of India;

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<sup>1</sup> Vide Notification No. 465-L, dated 22nd March, 1994.

<sup>2</sup> This Act came into force on 1st June, 1994, vide Notification No. 4032-P., dated 31st May, 1994.

<sup>3</sup> Subs. by s. 2(a) of the West Ben. Act XLVII of 1994 (Amendment Act) for “election of member”.

- (d) “District Municipal Election Officer” means the officer appointed as such under sub-section (1) of section 6;
  - (e) “District Panchayat Election Officer” means the officer appointed as such under sub-section (1) of section 6;
  - (f) “Governor” means the Governor, appointed as such under Article 155, read with Article 153, of the Constitution, for the State of West Bengal;
  - (g) “Municipality” has the same meaning as in clause (e) of Article 243P of the Constitution;
  - (h) “Municipal Electoral Registration Officer” means the officer appointed as such under sub-section (1) of section 6;
  - (i) “Municipal Returning Officer” means the officer appointed as such under sub-section (1) of section 6;
  - (j) “Notification” means a notification published in the Official Gazette;
  - (k) “Panchayat” has the same meaning as in clause (c) of Article 243 of the Constitution;
  - (l) “Panchayat Electoral Registration Officer” means the officer appointed as such under sub-section (1) of section 6;
  - (m) “Panchayat Returning Officer” means the officer appointed as such under sub-section (1) of section 6;
  - (n) “Prescribed” means prescribed by rules made under this Act;
  - (o) “State Election Commissioner” means the State Election Commissioner, referred to in sub-section (1) of section 3;
- <sup>1</sup>[(p) Words and expressions used in this Act and not otherwise defined shall have the meanings respectively assigned to them in—

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<sup>1</sup> Subs. by s. 2 of the West Ben. Act VII of 2004, w.e.f. 20.8.2004 (amendment act) for :

“(p) words and expressions used in this Act and not otherwise defined shall have the meanings respectively assigned to them in—  
(i) the West Bengal Municipal Act, 1994 (West Ben. Act XXXIV of 1994, \* \* \*  
(iii) the West Bengal Panchayat Act, 1973 (West Ben. Act XLI 1973), \* \* \* \*.

- (i) the West Bengal Panchayat Act, 1973 (West Ben. Act XLI of 1973);
- (ii) the West Bengal Municipal Elections Act, 1994, (West Ben. Act XXXIV of 1994);
- (iii) the West Bengal Panchayat Act, 2003 (West Ben. Act XXI of 2003).

State Election  
Commission.

- 3.** (1) With effect from such date as the State Government may by notification<sup>1</sup>, appoint, there shall be a Commission, to be called the West Bengal State Election Commission, consisting of a State Election Commissioner appointed by the Governor under clause (1) of Article 243K of the Constitution.
- (2) If—
- (a) the State Election Commissioner is, by reason of leave, illness or other cause, temporarily unable to exercise the powers and perform the duties of his office, or
  - (b) a vacancy occurs in the Office of the State Election Commissioner by reason of death, resignation or expiry of the term of his office, removal or otherwise, then, the Governor shall, by notification, designate an officer of the State Government who shall act as the State Election Commissioner during the period of such temporary inability or pending the appointment of a State Election Commissioner, as the case may be.
- (3) The functions of the Commission may, subject to such general or special directions, if any, as may be given by the Commission in this behalf, be performed also by such officers of the Commission as the State Election Commissioner may, by order, specify.

Appointment  
and other  
conditions of  
service etc. of  
State Election  
Commissioner

- 3A<sup>2</sup>.** [(1) The State Election Commissioner shall be appointed from amongst, their persons, who had been or are in an All India Service or in any Civil Service of the State or in a civil post under the State Government for not less than twenty-five years, having Knowledge and experience in conducting elections.

<sup>1</sup> Vide Notification No. 4033-P., dated 31.5.1994, w.e.f. 1.6.1994.

<sup>2</sup> Inserted by West Bengal Act XXXI of 2010 w.e.f 05.10.2010

- (2) There shall be paid to the State Election Commissioner such salary which is equal to the salary of a Judge of the High Court :

Provided that if a person who, immediately before the date of assuming office as the State Election Commissioner was in receipt of, or, being eligible so to do, had elected to draw, a pension (other than a disability or wound pension) in respect of any previous service under the Government of the Union or under the Government of a State, his salary in respect of service as the State Election Commissioner shall be reduced –

- (a) by the amount of that pension, and
  - (b) if he had, before assuming of office, received, in lieu of a portion of the pension due to him in respect of such previous service, the commuted value thereof, by the amount of that portion of the pension.
- (3) The State Election Commissioner shall hold office for a term of six years from the date on which he assumes his office :

Provided that where the State Election Commissioner attains the age of sixty-five years before the expiry of the term of six years, he shall vacate his office on the date on which he attains the said age :

Explanation. - For the purpose of this section, the term of six years in respect of State Election Commissioner holding office immediately before the commencement of this Act, shall be computed from the date on which he had assumed office :

Provided further that where no appointment is made on the expiry of term of the State Election Commissioner in position, the incumbent would continue in office for a period of not more than two months thereafter or till the new incumbent is appointed, whichever is earlier.

- (4) (a) A person who, immediately before the date of assuming office as the State Election Commissioner, was in service of Government may be granted during his tenure of office but not thereafter leave in accordance with the rules for the time being

applicable to the Service to which he belonged before such date and he shall be entitled to carry forward the account of leave standing at this credit on such date, notwithstanding anything contained in sub-section (5).

- (b) The power to grant or refuse leave to the State Election Commissioner and to revoke or curtail leave granted to him, shall vest in the Governor.
- (5)(a) A person, who immediately before the date of assuming office as the State Election Commissioner was in service of Government, shall be deemed to have retired from service on the date on which he enters upon office as the State Election Commissioner but his subsequent service as the State Election Commissioner shall be reckoned as continuing approved service counting for pension in service to which he belonged.
- (b) Where the State Election Commissioner demits office (whether in any manner specified in clause (c) or by resignation), he shall, on such demission be entitled to –
  - (i) a pension which is equal to the pension, liable to a Judge of the High Court in accordance with the provisions of part III of the First Schedule to the High Court Judges (Salaries and Conditions of Service) Act, 1954, for the period of his service rendered as the said Election Commissioner after deduction of such period, if any, reckoned in terms of clause (a), as continuing approved service counting for pension in service to which he earlier belonged; and
  - (ii) such pension (including commutation of pension) as referred to in sub-clause (i), family pension and gratuity as are admissible to a Judge of the High Court under the said Act and the rules made thereunder.
- (c) Except where the State Election Commissioner demits office by resignation, he shall be deemed, for the purposes of this Act, to have demitted his office if, and only if,-
  - (i) he has completed the term of office specified in sub-section (3), or

- (ii) he has attained the age of sixty-five years, or
  - (iii) his demission of office is medically certified to be necessitated by ill health.
- (6) Every person holding office as the State Election Commissioner shall be entitled to subscribe to the General Provident Fund.
- (7) Save as otherwise provided in this Act, the conditions of service relating to travelling allowance, provision of rent-free residence and conveyance facilities, sumptuary allowance, medical facilities and such other conditions of service as are for the time being applicable to a Judge of High Court under Chapter IV of the High Court Judges (Salaries and Conditions of Service) Act, 1954 and the rules made thereunder, shall, as far as may be deemed appropriate, apply to the State Election Commissioner.]
4. (1) The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the Panchayats shall vest in the Commission:
- Election to the  
*Panchayats.*
- Provided that the electoral roll for the time being in force for the election of Members to the West Bengal Legislative Assembly may, at the discretion of the State Election Commissioner, be adopted as the electoral roll for election of members, by whatever name called, to a Panchayat to such extent and in such manner as the State Election Commissioner thinks fit.
- (2) Subject to the provisions of sub-section (1), all matters relating to, or in connection with, elections to the Panchayats shall be regulated <sup>1</sup>[and the West Bengal Panchayat Elections Act, 2003 (West Ben. Act XXI of 2003)], and the rules made thereunder in so far as they are not inconsistent with the provisions of this Act or the rules made thereunder.
- Elections to the Municipalities. 5. (1) The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the Municipalities shall vest in the Commission:

<sup>1</sup> Subs. by s. 3 of the West Ben. Act VII of 2004, w.e.f. 20.8.2004 for “in accordance with the provisions of the West Bengal Panchayat Act, 1973 (West Ben. Act XLI of 1973)”.

Provided that the electoral roll for the time being in force for the election of Members to the West Bengal Legislative Assembly may, at the discretion of the State Election Commissioner, be adopted as the electoral roll for election of members, by whatever name called, to a Municipality to such extent and in such manner as the State Election Commissioner thinks fit.

<sup>1</sup>[(2) Subject to the provisions of sub-section (1), all matters relating to, or in connection with, elections to the Municipalities shall be regulated in accordance with the provisions of the West Bengal Municipal Elections Act, 1994, (West Ben. Act XXXIV of 1994) and the rules made thereunder, in so far as they are not inconsistent with the provisions of the Act or the rules made thereunder.]

6. (1) For the purpose of preparation of electoral rolls for, and conduct of, elections to the Panchayats and the Municipalities, the State Election Commissioner shall, in consultation with the State Government, appoint such officers of the State Government to be the—
- (a) District Municipal Election Officer for every district,
  - (b) District Panchayat Election Officer for every district,
  - (c) Municipal Electoral Registration Officer for one or more Municipalities,
  - (d) Panchayat Electoral Registration Officer for one or more Blocks,
- <sup>2</sup>[(e) Municipal Returning Officer for one or more constituencies of one or more Municipalities; and
- (f) *Panchayat Returning Officer for one or more Panchayats,*

as he thinks fit, who shall exercise such powers and perform such functions <sup>3</sup>[as provided

<sup>1</sup> Subs. by s. 3 of the West Ben. Act XLII of 1994.

<sup>2</sup> Subs. by s. 4(a)(i) of the West Ben. Act XLVII of 1994, which was earlier as follows :

“(e) Municipal Returning Officer for one or more Municipalities, and”.

<sup>3</sup> Subs. by s. 4(a)(ii), ibid, for “as may be prescribed”.

in the West Bengal Municipal Elections Act, 1994 (West Ben. Act XXXIV of 1994), and the rules made thereunder,<sup>1</sup>[or the West Bengal Panchayat Election Act, 2003 (West Ben. Act XXI of 2003)], and the rules made thereunder, as the case may be]:

Provided that if the territorial jurisdiction of Municipality is spread over the administrative jurisdiction of two or more districts, the State Election Commissioner may appoint one District Municipal Election Officer for the purpose of preparation of electoral rolls for, and conduct of, elections to that Municipality.

(2) Subject to the direction and control of the State Election Commissioner, the District Municipal Election Officer shall appoint such number of officers of the State Government to be the—

(a) Assistant Municipal Electoral Registration Officer, and

(b) Assistant Municipal Returning Officer,

as may be necessary, and such Assistant Municipal Electoral Registration Officer and Assistant Municipal Returning Officer shall exercise such powers and perform such functions<sup>2</sup>[as provided in the West Bengal Municipal Elections Act, 1994, and the rules made thereunder.]

(3) Subject to the direction and control of the State Election Commissioner, the District Panchayat Election Officer shall appoint such number of officers of the State Government to be the—

(a) Assistant Panchayat Electoral Registration Officer, and

(b) Assistant Panchayat Returning Officer,

as may be necessary, and such Assistant Panchayat Electoral Registration Officer and Assistant Panchayat Returning Officer shall exercise such powers and perform such functions<sup>3</sup>[<sup>4</sup>as provided

<sup>1</sup> Subs. by s. 4(a) of the West Ben. Act VII of 2004, w.e.f. 20.8.2004 for “or the West Bengal Panchayat Act, 1973 (West Ben. Act XLI of 1973)”.

<sup>2</sup> Subs. by s. 4(b) of the West Ben. Act XLVII of 1994 for “as may be prescribed”.

<sup>3</sup> Subs. by s. 4(c), ibid for “as may be prescribed”.

<sup>4</sup> Subs. by s. 4(b) of the West Ben. Act VII of 2004, w.e.f. 20.8.2004 for “as provided in the West Bengal Panchayat Act, 1993.”.

in the West Bengal Panchayat Election Act, 2003,] and the rules made thereunder.]

(4) <sup>1</sup>[Subject to the provisions of the West Bengal Municipal Elections Act, 1994 (West Ben. Act XXXIV of 1994) and the rules made thereunder,] the Municipal Returning Officer shall appoint such number of persons to be the—

(a) Presiding Officer, and

(b) Polling Officer,

as may be necessary for holding elections or bye-elections to a Municipality:

Provided that no person, who has been employed by or on behalf of, or has otherwise been working for, a candidate in or about the election or bye-election to a Municipality, shall be appointed to be the Presiding Officer or Polling Officer for holding such election or bye-election, as the case may be.

(5) <sup>2</sup><sup>3</sup>[Subject to the provisions of the West Bengal *Panchayat* Election Act, XXI of 2003, and the rules made thereunder,] the Panchayat Returning Officer shall appoint such number of persons to be the—

(a) Presiding Officer, and

(b) Polling Officer,

as may be necessary for holding elections or bye-elections to a *Panchayat*:

Provided that no person, who has been employed by or on behalf of, or has otherwise been working for, a candidate in or about the election or bye-election to a *Panchayat*, shall be appointed to be the Presiding Officer or Polling Officer for holding such election or bye-election, as the case may be.

7. (1) The Commission shall have such staff, made available to it by the Governor when so requested by it, as may be necessary for the discharge of the

Staff of  
Commission

<sup>1</sup> Subs. by s. 4(d) of the West Ben. Act XLVII of 1994 for “Subject to such rules as may be made by the State Government in this behalf”.

<sup>2</sup> Subs. by s. 4(e) of the West Ben. Act XLVII of 1994 for “Subject to such rules as may be made by the State Government in this behalf”.

<sup>3</sup> Subs. by 4(c) of the West Ben. Act VII of 2004, w.e.f. 20.8.2004 for “subject to the provisions of the West Bengal Panchayat Act, 1973 (West Ben. Act XLI of 1973),”.

functions conferred on it by sub- section (1) of section 4 and sub-section (1) of section 5.

- (2) The terms and conditions of service of the members of the staff made available to the Commission by the Governor shall be regulated in accordance with the rules regulating the terms and conditions of service of the employees of the State Government for the time being in force.

Fixing date and 8.  
time for poll.

The State Government shall, in consultation with the Commission, by notification, fix the date or dates on which, and the hours during which, the poll will be taken:

Provided that the poll on any day shall continue for a period of not less than eight hours without interruption.

9. Notwithstanding anything contained in this Act or in any other law for the time being in force,—  
Bar on  
jurisdiction of  
civil court.

- (1) no civil court shall have jurisdiction—  
(a) to entertain or adjudicate upon any question whether any person is or is not entitled to have his name entered in the electoral roll for a constituency, or  
(b) to question the legality of any action taken by or under the authority of the State Election Commissioner relating to preparation and revision of an electoral roll;  
(2) the validity of any law relating to delimitation of constituencies or allotment of seats to such constituencies made or purporting to be made shall not be called in question in any court;  
(3) no election to any *Panchayat* or Municipality shall be called in question except by an election petition presented to such authority and in such manner as may be provided for by or under any law made by the State Legislature.

Grant by the  
Government

10. (1) The State Government shall, under appropriation made by the State Legislature by law in this behalf, pay to the Commission by way of grant such sums of money and in such manner as the State Government may think fit for being utilised for the purposes of this Act.

- (2) The Commission may spend such sums of money as it thinks fit for performing the functions under this Act, and such sums of money shall be treated as expenditure payable out of the grant referred to in sub-section (1).

Accounts and Audit.

- 11.** (1) The Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the State Government in consultation with the Accountant-General, West Bengal.
- (2) The annual accounts of the Commission shall be audited by the Accountant-General, West Bengal.
- (3) The Accountant-General, West Bengal, shall have the same rights and privileges and the authority in connection with such audit as the Accountant-General, West Bengal, generally has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Commission.
- (4) The accounts of the Commission, as certified by the Accountant-General, West Bengal, together with the audit report thereon shall be forwarded annually to the State Government by the Commission.

Power to make rules

- 12.** (1) The State Government may, make rules which may provide for all or any of the matters which, under any provision of this Act, are required to be prescribed or to be provided for by rules.
- (2) All rules made under this Act shall be published in the *Official Gazette*, and shall, unless some later date is appointed by the State Government come into force on the date of such publication.
- (3) All rules made under this Act shall be laid for not less than fourteen days before the State Legislature as soon as possible after they are made and shall be subject to such modification as the State Legislature may make during the session in which they are so laid.

The West Bengal State Election Commission Act, 1994

Government of West Bengal  
Home Department  
Political.

N O T I F I C A T I O N

No. 4032-P.

Dated: Calcutta the 31<sup>st</sup> May, 1994.

In exercise of the power conferred by sub-section (2) of section 1 of the West Bengal State Election Commission Act, 1994 (West Ben. Act VIII of 1994), the governor is pleased hereby to appoint the 1<sup>st</sup> day of June, 1994, as the date on which the said Act shall come into force.

By order of the Governor,  
M. Gupta  
Secy. to the Govt. of West Bengal

Government of West Bengal  
Home Department  
Political.

N O T I F I C A T I O N

No. 4033-P.

Dated: Calcutta the 31<sup>st</sup> May, 1994.

In pursuance of the provisions of sub-section (1) of Section 3 of the West Bengal State Election Commission Act, 1994 (West Ben. Act VIII of 1994), the governor is pleased hereby to appoint the 1<sup>st</sup> day of June, 1994, as the date with effect from which there shall be a Commission to be called the West Bengal State Election Commission, consisting of a State Election Commissioner appointed by the Governor under clause (1) of Article 243 K of the Constitution.

By order of the Governor,  
M. Gupta  
Secy. to the Govt. of West Bengal

**EXTRACTS FROM  
THE CONSTITUTION  
(SCHEDULED CASTES)  
ORDER, 1950**



# THE CONSTITUTION OF INDIA

## EXTRACTS

\* \* \* \* \*

### Constitution (Scheduled Castes) Order, 1950

#### PART III- Rules and Order under the Constitution

\* \* \* \* \*

#### PART XIX- West Bengal

1. Bagdi, Duley
2. Bahelia
3. Baiti
4. Bantar
5. Bauri
6. Beldar
7. Bhogta
8. Bhuimali
9. Bhuiya
10. Bind
11. Chamar, Charmakar, Mochi, Muchi, Rabidas, Ruidas, Rishi
12. Chaupal
13. Dabgar
14. Damai (Nepali)
15. Dhoba, Dhobi
16. Doai
17. Dom, Dhangad
18. Dosadh, Dusadh, Dhari, Dharhi
19. Ghasi
20. Gonrhi
21. Halalhkor
22. Hari, Mehtar, Mehtor, Bhangi
23. Jalia Kaibartta
24. Jhalo mola, Malo
25. Kadar
26. Kami (Nepali)
27. Kandra
28. Kanjar
29. Kaora

- 30. Karenga, Koranga
- 31. Kawe
- 32. Keot, Keyot
- 33. Khaira
- 34. Khatik
- 35. Koch
- 36. Konai
- 37. Konwar
- 38. KGtal
- 39. Kuraria
- 40. Lalbegi
- 41. Lohar
- 42. Mahar
- 43. Mal
- 44. Mallah
- 45. Musahar
- 46. Namasudra
- 47. Nat
- 48. Nuniya
- 49. Paliya
- 50. Pan, Sawasi
- 51. Pasi
- 52. Patni
- 53. Pod, Poundra
- 54. Rajbanshi
- 55. Rajwar
- 56. Sarlri {Nepali}
- 57. Sunri {excluding Saha}
- 58. Tiyar
- 59. Turi
- <sup>1</sup>[60. Chain]

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<sup>1</sup> Subs. By Act, 24 of 2016, s.2

**EXTRACTS FROM  
THE CONSTITUTION  
(SCHEDULED TRIBES)  
ORDER, 1950**



**THE CONSTITUTION OF INDIA**  
**EXTRACTS**

\* \* \* \* \*

**Constitution (Scheduled Tribes) Order, 1950**

**PART III- Rules and Order under the Constitution**

\* \* \* \* \*

**PART XVI- West Bengal**

1. Asur
2. Baiga
3. Badia, Bediya
4. Bhumij
5. Bhutia, Sherpa, Toto, Dukpa , Kagatya , Tibetan , Yolmo
6. Birhor
7. Birjia
8. Chakma
9. Chero
10. Chik Baraik
11. Garo
12. Gond
13. Gorait
14. Hajang
15. Ho
16. Karmali
17. Kharwar
18. Khond
19. Kisan
20. Kora
21. Korwa
22. Lepcha
23. Lodha , Kheria, Kharia 24. Lohara, Lohra
25. Magh
26. Mahali

- 27. Mahli
- 28. Mal Pahariya
- 29. Mech
- 30. Mru
- 31. Munda
- 32. Nagesia
- 33. Oraon
- 34. Parhaiya
- 35. Rabha
- 36. Santal
- 37. Sauria Paharia
- 38. Savar
- <sup>1</sup>[39. Limbu (Subba)]
- 40. Tamang.]

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<sup>1</sup> Ins. By Act 10 of 2003, s.4 and the Second sch.

**LIST OF OBCs IN  
WEST BENGAL AS PER  
NOTIFICATIONS OF  
THE GOVT. OF WEST  
BENGAL**



## List of OBC A & OBC B

### Backward Classes Welfare Department Govt. of West Bengal

Sl.	Name of Castes	Particulars of Connected Orders
1	Kapali	
2	Baishya Kapali	
3	Kurmi	
4	Sutradhar	
5	Karmakar	
6	Kumbhakar	
7	Swarnakar	
8	Teli, Kolu	
9	Napit	
10	Yogi, Nath	
11	Goala, Gope (Pallav Gope, Ballav Gope, Yadav Gope, Gope, Ahir and Yadav)	Notification No.346-TW/EC dt. 13.07.94 read with Notification No. 92-TW/EC dt. 11-02-1997 read with Notification No. 267-TW/EC dt. 17-05-1996 and read with 881-BCW/MR-209/11 dated 03-03-2016 read with Notification No. 843-BCW/MR-116/12 dated 15-03-2017
12	Moira (Halwai), Modak (Halwai)	
13	Barujibi	
14	Satchasi	
15	Malakar	
16	Jolah (Ansari-Momin)*	
17	Kansari	
18	Tanti, Tantubaya	
19	Dhanuk	
20	Shankakar	
21	Keori/Koiri	
22	Raju	
23	Nagar	
24	Karani	
25	Sarak	
26	Tamboli/Tamali	
27	Kosta/Kostha	
28	Roniwar/Rauniyar	
29	Scheduled Castes converts to Christianity and their progeny	Notification No. 370-TW/EC dt 12.5.1995 read with Notification No.2109-BCW/MR-74/17 dated 14th October, 2020
30	Lakhera/Laahera	
31	Fakir, Sain*	
32	Kahar	
33	Betkar (Bentkar)	
34	Chitrakar	

List of OBCs in West Bengal as per Notifications of the Govt. of West Bengal

<b>Sl.</b>	<b>Name of Castes</b>	<b>Particulars of Connected Orders</b>
35	Bhujel	
36	Newar	
37	Mangar	
38	Nembang	
39	Sampang	Notification No. 1179-TW/EC dt. 01.12.1995
40	Bungchheng	
41	Thami	
42	Jogi	
43	Dhimal	
44	Hawari, Dhobi (other than those included in the list of Scheduled Castes)*	
45	Bhar	
46	Khandait	Notification No. 93-TW/EC dt. 01.02.1997
47	Gangot	read with Notification No. 844-BCW/MR-116/12 dated 15-03-2017
48	Turha	
49	Dhunia*	
50	Patidar*	
51	Kasai*	
52	Hele / Halia / Chasi-Kaibartta, Das Kaibartta	Notification No. 1054-BCW/EC dt. 06.11.97
53	Bansi Barman	
54	Nashya-Sekh*	
55	Pahadia Muslim*	Notification No. 84-BCW/RC dt. 01.03.1999
56	Khen (Non-Bania category)	read with Notification No. 4283-BCW/MR/209/11 (Pt.I) dated 26-12-2016
57	Sukli	
58	Sunuwar	
59	Bharbhaja	
60	Dewan	Notification No. 2927-BCW/MR-436/99
61	Rai (including Chamling)	dated the 10th July, 2001
62	Rayeen (Kunjra)*	Notification No. 5001-BCW Dt.7-10-02 read with Notification No. 4283-BCW/MR/209/11 (Pt.I) dated 26-12-2016
63	Shershabadia*	
64	Devanga	Notification No. 861-BCW/MR-169/04
65	Hajjam Muslim*	Notification No.3230 - BCW dt 04-12-08 read with No. 264/BCW dt. 28-01-09
66	Chowduli Muslim*	Notification No. 485/BCW dt. 20-02-2009
67	Chasatti (Chasa)	
68	Beldar Muslim*	Notification No. 771-BCW/MR-436/1999 dt. 05-03-2010
69	Khotta Muslim*	
70	Muslim Sardar*	

List of OBCs in West Bengal as per Notifications of the Govt. of West Bengal

<b>Sl.</b>	<b>Name of Castes</b>	<b>Particulars of Connected Orders</b>
71	Nikari Muslim*	Notification No. 1403-BCW/MR-436/99(I) dt. 26/04/2010
72	Mahaldar Muslim*	
73	Dhukre Muslim*	
74	Basni / Bosni Muslim*	
75	Abdal Muslim*	
76	Kan Muslim*	
77	Tutia Muslim*	Notification No. 1639-BCW/MR-436/1999 dt. 14/05/2010
78	Gayen Muslim*	
79	Bhatia Muslim*	
80	Midde*	Notification No. 1929-BCW/MR-436/99(I) dt. 02/06/2010
81	Mallick*	
82	Muslim Kalander*	
83	Muslim Laskar*	
84	Baidya Muslim*	
85	Muslim Jamadar*	
86	Muslim Chutor Mistri*	
87	Muslim Dafadar*	
88	Mal Muslim*	
89	Majhi / Patni Muslim*	
90	Muchi / Chamar Muslim*	Notification No. 2317-BCW/MR-436/99 Dated 1st July, 2010
91	Muslim Nehariya*	
92	Muslim Haldar*	
93	Siuli Muslim*	
94	Muslim Mandal*	
95	Muslim Sanpui/Sapui*	
96	Muslim Biswas*	
97	Muslim Mali, Faraji Muslim*	
98	Ghosu Muslim*	Notification No. 5045-BCW/MR-436/99(I) Dated 31st August, 2010 read with Notification No. 2106-BCW/MR-07/2020 dated 14th October, 2020
99	Muslim Darji / Ostagar / Idrishi*	
100	Muslim Rajmistri, Raj Muslim*	
101	Muslim Bhatiyara*	
102	Muslim Molla*	
103	Dhali Muslim*	
104	Tal-Pakha Benia*	
105	Muslim Piyada*	
106	Muslim Barujibi / Barui*	
107	Bepari / Byapari Muslim*	Notification No. 6305-BCW / MR-436/99(I)
108	Muslim Penchi*	Dated 24th September, 2010

List of OBCs in West Bengal as per Notifications of the Govt. of West Bengal

<b>Sl.</b>	<b>Name of Castes</b>	<b>Particulars of Connected Orders</b>
109	Bhangi Muslim*	
110	Dhatri/Dai/Dhaity Muslim*	
111	Gharami Muslim*	
112	Ghorkhan*	
113	Goldar/Golder Muslim*	
114	Halsana Muslim*	
115	Kayal Muslim*	
116	Naiya Muslim*	
117	Shikari/Sikari Muslim*	
118	Adaldar Muslim*	
119	Akunji/Akan/Akhan Muslim*	
120	Bag Muslim*	
121	Chaprashi Muslim*	
122	Churihar*	
123	Daptari Muslim*	
124	Dewan Muslim*	
125	Dhabak Muslim*	
126	Gazi Muslim, Par Muslim*	
127	Khan Muslim*	
128	Sadhukhan Muslim*	
129	Majhi	
130	Malita/Malitha/Malitya Muslim*	
131	Mistri Muslim*	
132	Paik Muslim*	
133	Pailan Muslim*	
134	Purkait Muslim*	
135	Sana Muslim*	
136	Sareng Muslim*	
137	# Omitted (Notification No. 762-BCW/ MR-116/12 dated 01-03-2013)	Notification No. 1673-BCW / MR-209/11 Dated 11th May, 2012, read with Notification No. 762-BCW / MR-116/12 Dated 1st March, 2013 and read with 773-BCW/MR-209/11 dated 26-02-2016
138	Sarkar Muslim*	
139	Shah (Shah/Sahaji)*	
140	Tarafdar Muslim*	
141	Gavara	
142	Mouli Muslim*	
143	Sepai Muslim*	
144	Sekh/Seikh*	Notification No. 845-BCW/MR-147/12 Dated 10th October, 2012

List of OBCs in West Bengal as per Notifications of the Govt. of West Bengal

<b>Sl.</b>	<b>Name of Castes</b>	<b>Particulars of Connected Orders</b>
145	Bayen Muslim*	Order No. 2770-BCW/MR-116/12 dated 29th August, 2014 read with Corrigendum published in Kolkata Gazette dated 9th December, 2014
146	Bhuiya/Bhunya Muslim*	
147	Borah / Bara / Bora Muslim*	
148	Gorey Muslim*	
149	Hati Muslim*	
150	Jatuya Muslim*	
151	Khondekar/Khonkar Muslim*	
152	Pahar Muslim*	
153	Raptan Muslim*	
154	Baradi Muslim*	
155	Dalal Muslim*	
156	Hoseni Goyala Muslim*	
157	Khalashi Muslim*	
158	Kichni Muslim*	
159	Mukti/Mufti Muslim*	
160	Kalal/Iraqi *	Order No. 183-BCW/MR/209/11 dated 16th January, 2015
161	Kalwar	Order No. 2102-BCW/MR-209/11 dated 01-06-2015
162	Atta Muslim*	
163	Khansama*	
164	Sarala/Sarwala Muslim*	
165	Bagani Muslim*	
166	Bhandari Muslim*	
167	Hawaikar Muslim*	Order No. 468-BCW/MR-209/11(Pt.) dated 04-02-2016
168	Khajonkriya/Khajankriya Muslim*	
169	Katha Muslim*	
170	Mudi/Mehedi Muslim*	
171	Sahana Muslim*	
172	Kazi/Kaji/Quazi/Quaji Muslim*	773-BCW/MR-209/11 dated 26-02-2016
173	Kotal Muslim	4283-BCW/MR-209/11 (Pt.I) dated 26-12-2016
174	Gurung	4282-BCW/MR-118/16 dated 26-12-2016
175	Hazari Muslim*	1905-BCW/MR-19/17 dated 07-06-2017
176	Layek Muslim*	4144-BCW/MR-92/17 dated 05-12-2017
177	Khas	1132-BCW/MR-05/17 dated 28-03-2018
178	Shikder/Shikdar/Sikder/Sikdar Muslim*	SBCW-165/MR-29/18 dated 27-06-2018
179	Chowdhury/Chowdhuri Muslim*	2019-BCW/MR-30/2020 dated 11-07-2022
180	Bairagi/Baishnab	2020-BCW/MR-30/2020 dated 11-07-2022

\* Indicates Muslim communities amongst the OBCs.



## **APPENDICES**



## **WEST BENGAL STATE ELECTION COMMISSION**

**18, Sarojini Naidu Sarani  
(Rawdon Street)  
Kolkata – 700 017**

**Ph. No. 2280-5277; FAX- 2280-7373**

**No. 1802-SEC/ 6D-8/2008**

**Date: 27.05.2022**

### **OR D E R**

1. Whereas, the superintendence, direction and control, of all elections to the Panchayats are vested in State Election Commission vide Article 243K(1) of the Constitution of India; and
2. Whereas, the word ‘elections’ includes the entire process of election, which consists of several stages and whereas it embraces many steps, some of which have important bearing on the process of choosing a candidate by the electorate; and
3. Whereas fair election contemplates disclosure by the candidate of information regarding his education, profession and income including assets held by him, his liabilities to the Government, Banks, Financial Institutions and local bodies, etc. which are relevant to the elector for making a choice; and
4. Now, therefore, the West Bengal State Election Commission, in exercise of the powers, conferred upon it by Article 243 K(1) of the Constitution, of superintendence, direction and control, inter alia, of conduct of elections to Gram Panchayat / Panchayat Samiti / Zilla Parishad / Mahakuma Parishad hereby issues directions as follows :-
  - a. Every candidate at the time of filing his nomination paper seeking election to any of the three tiers of Panchayat shall furnish full and complete information in the prescribed format in regard to the matters mentioned at para 3 above, in the form of a declaration, the format whereof is annexed hereto. The declaration shall be signed by the candidate before the Panchayat Returning Officer concerned or an Assistant Panchayat Returning officer, who has been authorized in Form 1 to receive nominations for a given constituency.
  - b. The information so furnished by each candidate in the declaration shall be disseminated by the respective Panchayat Returning Officers by displaying a copy of the declaration on the Notice Board of his office, office of the Gram Panchayat concerned having jurisdiction over the constituency from which the candidate is seeking election and by uploading a scanned copy of the said declaration in the website of the Commission and also by making copies thereof freely available to all other candidates.
  - c. If the rival candidates furnish information to the contrary, by means of a duly sworn affidavit, then such affidavit shall also be disseminated alongwith declaration of the candidate in the manner stated above.

5. All the Panchayat Returning Officers shall ensure that copies of the declaration format prescribed herein by the Commission is delivered to the candidates along with forms of nomination papers.

By Order of  
The West Bengal State Election Commission

Sd/-

N. SANDILYA

Secretary

West Bengal State Election Commission

## **DECLARATION TO BE FURNISHED BY CANDIDATE ALONG WITH NOMINATION PAPER**

**Before the Panchayat Returning Officer**

**for election to \_\_\_\_\_ Gram Panchayat/Panchayat Samiti/  
Zilla/ Mahakuma Parishad\***  
**from \_\_\_\_\_ constituency.**

I, \_\_\_\_\_, son/ daughter/ wife of \_\_\_\_\_  
aged \_\_\_\_\_ years, resident of \_\_\_\_\_  
(mention full postal address), a candidate at the above election, do hereby declare as  
under : - ( Strike out whichever not applicable)

- 1.(a) that I have, in the past, been convicted of a criminal offence details of which are as under:
  - i) Section of the Act and description of the offence for which cognizance taken :
  - ii) Case No. :
  - iii) Court by which convicted :
  - iv) Date of final order of the Court :
  - v) Punishment imposed mentioning period of imprisonment and / or amount of fine imposed :
  - vi) Details of appeal(s) / application(s) for revision / review filed against the order of conviction :
  
- (b) that the following case / cases is / are pending against me in which cognizance has been taken by the court :
  - i) Section of the Act and description of the offence for which cognizance taken
  - ii) Case No.
  - iii) The Court which has taken cognizance.
  - iv) Date of order of the Court taking cognizance.
  - v) Details of appeal(s) / application(s) for revision etc, if any, filed against above order.

---

\* Strike out the inappropriate alternative

2. that I give herein below the details of the assets of myself, my spouse and dependents.\* :

Sl. No.	Description	Self	Spouse(s)	Dependent-1	Dependent-2	Dependent-3 etc
			Name(s):	Name:	Name:	Name:
(i)	Cash in hand					
(ii)	Cash at Banks, Financial Institutions and Non-Banking Financial Companies					
(iii)	Other Investments					
(iv)	Motor Vehicles, Motor Cycles, Scooters (give details of make,etc.)					
(v)	Jewellery (give details of material , weight and value)					
(vi)	Land - Location (s) -Area (Measurement) -Market Value					
(vii)	Buildings - Location (s) -Area (Measurement) -Market Value					

\* Dependent here means a person substantially dependent on the income of the candidate.

3. that I give herein below the details of my liabilities to Financial Institutions, Local Bodies and Government:-

*[Note : Please give separate details for each item]*

<b>Sl. No.</b>	<b>Description</b>	<b>Name and address of Bank / Financial Institution(s) / Department(s)</b>	<b>Amount outstanding as on .....</b>
(a)(i)	Loans from Banks & Financial Institutions		
(ii)	Dues to Panchayats and Municipalities		
(iii)	Government dues (such as Loans, Taxes etc.)		

4. My educational qualifications:  
 5. My Profession:  
 6. My Annual Income:

Full Signature of the Candidate  
with date:

I, the person above named, do hereby verify and declare that the contents of this declaration are true to the best of my knowledge and belief, no part of this declaration is false and nothing material has been concealed therefrom.

Full Signature of the Candidate  
with date:

Signature of Witnesses \*:-

1. ....  
 2. ....

Signed before me  
PRO/APRO

\* Witnesses should be registered as electors in the constituency where the candidate is contesting.

## পশ্চিমবঙ্গ রাজ্য নির্বাচন কমিশন

১৮, সরোজিনী নাইডু সরণী,

কলকাতা - ৭০০ ০১৭

দূরভাষ – ২২৮০-৫২৭৭

নং : ১৮০২/১-এস.ই.সি.ডি-৮/২০০৮

তারিখ: ২৭.০৫.২০২২

১. যেহেতু ভারতীয় সংবিধানের ২৪৩ কে(১) ধারা অনুসারে পঞ্চায়েত নির্বাচনের তত্ত্ববধান, পরিচালন ও নিয়ন্ত্রণের দায়িত্ব রাজ্য নির্বাচন আয়োগের উপর ন্যস্ত, এবং
২. যেহেতু, ‘নির্বাচন’ কথাটির সাথে কতকগুলি পর্যায়ে বিন্যস্ত সমগ্র নির্বাচন পদ্ধতি যুক্ত, যার মধ্যে এমন কিছু পদক্ষেপ রয়েছে যা প্রার্থী নির্বাচনে নির্বাচকদের কাছে খুবই গুরুতৃপূর্ণ, এবং
৩. যেহেতু, স্বচ্ছ নির্বাচনের ক্ষেত্রে প্রার্থীর কিছু তথ্য যেমন তাঁর শিক্ষাগত যোগ্যতা, পেশা, তাঁর আয় ও সম্পত্তির পরিমাণ, সরকার, ব্যক্তি ও অন্যান্য আর্থিক সংস্থার কাছে তাঁর দায় নির্বাচকদের প্রার্থী পছন্দের ক্ষেত্রে খুবই প্রাসঙ্গিক,
৪. অতএব, এমতাবস্থায় পশ্চিমবঙ্গ রাজ্য নির্বাচন আয়োগ, ভারতীয় সংবিধানের ২৪৩ কে(১) ক্ষমতাবলে সমগ্র পঞ্চায়েত নির্বাচনের তত্ত্ববধান, পরিচালন ও নিয়ন্ত্রণের জন্য নিম্নলিখিত আদেশনামা মেনে চলার জন্য নির্দেশ জারি করছেঃ –
  - (ক) ত্রিস্তর পঞ্চায়েতে যে কোনো স্তরে নির্বাচনে, প্রত্যেক প্রার্থী অবশ্যই মনোনয়নপত্র জমা দেওয়ার সময় নিজের সম্পর্কে সম্পূর্ণ তথ্য ঘোষণাপত্রের আকারে জমা দেবেন। ঘোষণাপত্রের বয়ান এই নির্দেশিকার সঙ্গে সংযুক্ত করা হল। নির্দেশিত ঘোষণাপত্রটি সংশ্লিষ্ট পঞ্চায়েত রিটার্নিং আধিকারিক অথবা ১নং নির্দেশ প্রাধিকৃত সহকারী পঞ্চায়েত রিটার্নিং আধিকারিকের উপস্থিতিতে প্রার্থী সহি করবেন।
  - (খ) সাধারণের অবগতির জন্য প্রত্যেক প্রার্থীর দাখিল করা এই ঘোষণাপত্র সংশ্লিষ্ট পঞ্চায়েত রিটার্নিং আধিকারিক তাঁর দণ্ডের এবং সংশ্লিষ্ট নির্বাচনক্ষেত্রের গ্রাম পঞ্চায়েতের নোটিস বোর্ডে প্রকাশের ব্যবস্থা করবেন এবং এই ঘোষণাপত্রের স্ব্যান করা প্রতিলিপি কমিশনের ওয়েবসাইটে আপলোড করবেন এবং ঘোষণাপত্রগুলির অন্যান্য প্রার্থীকে অবাধে সরবরাহের ব্যবস্থা রাখবেন, এবং
  - (গ) যদি প্রতিদ্বন্দ্বী প্রার্থী / প্রার্থীগণ ঘোষণাপত্রে উল্লিখিত কোন তথ্যের বিরুদ্ধে শপথীকৃত ঘোষণাপত্র পেশ করেন, তখন সেই ঘোষণাপত্রটি প্রার্থীর ঘোষণাপত্রের সাথে একইভাবে প্রচার ও প্রদর্শন করতে হবে।
৫. সকল পঞ্চায়েত রিটার্নিং আধিকারিকগণ অবশ্যই ঘোষণাপত্রের বয়ানটি সমস্ত প্রার্থীদের কমিশন নির্ধারিত মনোনয়নপত্রের নমুনার সাথে সরবরাহ নিশ্চিত করবেন।

রাজ্য নির্বাচন কমিশনের

অনুমত্যানুসারে

পশ্চিমবঙ্গ রাজ্য নির্বাচন কমিশন

শীলাঙ্গন শান্তিল্য

সচিব

পশ্চিমবঙ্গ রাজ্য নির্বাচন কমিশন

**প্রার্থীর জমাকৃত মনোনয়নপত্রের সঙ্গে প্রদেয় ঘোষণাপত্র**  
**পঞ্চায়েত রিটার্নিং আধিকারিকের সম্মুখে**  
..... গ্রাম পঞ্চায়েত/পঞ্চায়েত সমিতি/জেলা/মহকুমা পরিষদ\*,  
**নির্বাচন ক্ষেত্র হইতে নির্বাচনের জন্য**

আমি, ..... , পিতা/স্বামী .....  
বয়স ..... বৎসর, ..... এই ঠিকানায়  
বসবাসকারী, উপরিউক্ত নির্বাচনের প্রার্থী, এই মর্মে নিম্নলিখিত ঘোষণা করছি যে (অপ্রয়োজনীয় অংশ  
কেটে দিন):

- ১। (ক) আমি অতীতে ফৌজদারি মামলায় দণ্ডপ্রাপ্ত, যার :  
পূর্ণাঙ্গ বিবরণ নিম্নে ঘোষণা করছি
- (i) আইনের ধারা এবং অপরাধের বিবরণ :  
(iii) মামলা নং :  
(iv) যে আদালত দ্বারা দণ্ডপ্রাপ্ত তার নাম :  
(v) আদালতের চূড়ান্ত আদেশের তারিখ :  
(v) কতদিনের জন্য কারাবাস এবং/অথবা  
কত অর্থিক জরিমানা ধার্য হয়েছে
  - (vi) শাস্তির বিরুদ্ধে কোনো আপিল বা রায়  
পুনর্বিবেচনার জন্য কোনো আবেদন করা  
হয়ে থাকলে তার বিশদ বিবরণ
- (খ) আমার বিরুদ্ধে নিম্নলিখিত বিচারাধীন মামলা/  
মামলাগুলি আদালতের দ্বারা গৃহীত হয়েছে  
এবং বর্তমানে বিচারাধীন আছে
- (i) আইনের ধারা এবং অপরাধের বিবরণ :  
(ii) মামলা নং :  
(iii) যে আদালতে বিধিসম্মতভাবে মামলা  
গৃহীত হয়েছে
  - (iv) আদালত দ্বারা মামলা বিচারের জন্য গৃহীত :  
হওয়ার তারিখ
  - (v) উপরিউক্ত নির্দেশের বিরুদ্ধে কোন  
আপিলের/পুনর্বিবেচনার আবেদন ইত্যাদি  
জমা দেওয়া হয়ে থাকলে তার তারিখ

\* অপ্রয়োজনীয় অংশ কেটে দিন।

২। আমি, আমার এবং আমার স্বামী, স্ত্রী ও আমার উপর নির্ভরশীল\* ব্যক্তিবর্গের সম্পত্তির বিবরণ নিম্নে ঘোষণা করছি:

ক্রমিক নং	বিবরণ	নিজ নামে	স্বামী/ স্ত্রীর নাম	প্রথম নির্ভরশীল নাম	দ্বিতীয় নির্ভরশীল নাম	তৃতীয় নির্ভরশীল নাম
১)	নগদ অর্থ					
২)	ব্যাঙ্কে গচ্ছিত অর্থ এবং ব্যাঙ্ক ব্যতীত অন্য আর্থিক সংস্থায় (NBFI) গচ্ছিত অর্থ।					
৩)	অন্যান্য বিনিয়োগ					
৪)	মোটর গাড়ি, মোটর সাইকেল ও ক্লুটার (বিবরণ, কী ধরনের গাড়ি ইত্যাদি)					
৫)	অলংকার (বিবরণ, ওজন ও দাম)					
৬)	জমি: - অবস্থান - আয়তন (পরিমাপ) - বাজার দর					
৭)	বাড়ি: - অবস্থান - আয়তন (পরিমাপ) - বাজার দর					

\* নির্ভরশীল কথার অর্থ যে বা যারা আর্থিক দিক থেকে প্রার্থীর উপর একান্ত নির্ভরশীল।

- ৩) নিম্নে, সরকারের কাছে, পুর ও পঞ্চায়েত সংস্থায় এবং আর্থিক সংস্থাগুলির কাছে আমার মোট দেনার বিবরণ জানাচ্ছি  
 (প্রতিটি বিষয়ের বিবরণ আলাদা আলাদা করে দিতে হবে) :

[দ্রষ্টব্যঃ প্রতিটি বিষয়ে বিশদ বিবরণ পৃথকভাবে দেওয়া হল]

ক্রমিক নং	বিবরণ	ব্যক্তি/আমান্ত সংস্থা(গুলি)/ সরকারি দণ্ডনির (গুলির) নাম ও ঠিকানা	..... তারিখে কত অর্থ (টাকা) বাকি
(১)	ব্যক্তি/আমান্ত সংস্থা থেকে খাদের পরিমাণ		
(২)	পঞ্চায়েতগুলিতে এবং পৌরসভাগুলিতে বকেয়ার পরিমাণ		
(৩)	সরকারি দণ্ডে বকেয়া (যেমন ধার বাবদ ও কর বাবদ, ইত্যাদি		

৪) শিক্ষাগত যোগ্যতা :

৫) উপজীবিকা/পেশা :

৬) বাংসরিক আয় :

.....  
তারিখ সহ প্রার্থীর সম্পূর্ণ স্বাক্ষর

আমি শ্রী/ শ্রীমতী ..... , এতদ্বারা ঘোষণা করছি যে উপরের  
বিবরণীটি আমার জ্ঞান ও বিশ্বাসমতে সত্য এবং কোন উল্লেখযোগ্য তথ্য গোপন করা হয়নি।

সাক্ষীদের স্বাক্ষর ও ঠিকানা \* :

- ১)  
২)

.....  
তারিখ সহ প্রার্থীর সম্পূর্ণ স্বাক্ষর

আমার উপস্থিতিতে স্বাক্ষরিত  
পঞ্চায়েত রিটার্নিং আধিকারিক

\* যে ক্ষেত্র থেকে প্রার্থী প্রতিদ্বন্দ্বিতা করছেন, সাক্ষীদের নাম অবশ্যই ভোর তালিকার সেই অংশে  
অন্তর্ভুক্ত হওয়া চাই।

# WEST BENGAL STATE ELECTION COMMISSION

18, Sarojini Naidu Sarani (Rawdon Street)

Kolkata-700 017

Ph No. 2280-5277; FAX – 2280-7373

No. 1854(10)-SEC/1C-3/2022

Date: 30.05.2022

From : The Secretary  
West Bengal State Election Commission

To : The President/ Chairman/ General Secretary/ Secretary  
\_\_\_\_\_  
Political Party

**Sub: Authorisation of candidates set up by a recognised political party or local political party in Panchayat General Elections**

Sir,

I am directed to invite your attention to Rule 36 of the West Bengal Panchayat Elections Rules, 2006 and to state that sub-rule (2) of the said Rule requires that duly attested specimen signature of the persons who will be signing notices as referred to in clause (b) of sub-rule (1) of the said Rule 36 shall be sent to the Panchayat Returning Officer concerned so as to reach him well before the expiry of the last date and time appointed for making nomination.

I am directed by the Commission to request you to kindly ensure that such authorisation on behalf of your party is done under the seal and signature of a competent functionary of the West Bengal State Unit of your party as mandated by the said Rule. The authorisation may kindly be made by using the official letterhead of the West Bengal Unit of your party and in the proforma enclosed in Form A.

2. The notice as to the names of candidates set up by your party in a specified constituency and seat in case of a two-member Gram Panchayat constituency may kindly be sent in the proforma enclosed in Form B. The notice signed by the authorised person on behalf of your party stating the name of the sponsored candidate for the constituency and seat where necessary may preferably be delivered to the Panchayat Returning Officer along with the nomination paper. It must, in any event, be delivered to him before **3 P.M. on the last date appointed for withdrawal of candidature.**
3. It is also requested that the above provisions of the Rules may be specifically brought to the notice of the person or persons who will be authorised by your party

to intimate the names of party candidates in Form B. The time schedule should be strictly observed since any delayed communication cannot be entertained in terms of the Rules in force.

Yours faithfully,

Sd/-

Encl.: As stated (2 sheets)

N. SANDILYA

Secretary

West Bengal State Election Commission

## FORM 'A'

To

The Sub-Divisional Officer, \_\_\_\_\_ &  
The Returning Officer for  
All Zilla/ Mahakuma Parishad Constituencies (Constituencies under the Sub-Division)

To

The Block Development Officer, \_\_\_\_\_ &  
The Returning Officer for  
All Panchayat Samiti and Gram Panchayat Constituencies (Constituencies in the Block)  
District \_\_\_\_\_

Sub: Panchayat General Elections, \_\_\_\_\_ (year) to Gram Panchayat/  
Pancahayat Samiti/ Zilla/ Mahakuma Parishad constituencies - Allotment  
of Symbol – Authorisation of person to intimate names of candidates  
under Rule 36(2) of the West Bengal Panchayat Election Rules, 2006.

Sir,

I am to inform you that the following person has been authorised by  
\_\_\_\_\_, which is a \* Recognised political party/ Local political  
party as recognised by the West Bengal State Election Commission/ Registered  
unrecognized political party in the State of West Bengal, to sign the **NOTICE** in Form  
'B' sponsoring candidates set up by the party at the above elections.

Name of person authorised to send notice	Name of office held in the party	Name of the District/Sub-Division in respect of which he has been authorised
(1)	(2)	(3)

2. The specimen signature of the above mentioned person so authorised is given below

\_\_\_\_\_  
Specimen Signature of  
Shri \_\_\_\_\_

(Seal of the Party)

Place:

Date:

Yours faithfully,  
President/Chairman/General Secretary/Secretary  
\_\_\_\_\_ (Name of the Political Party)

\* Strike off whichever not applicable.

## **NOTE**

- I : Different members may be authorised for different districts/ sub-divisions but not more than one member shall be authorised for any one district/ sub-division.
- II : This Form must reach the Returning Officer concerned before the expiry of the last date and time appointed for making nomination.
- III : No Form transmitted by FAX/ e-mail shall be accepted.

## **FORM 'B'**

### **NOTICE AS TO NAMES OF CANDIDATES SET UP BY THE \***

### **RECOGNISED/ LOCAL/ REGISTERED UNRECOGNISED POLITICAL**

### **PARTY**

To

The Returning Officer for the \_\_\_\_\_ Zilla/  
Mahakuma Parishad/ Panchayat Samiti/ Gram Panchayats\*

Sir,

In pursuance of clause (b) of Sub-rule (1) of Rule 36 of the West Bengal Panchayat Election Rules, 2006, I hereby give notice that the following person(s) have been set up by \_\_\_\_\_ party as its candidate(s) at the ensuing Panchayat Election to be held on the \_\_\_\_\_ (date to be mentioned) from the constituency noted against each.

Sl. No.	No. & Name of Constituency (and Seat No. in case of 2 - member Gram Panchayat Constituency)	Name of Sponsored Candidate
(1)	(2)	(3)

Yours faithfully,

Name & Signature of Authorised person

(Seal of the Party)

Place:

Date:

\_\_\_\_\_ (Name of the Political Party)

\* Strike off whichever not applicable

#### **NOTE**

I : This Notice must be delivered to the Returning Officer by 3 P.M. of the last date for withdrawal of candidature.

II : No Form transmitted by FAX/ e-mail shall be accepted.

# WEST BENGAL STATE ELECTION COMMISSION

18, Sarojini Naidu Sarani (Rawdon Street)

Kolkata-700 017

Ph No. 2280-5277; FAX – 2280-7373

No. 1855-SEC/1M-33/2022

Date: 30.05.2022

## O R D E R :

In exercise of the powers conferred by rule 47 of the West Bengal Panchayat Election Rules, 2006, the State Election Commissioner, West Bengal State Election Commission hereby specifies that on every balloting unit of the voting machine, a ballot paper shall be displayed in the space meant thereof and shall contain the following particulars and be of the following design.

1. The total length of the ballot paper will be 460 mm and its width shall be 140 mm.
2. At the top, there shall be a space provided for indicating the particulars of the election and the name of the constituency, of the size 12.7 mm (length) x 140 mm (width).
3. In the space so provided, on the top left hand corner, the serial number of the ballot paper shall be printed. The Serial No. shall be in 4 digit, running from 0001 in respect of each Gram Panchayat, in 5 digits running from 00001 in respect of each Panchayat Samiti Constituency and in 6 digit running from 000001 in respect of each Zilla/ Mahakuma Parishad Constituency. On the top right hand corner, the sheet number shall be printed if the ballot paper is printed on more than one sheet, where the number of contesting candidates exceeds fifteen.
4. In addition to the serial number and the sheet number, if any, the particulars of the election shall also be printed in the said space. These particulars will contain the Serial Number & Name of the Panchayat Constituency (GP/PS/MP), Year of Election, and Nature of Election, the legend **“Genl” for General Elections** as the case may be. Thus,
  - a) For General Election to Maniram/ I-1 Gram Panchayat constituency of Naxalbari Block of Darjeeling District, the legend to be printed will be **“Maniram/ I-1.2022-Genl”**.
  - b) For General Election to Maniram/PS-1 Panchayat Samiti constituency of Naxalbari Block of Darjeeling District, the legend to be printed will be **“Maniram/PS-1.2022- Genl”**.
  - c) For General Election to Naxalbari/SMP-1 of Naxalbari Block under Siliguri Mahakuma Parishad in Darjeeling District, the legend to be printed will be **“Naxalbari/SMP-1.2022-Genl”**.

- d) Below the space in which the particulars of the election are printed, there shall be a thick black line of 2.1 mm.
  - e) Below this line, there shall be printed the serial number of each contesting candidate, his name and the symbol allotted to him, in a separate panel for each candidate.
  - f) The size of the panel for each contesting candidate shall be 25.4 mm (length) x 140 mm (width).
  - g) The panels of the candidates shall be separated from each other by a thick black line of 2.1 mm.
  - h) The names of the contesting candidates shall be arranged on the ballot paper in the same order in which their names appear in the list of contesting candidates.
  - i) The names of not more than fifteen candidates shall be arranged on one sheet of a ballot paper. If the number of contesting candidates is less than 15 (fifteen), the space below the panel for last contesting candidate shall be kept blank.
  - j) Where the number of contesting candidates exceeds fifteen, the ballot paper shall be printed on two sheets of the above mentioned size and dimensions if the number of candidates is between sixteen and thirty, on three sheets if the number of contesting candidates is between thirty-one and forty-five and on four sheets if their number is between forty-six and sixty. In such cases where the ballot paper is printed on more than one sheet, the names of contesting candidates from S.No.16 to 30 shall be printed on the second sheet, from S.No.31 to 45 on the third sheet and so on. If the number of candidates is less than thirty, the space below the panel for the last contesting candidate in the second sheet shall be kept blank. Similarly, blank space should be provided in the third and fourth sheets of the ballot papers.
12. On the top of each such sheet, in the space provided for indicating the particulars of the election, its number shall be indicated in bold words and letters, e.g. ‘Sheet No.1’, ‘Sheet No.2’ etc.
  13. The particulars of candidates in the ballot paper shall be printed in both Bengali and English language (The serial number of the candidate shall be indicated in the international form of Indian numerals.)
  14. Serial number and the name of the candidate shall be printed on the left hand side and his symbol on the right hand side in the panel meant for him.
  15. The ballot paper to be used for the purpose of voting by a voter on election duty shall be of the same design and contain the same particulars.
  16. The tender ballot paper shall also be of the same design and shall be printed in the same language as the Ballot Paper to be used for display for the Ballot Unit.

In other words, the Ballot Papers to be used on the Ballot Unit and the Tendered Ballot Papers shall be the same. However, the words “**Tendered Ballot papers**” shall be stamped on the back of each Ballot Paper to be used as Tendered Ballot Papers.

17. The length of ballot paper for ED and Tendered vote , where the number of Contesting Candidates is not more than 15(fifteen) shall be reduced upto the space as may be required for providing the panel for the last Contesting Candidates and below the said panel there shall be a thick black line of 2.1 mm.
18. **All the remaining number of buttons below the last name of the Contesting Candidate of the Balloting Unit in respect of each Electronic Voting Machine will be kept in Masked Condition.**
20. The ballot papers shall be printed on Wove Paper of 3 different colors for each of the 3 tiers of Panchayat Election, i.e. Cream for Gram Panchayat, Pink for Panchayat Samiti and Yellow for Zilla / Mahakuma Parishad.

By Order of the  
State Election Commissioner,  
West Bengal State Election Commission

Sd/-  
N. SANDILYA  
Secretary  
West Bengal State Election Commission

## Design of ballot Paper

140 mm in width

SERIAL No. 00025	Maniram/PS-1.2022-Genl	↑ 12.7 mm ↓	Sheet No. (if needed)
1. অনিল ভুষণ ANIL BHUSHAN	↑ 25.4 mm panel ↓		
2. দেবু ধর DEBU DHAR			
3. দিলীপ কুমার DILIP KUMAR			
4. মীনা কুমারী MEENA KUMARI			
5. মেহের আলি MEHER ALI			
6. শৈল সাহা SHAILO SAHA			
7. সুরেন্দ্র শাউ SURENDRA SHAW			

2.1 mm thick black line

460 mm in length

# **WEST BENGAL STATE ELECTION COMMISSION**

**18, Sarojini Naidu Sarani**

(Rawdon Street)

**Kolkata - 700 017**

**Ph. No. 2280-5277; FAX- 2280-7373**

**No. 342-SEC/STAT-1/2B-7/2008**

**Kolkata, the 15th March, 2018**

## **O R D E R**

In exercise of the power conferred upon by sub-rule (3) of rule 47 of the West Bengal Panchayats Election Rules, 2006 (hereinafter referred to as the said rules), the West Bengal State Election Commission hereby prescribes the design of ballot papers as indicated below for use in connection with the 8th Panchayat General Elections, 2018 to the Gram Panchayats / Panchayat Samitis / Zilla Parishads to be held within the area of this State except the district of Darjeeling.

### **Design of ballot papers**

1. The form of the ballot papers shall be as prescribed in the said rules with subsequent amendments (i.e. Form 13(1) & 13(2) for Gram Panchayats Elections, Form 13A for Panchayat Samiti Elections and Form 13B for the Zilla Parishad Elections).
2. The colour of the ballot papers shall be –
  - a) Cream Wove for Gram Panchayat Elections;
  - b) Pink wove for Panchayat Samiti Elections and
  - c) Yellow wove for Zilla Parishad Elections.
3. Every ballot paper shall have a counterfoil portion as shown in the prescribed Form, attached to it at the top and its depth shall not ordinarily exceed 6.50 centimetres and separated by a perforated rule/ dis-jointed line. There shall be stitching at the top centre within the space of the counterfoil portion.
4. There shall be a black thick rule (0.5 cm) at the top of the counterfoil portion. There shall also be black thick rules on the both sides of the perforation line. The gap between the rules may be 1 centimetre.
5. The serial number of the ballot paper shall be printed by numbering machine on the left hand side of the back of the ballot paper and back of the counterfoil portion. That is, the same number shall be printed twice, once on the ballot paper and again on the counterfoil.

6.
  - a) The width of the ballot paper shall be 10 centimetres.
  - b) In case of Form 13(2) for Gram Panchayat Elections from constituencies having two (2) seats the width of the ballot paper and its counterfoil shall be 21.50 centimetres instead of 10 centimetres. Down the middle, there shall be a double line thick black Rule of 1.50 centimetres width from top to bottom separating the two halves for the two seats of the constituency.
7. The width of the space allotted to each candidate shall be 2.75 centimetres and the width of the double line thick rule between the space allotted to any two candidates shall be 1.25 centimetres. There shall be a black thick rule at the bottom.
8. The size of each symbol may not be more than 3.5 centimetres x 2.5 centimetres.
9. The name of the candidates shall be printed in Bengali.
10.
  - a) The names of candidates shall appear in correct alphabetical order (in the same order as in Form- 7) one below the other on the left hand side and his symbol on the right hand side in the panel.
  - b) In case of Gram Panchayat Constituencies having two seats, names of candidates shall appear in separate columns for each seat, in the same order as in Form 7 along with the symbol appearing to the right of the name. In case of unequal number of candidates in the two seats, the corresponding panels in the column having lesser number of candidates, shall be left blank.
11. Where the number of contesting candidates exceeds 8 (eight) (except in case of Form 13(2) for Gram Panchayat Constituency having two seats when the length of the ballot paper shall increase in order to accommodate higher number of candidates), the width of the ballot and its counterfoil may be 21.50 centimetres instead of 10 centimetres. Along the middle there shall be a double line thick black rule of 1.50 centimetres width from top to bottom. The names of half the number of contesting candidates, arranged in the correct alphabetical order one below the other, shall be on the left hand half of the ballot paper and the names of the remaining contesting candidates shall appear in the same manner on the other half. Where the number of contesting candidates is odd, the last panel on the right hand half of the ballot paper shall be left blank.
12. Where the number of contesting candidates exceeds 16 (sixteen) [except in case of Form 13(2) for Gram Panchayat Constituency having two seats] the width of the ballot paper and its counterfoil may be 33 centimetres. There shall be three rows of contesting candidates and in between any two rows there shall be a double line thick rule of 1.50 centimetres width from top to bottom. The names of one-third of the number of contesting candidates shall appear in the correct alphabetical

order one below the other in the first row and the names of remaining contesting candidates will appear in the second and third rows in similar manner.

13. In case of poll in respect of one seat in a two-member Gram Panchayat Constituency, ballot paper of 10 centimetres approximate width should be printed in Form 13(1).

By order of the  
State Election Commissioner,  
West Bengal State Election Commission

SD/-  
N. SANDILYA  
Secretary,  
West Bengal State Election Commission

**Form -13(1)**  
**(For Single Seated Gram Panchayat Constituency)**

10 cm

1 cm

0.5 cm

Tirat Gram Panchayat  
Tirat / III Constituency, Serial No. Of Seat 3  
Electoral Roll Part No. ....  
Serial No. Of Voter .....

5 cm

Record produced for Identification of Voter:  
(i)EPIC       (ii)any other record        
[Please put tick mark in appropriate box]

0.5 cm

1 cm

Signature / L.T.I. of Voter

1 cm

0.5 cm

1 cm

Tirat Gram Panchayat  
Tirat / III Constituency, Serial No. Of Seat 3

2.75 cm

1.25 cm

3.5 c.m x  
2.5 c.m

2.75 cm

3.5 c.m x 2.5  
c.m

1.25 cm

2.75 cm

3.5 c.m x 2.5 c.m

0.5 cm















Ballot Paper specimen for Tirat / III Gram Panchayat Constituency having three candidates

**Form -13A**  
**( For Panchayat Samiti Constituency )**

10 cm

1 cm

0.5 cm

Raniganj Panchayat Samiti  
Tirat / PS-3 Constituency  
Electoral Roll Part No. ....  
Serial No. Of Voter .....

5 cm

Record produced for Identification of Voter:  
(i)EPIC       (ii)any other record        
[Please put tick mark in appropriate box]

0.5 cm

1 cm

Signature / L.T.I. of Voter

1 cm

0.5 cm

-----

1 cm

Raniganj Panchayat Samiti  
Tirat / PS-3 Constituency

2.75 cm

3.5 c.m x 2.5 c.m

1.25 cm

3.5 c.m x 2.5 c.m

2.75 cm

3.5 c.m x 2.5 c.m

1.25 cm

3.5 c.m x 2.5 c.m

2.75 cm

0.5 cm

3.5 c.m x 2.5 c.m

The diagram shows a template for a ballot paper. At the top, there is a horizontal line labeled "10 cm". Below this, there are several sections defined by curly braces and height measurements in centimeters. The first section is 1 cm high. The second section is 0.5 cm high and contains the text "Raniganj Panchayat Samiti", "Tirat / PS-3 Constituency", "Electoral Roll Part No. ....", and "Serial No. Of Voter .....". The third section is 5 cm high and contains the text "Record produced for Identification of Voter:" followed by two options: "(i)EPIC" and "(ii)any other record", each with a checkbox. A note "[Please put tick mark in appropriate box]" is placed below the checkboxes. The fourth section is 0.5 cm high. The fifth section is 1 cm high and contains the text "Signature / L.T.I. of Voter". The sixth section is 1 cm high. The seventh section is 0.5 cm high and contains a dashed line. The eighth section is 1 cm high and contains the text "Raniganj Panchayat Samiti" and "Tirat / PS-3 Constituency". The ninth section is 2.75 cm high and contains the text "3.5 c.m x 2.5 c.m". The tenth section is 1.25 cm high and contains the text "3.5 c.m x 2.5 c.m". The eleventh section is 2.75 cm high and contains the text "3.5 c.m x 2.5 c.m". The twelfth section is 1.25 cm high and contains the text "3.5 c.m x 2.5 c.m". The thirteenth section is 2.75 cm high and contains the text "3.5 c.m x 2.5 c.m". The fourteenth section is 0.5 cm high.

Ballot Paper specimen for Tirat / PS-3 Panchayat Samiti Constituency having three candidates

**Form -13B**  
**( For Zilla Parishad Constituency )**

10 cm

1 cm

0.5 cm

Burdwan Zilla Parishad  
Memari - I / ZP – 31 Constituency  
Electoral Roll Part No. ....  
Serial No. Of Voter .....

5 cm

Record produced for Identification of Voter:  
(i)EPIC       (ii)any other record        
[Please put tick mark in appropriate box]

0.5 cm

Signature / L.T.I. of Voter

1 cm

0.5 cm

Burdwan Zilla Parishad  
Memari - I / ZP – 31 Constituency

2.75 cm

3.5 c.m x 2.5 c.m

1.25 cm

3.5 c.m x 2.5 c.m

2.75 cm

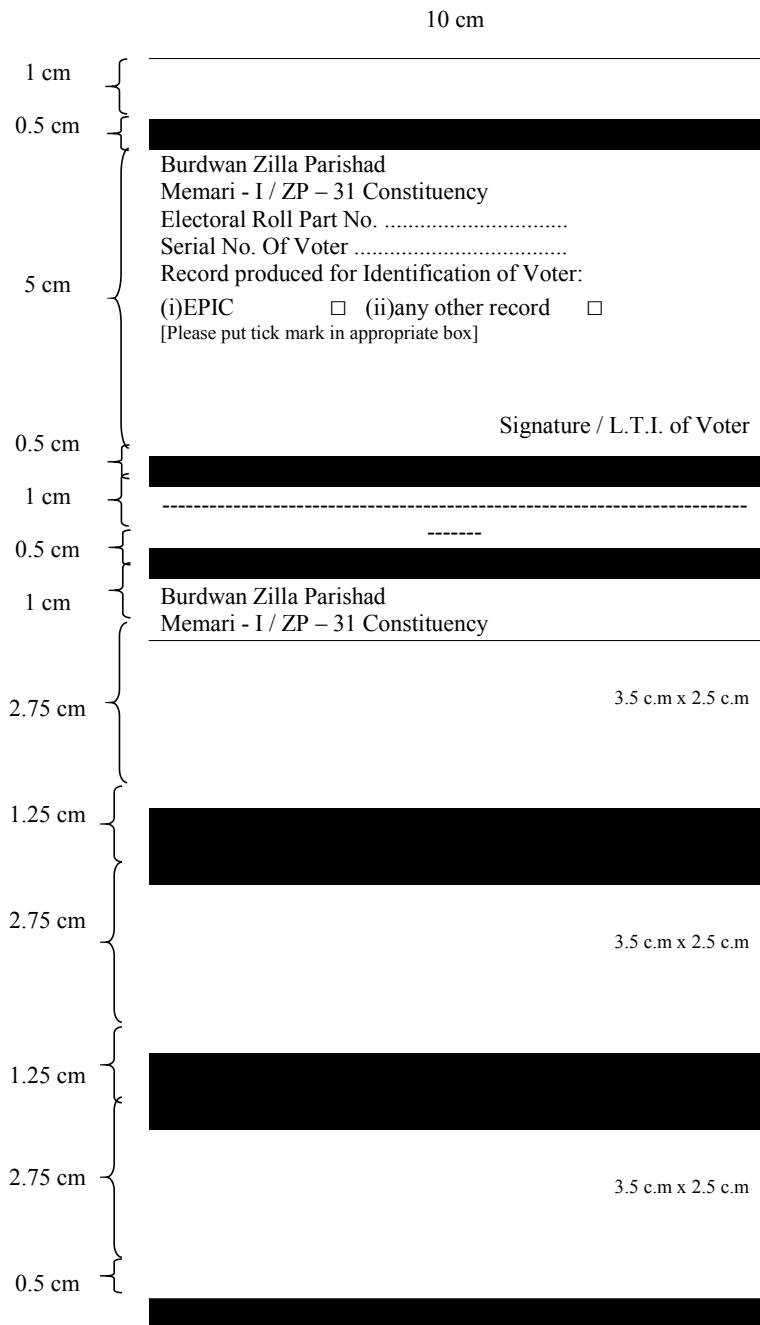
1.25 cm

3.5 c.m x 2.5 c.m

2.75 cm

0.5 cm

3.5 c.m x 2.5 c.m



Ballot Paper specimen for Memari - I / ZP – 31 Zilla Parishad Constituency having three candidates

**Form 13(2)**  
**(For Double Seated Gram Panchayat Constituency)**

1 cm		
0.5 cm		
5 cm	Tirat Gram Panchayat Tirat / IV Constituency, Serial No. of Seats 4,5 Electoral Roll Part No. .... Serial No. of Voter ..... Record produced for Identification of Voter: (i)EPIC <input type="checkbox"/> (ii)any other record <input type="checkbox"/> [Please put tick mark in appropriate box]	
0.5 cm	Signature / L.T.I. of Voter	
1 cm	-----Perforation Line-----	
0.5 cm		
1 cm	Tirat Gram Panchayat Tirat / IV Constituency	
1 cm	Serial No. of Seat -4 Reserved for - SC	Serial No. of Seat -5 Reserved for – ST Women
2.75 cm	3.5 cm x 2.5 cm	3.5 cm x 2.5 cm
1.25 cm		
2.75 cm	3.5 cm x 2.5 cm	3.5 cm x 2.5 cm
0.5 cm		

Ballot Paper specimen for Tirat / IV Gram Panchayat Constituency having two candidates in each seat

STATE ELECTION COMMISSION, WEST BENGAL  
18, SAROJINI NAIDU SARANI, CALCUTTA-17

No.694-SEC/4A-19/96.

Calcutta, the 11th September 1996.

NOTIFICATION:

In pursuance of the provisions of sub-section (1) of section 6 of the West Bengal State Election Commission Act, 1994, and in supersession of this Commission's Notification Nos.163-SEC dated 28.12.94, 19-SEC dated 11.1.95 and 460-SEC dated 17.4.95 the State Election Commissioner hereby appoints, in consultation with the State Government, the following officers as shown in the column 1 of the Table below (hereinafter referred to as the said Table) to be the Panchayat Returning Officers for the Panchayats as shown in the column 2 of the said Table.

Table:

Designation of the Officer:	To act as Panchayat Returning Officer for -
-----------------------------	---

(1)

(2)

1) Sub-Divisional Officers or Addl. Sub-Divisional Officers as the case may be	Zilla Parishad Constituencies within their respective jurisdiction :
2) Block Development Officers or Jt. Block Development Officer- in-Charge of the Block as the case may be	i) Panchayat Samiti Constituencies within their respective jurisdiction. ii) Gram Panchayat Constituencies within their respective jurisdiction.

By Order of the  
State Election Commissioner,  
West Bengal State Election Commission

Sd: S K Biswas  
Secretary  
West Bengal State Election Commission

No.694/1(400)-SEC:

Copy forwarded for information and necessary action to the :

- 1) District Magistrate, (All)
- 2) Sub-Divisional Officer/Addl. Sub-Divisional Officer,
- 3) Block Development Officer/Jt. Block Development Officer,
- 4) Principal Secretary, Panchayat Department, Govt. of West Bengal,  
Panchayat Bhawan, 11/A, K S Roy Road, Calcutta-700 001.

Calcutta,  
the 11th September 1996.

11/9/96  
Deputy Secretary  
State Election Commission  
West Bengal

STATE ELECTION COMMISSION, WEST BENGAL  
18, SAROJINI NAIDU SARANI, CALCUTTA-17

No.695-SEC/4A-19/96.1

Calcutta, the 11th Sept.'96.

NOTIFICATION:

In pursuance of the provisions of sub-section (1) of Section 6 of West Bengal State Election Commission Act, 1994, and in supersession of this Commission's Notification No.162-SEC dated 28.12.94 and No.459-SEC dated 17.4.95, the State Election Commissioner hereby appoints, in consultation with the State Government, the following officers of the State Government specified in the column 1 of the Table below (hereinafter referred to as the said Table) to be the Panchayat Electoral Registration Officers for the Blocks in the State of West Bengal as specified against each such officers in column 2 of the said table.

Table:

Panchayat Electoral Registration Officer: (1)	Blocks of the District (2)
Sub-Divisional Officer or Additional Sub-Divisional Officer as the case may be.	All Blocks within his jurisdiction.

By order of the  
State Election Commissioner,  
West Bengal State Election Commission

Sd:B K Biswas  
Secretary  
West Bengal State Election Commission

No.695/1(400)-SEC:

Copy forwarded for information and necessary action to the :

- 1) District Magistrate, (All)
- 2) Sub-Divisional Officer/Addl.Sub-Divisional Officer, \_\_\_\_\_
- 3) Block Development Officer, \_\_\_\_\_
- 4) Principal Secretary, Panchayat Department, Govt.of West Bengal, Panchayat Bhawan, 11/A, K S Roy Road, Calcutta-700 001.

Calcutta,  
the 11th September 1996.

*11/9/96*  
Deputy Secretary  
State Election Commission  
West Bengal

pc:1109,

**GOVERNMENT OF WEST BENGAL**  
**DEPARTMENT OF PANCHAYATS & RURAL DEVELOPMENT**  
**Jessop Building (1st floor), 63, Netaji Subhas Road, Kolkata-700 001**

No. 623-PN/O/I/3R-3/2004

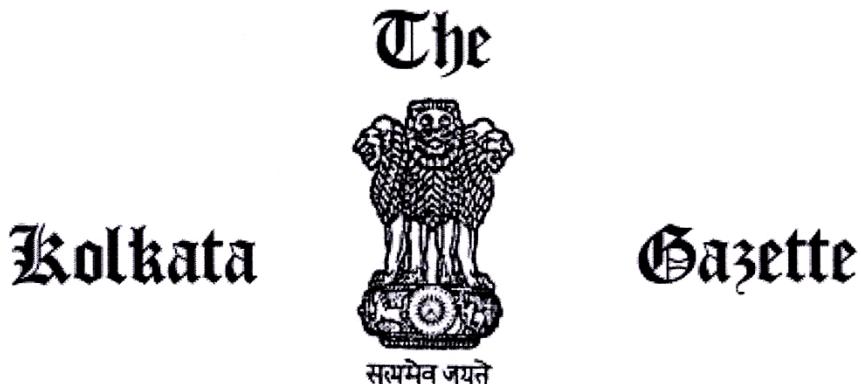
Kolkata, the 9th February, 2007

**NOTIFICATION**

In exercise of the power conferred by clause (20) of section 2 of the West Bengal Panchayat Election Act, 2003 (West Bengal Act XXI of 2003), the Governor is pleased hereby to appoint the District *Panchayat* Election Officer and District Magistrate of a district to be the prescribed authority of the concerned district for performance of any or all functions in terms of rules 22, 23, 24 and 25 of the West Bengal Panchayat Election Rules, 2006 published vide Notification No. 5597/PN/O/I/3R-3/2004 dated 1st December, 2006, in an Extraordinary issue of the *Kolkata Gazette* printed and published on 1st December, 2006.

By order of the Governor,

M. N. ROY,  
*Principal Secretary to the  
Government of West Bengal.*



सत्यमेव जयते

*Extraordinary*  
Published by Authority

SRAVANA 4]

MONDAY, JULY 26, 2010

[SAKA 1932]

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

**GOVERNMENT OF WEST BENGAL**  
**Department of Panchayats & Rural Development**  
**Jessop Building (1st Floor), 63, N. S. Road,**  
**Kolkata - 700 001**

Memo No: 5316/PN/O/I/1A-3/2010

Kolkata, the 1st July, 2010

**NOTIFICATION**

In exercise of the power conferred by clause 19 of section 2 of the West Bengal Panchayat Act, 1973 (West Bengal Act XL1 of 1973), the Governor is pleased to cancel all previous notifications issued in this respect and to appoint the authorities specified in column (1) of the schedule below to be the Prescribed Authorities referred to sections as specified in column (2) of the said Act within their respective jurisdictions, for the purposes specified in the corresponding entries in column (3) thereof.

**The Schedule**

Authorities (1)	Sections (2)	Purposes for which appointed (3)
District Magistrate	Section 4 (2)	Determination of the number of members to be elected as members of a Gram Panchayat.
District Magistrate	Section 4 (3)	Division of the area of a Gram into Constituencies and allocation of seats to such Constituencies.
District Magistrate	Section 5 (5)	Allocations of properties, funds and liabilities to a Gram Panchayat or between Gram Panchayats when an area is excluded from, or included in, a Gram or a Gram is divided so as to constitute two or more Grams, or two or more grams are united to constitute a single Gram.

Authorities (1)	Sections (2)	Purposes for which appointed (3)
District Magistrate	Section 6 (1) and 6 (2)	Allocation of the properties, funds and liabilities of a Gram Panchayat between the Gram Panchayat, Municipality, a Town Committee or a Cantonment, if the whole or a part of the area of Gram Panchayat is included in such Municipality, a Town Committee or a Cantonment within the jurisdiction of the same district.
Divisional Commissioner	Section 6 (1) and 6 (2)	Allocation of the properties, funds and liabilities of a Gram Panchayat between the Gram Panchayat, Municipality, a Town Committee or a Cantonment, if the whole or a part of the area of the Gram Panchayat is included in such Municipality, a Town Committee or a Cantonment within the jurisdiction of another district but within the jurisdiction of the same division.
Block Development Officer or where there is no Block Development Officer, Joint Block Development Officer in-charge of the Block	Section 9 (2)	Convening of the first meeting of the Gram Panchayat for election of Pradhan and Upa-Pradhan.
District Magistrate	Section 9 (6)	Appointment of a Pradhan and an Upa-Pradhan from among, the members of the Gram Panchayat when the offices of the Pradhan and the Upa-Pradhan are both vacant or the Pradhan and the Upa-Pradhan are temporarily unable to act, etc.
District Magistrate	Proviso to Section 9A	Debarring any person from standing as a candidate in any election in any capacity.
Block Development Officer or where there is no Block Development Officer, Joint Block Development Officer in-charge of the Block	Section 10 (1), 10(2), 10(3), 10(4), 10(5), 10(6)	Receiving the letters of resignation of Pradhan or Upa-Pradhan or member of a Gram Panchayat, calling for hearing, ascertaining the fact of resignation, passing reasoned order, issuing intimation and completion of process by scheduled time.
Sub-divisional Officer or Additional Sub Divisional Officer	Section 11 (1)	Removal of a member of a Gram Panchayat on the grounds set forth in section 11(1).
Block Development Officer or where there is no Block Development Officer, Joint Block Development Officer in-charge of the Block	Section 12 (2), 12 (3), 12 (4), 12 (5), 12 (9) (a)(b), 12(10)	Receiving motion for expressing lack of confidence or removal of Pradhan or Upa-Pradhan of a Gram Panchayat, convening meeting, authorizing officer to preside over, receiving minutes of meeting and taking action.
Block Development Officer or where there is no Block Development Officer, Joint Block Development Officer in-charge of the Block	First Proviso, to Section 16(1)	Fixation of time and place for holding of the first meeting of the newly constituted Gram Panchayat.
Block Development Officer or where there is no Block Development Officer, Joint Block Development Officer in-charge of the Block	Second proviso, to section 16 (1)	Receiving intimation of a requisitioned meeting under the second proviso to section 16(1).

Authorities (1)	Sections (2)	Purposes for which appointed (3)
Block Development Officer or where there is no Block Development Officer, Joint Block Development Officer in-charge of the Block	Section 18	Submission of the report by the Gram Panchayat on the work done during the previous year and the work proposed to be done during the following year.
District Panchayat and Rural Development Officer	First and second proviso to section 24(1) and section 24(2)	Power to entertain, hear and dispose of an appeal against the order contained in the notice issued by a Gram Panchayat under section 24(1) and power to grant stay.
District Panchayat and Rural Development Officer	First and second proviso to section 26(1) and section 26(2)	Power to entertain, hear and dispose of an appeal against the order contained in the notice issued by a Gram Panchayat under section 26 and power to grant stay.
District Panchayat and Rural Development Officer	First and second proviso to section 27 (1); and section 27 (2)	Power to entertain, hear and dispose of an appeal against the order contained in the notice issued by a Gram Panchayat under section 27 and Power to grant stay.
District Panchayat and Rural Development Officer	Proviso to section 32	Receiving intimation from the Gram Panchayat when any financial power is delegated to the Pradhan or such power is withdrawn or modified.
(i) District Panchayat and Rural Development Officer, (ii) District Magistrate or Additional District Magistrate (Land Reforms, if so authorized by District Magistrate)	Section 41	(i) In case of acquisition or disposal of immovable property by Gram Panchayat when the area of land does not exceed 2 acres. ii) in case of acquisition or disposal of immovable property by Gram Panchayat when the area of land exceeds 2 acres.
Sub-divisional Officer or Additional Sub Divisional Officer	Section 90 (1)	Receiving letter of resignation tendered by a member of Nyaya Panchayat and acceptance of such resignation.
District Magistrate	Section 94(2)(ii)	Division of a Gram into Constituencies for the purpose of election of members to a Panchayat Samiti.
District Magistrate	Section 95(5)	Allocation of properties, funds and liabilities of Panchayat Samiti or Samitis consequent on the alteration of the areas of a Block.
District Magistrate	Section 95 A	Allocation of the properties, funds and liabilities of a Panchayat Samiti between the Panchayat Samiti, Municipality, Town Committee or Cantonment, if the whole or a part of the area of Panchayat Samiti is included in such Municipality, Town Committee or Cantonment within the jurisdiction of the same district.

Authorities (1)	Sections (2)	Purposes for which appointed (3)
Divisional Commissioner	Section 95A	Allocation of the properties., funds and liabilities of a Panchayat Samiti between the Panchayat Samiti, Municipality, Town Committee or Cantonment, if the whole or a part of the area of Panchayat Samiti is included in such Municipality, Town Committee or Cantonment within the jurisdiction of another district but within the jurisdiction of the same division.
Sub-divisional Officer or Additional Sub-divisional Officer.	Section 98(2)	Convening of the first meeting of the Panchayat Samiti for election of Sabhapati and Sahakari Sabhapati.
Commissioner, Panchayats and Rural Development, West Bengal	Section 98(6)	Appointment of Sabhapati or Sahakari Sabhapati when the officer of the Sabhapati and the Sahakari Sabhapati are both vacant or Sabhapati and the Sahakari Sabhapati temporarily unable to act.
Sub-divisional Officer or Additional Sub-divisional Officer	Sections 99(1), 99(2), 99(3), 99(4), 99(5) and 99(6)	Receiving the letters of resignation of Sabhapati or Sahakari Sabhapati or member of a Panchayat Samiti, calling for hearing ascertaining the fact of resignation, passing reasoned order issuing intimation and completion of process by scheduled time.
District Magistrate	Section 100 (1)	Removal of a member of Panchayat Samiti from office on the grounds set forth in sub-section (1) of section 100.
Sub-divisional Officer or Additional Sub-divisional Officer	Section 101(2), 101(3), 101(4), 101(5), 101(9)(a)(b), 101(10)	Receiving motion for expressing lack of confidence or removal of Sabhapati or Sahakari Sabhapati of a Panchayat Samiti convening meeting, authorizing officer to preside over, receiving minutes of meeting and taking action.
Sub-divisional Officer or Additional Sub-divisional Officer	First proviso to section 105(1)	Fixation of time and place for holding of first meeting of the newly constituted Panchayat Samiti.
Sub-divisional Officer or Additional Sub-divisional Officer.	Second proviso to section 105(1)	Receiving intimation of a requisitioned meeting under second proviso to section 105(1).
District Panchayat and Rural Development Officer	Section 107	Submission of the report by the Panchayat Samiti on the work done during the previous year and work proposed to be done during the following year.
(i) District Panchayat and Rural Development Officer  (ii) District Magistrate or Additional District Magistrate (Land Reforms), if so authorized by the" District Magistrate	Section 128	In case of acquisition or disposal of immovable property by Panchayat Samiti when the area of land does not exceed 2 acres  In case of acquisition or disposal of immovable property by Panchayat Samiti when the area of land exceeds 2 acres
Divisional Commissioner	Section 140(5)(e)	Allocation of properties, funds and liabilities of the Zilla Parishad among reconstituted Zilla Parishads consequent on the division of the district.
District Magistrate	Section 143 (2)	Convening the first meeting of the Zilla Parishad for .the purpose of election of Sabhadhipati or Sahakari Sabhadhipati.

Authorities (1)	Sections (2)	Purposes for which appointed (3)
Commissioner, Panchayats and Rural Development, West Bengal	Section 143 (6)	Appointment of a Sabhadhipati and a Sahakari Sabhadhipati when the offices of the Sabhadhipati and Sahakari Sabhadhipati are both vacant or the Sabhadhipati and the Sahakari Sabhadhipati are temporarily unable to act.
Divisional Commissioner	Sections 144 (1), 144(2), 144(3), 144(4), 144(5) and 144(6)	Receiving the letters of resignation of Sabhadhipati or Sahakari Sabhadhipati or member of a Zilla Parishad, calling for hearing, ascertaining the fact of resignation, passing reasoned order, issuing intimation and completion of process by scheduled time.
Divisional Commissioner	Section 145(1)	Removal of a member of the Zilla Parishad on the grounds set forth in section 145 (1).
Divisional Commissioner	Section 146(2), 146(3), 146(4), 146 (5), 146(9)(a)(b), 146(10)	Receiving motion for expressing lack of confidence or removal of Sabhadhipati or Sahakari Sabhadhipati of a Zilla Parishad, convening meeting, authorizing officer to preside over and receiving minutes of meeting and taking action.
District Magistrate	First proviso to Section 150 (1)	Fixation of time and place for holding of the first meeting of a newly constituted Zilla Parishad.
District Magistrate	Second proviso to section 150 (1)	Receiving intimation of a requisitioned meeting under second proviso to section 150 (1).
Commissioner, Panchayats and Rural Development, West Bengal	Section 152	Submission of report by the Zilla Parishad on the work done during the previous year and the work proposed to be done during the following year.
(i) Commissioner, Panchayats and Rural Development, West Bengal  (i) State Government	Section 175	(i) In case of acquisition or disposal of immovable property by Zilla Parishad when the area of land does not exceed 2 acres.  (i) In case of acquisition or disposal immovable property by Zilla Parishad when the area of land exceeds 2 acres.
(i) District Magistrate	Section 209 (3)	Suspension or cancellation of any resolution or order of a Gram Panchayat or a Panchayat Samiti or prohibiting the doing of any act which is about to be done or is being done in pursuance of, or under cover of this Act or any rules made thereunder leading to breach of peace, etc.
Divisional Commissioner	Section 209 (3)	Suspension or cancellation of any resolution or order of a Zilla Parishad or prohibiting the doing of any act which is about to be done or is being done in pursuance of, or under cover of this Act or any rules made thereunder leading to breach of peace, etc.
Commissioner, Panchayats and Rural Development, West Bengal	Section 213(1) and 213(2)	Removal of any member or office bearer of a Gram Panchayat or Panchayat Samiti or Zilla Parishad

Authorities (1)	Sections (2)	Purposes for which appointed (3)
(i) Block Development Officer or where there is no Block Development Officer, Joint Block Development Officer in-charge of the Block	Section 213A(1)	Power to declare an elected member of Gram Panchayat to be disqualified and to take incidental and consequential action thereto.
(ii) Sub-Divisional Officer or Additional Sub-Divisional Officer	Section 213A(1)	Power to declare an elected member of Panchayat Samiti to be disqualified and to take incidental and consequential action-thereto.
(iii) Divisional Commissioner	Section 213A(l)	Power to declare an elected member of Zilla Parishad and Mahakuma Parisad to be disqualified and to take incidental and consequential action thereto.
(i) Sub-Divisional Officer or Additional Sub-Divisional Officer	Section 213B(1)	Power to place an office bearer or member of Gram Panchayat under suspension on such conditions and in such manner as specified in the Act.
(ii) District Magistrate	Section 213B(1)	Power to place an office bearer or member of Panchayat Samiti under suspension on such conditions and in such manner as specified in the Act.
(iii) Divisional Commissioner	Section 213B(1)	Power to place an office bearer or member of Zilla Parishad under suspension on such conditions and in such manner as specified in the Act.
District Magistrate	Section 219(b)(i)	Allocation of properties movable or immovable and all assets vested in a Gram Panchayat to a Gram Panchayat or Gram Panchayats constituted under the West Bengal Panchayat Act, 1973, when in consequence of the repeal of the enactment referred to in section 218, any Gram Panchayat constituted under the West Bengal Panchayat Act, 1957 ceases to exist.
District Magistrate	Section 219(b)(ii)	Allocation of properties movable or immovable and all assets vested in an Anchal Panchayat to a Gram Panchayat or Gram Panchayats constituted under the West Bengal Panchayat Act, 1973, when in consequence of the repeal of the enactments referred to in section 218 any Anchal Panchayat. constituted under the West Bengal Panchayat Act, 1957, ceases to exist.
District Magistrate	Section 219(b)(iii)	Allocation of properties movable or immovable and all assets vested in an Anchalik Parishad to a Panchayat Samiti in Panchayat Samitis constituted under the West Bengal Panchayat Act, 1973 when in consequence of the repeal of the enactments referred to in section 218 any Anchalik Parishad established under the West Bengal Zilla Parishads Act, 1963, ceases to exist.

Authorities (1)	Sections (2)	Purposes for which appointed (3)
District Magistrate	Section 219 (c)(i)	Determination of the rights acquired debts and obligations incurred, matters and things engaged to be done by a Gram Panchayat deemed to have been acquired, incurred and engaged to be done by the Gram Panchayat or Gram Panchayats constituted under the West Bengal Panchayat Act, 1973, when in consequence of the repeal of the enactments referred to in section 218 any Gram Panchayat constituted under the West Bengal Panchayat Act, 1957, ceases to exist.
District Magistrate	Section 219 (c)(ii)	Determination of the rights acquired, debts and obligations incurred, matters and things engaged to be done by an Anchal Panchayat deemed to have been acquired, incurred and engaged to be done by the Gram Panchayat or Gram Panchayats constituted under the West Bengal Panchayat Act, 1973, when in consequence of the repeal of the enactments referred to in section 218, any Anchal Panchayat constituted under the West Bengal Panchayat Act, 1957, ceases to exist.
District Magistrate	Section 219 (c) (iii)	Determination of the rights acquired, debts and obligations incurred, matters and things engaged to be done by an Anchalik Parishad deemed to have been acquired, incurred and engaged to be done by the Panchayat Samiti or Panchayat Samitis constituted under the West Bengal Panchayat Act, 1973, when in consequence of the repeal of the enactments referred to in section 218 any Anchalik Parishad constituted under the West Bengal Zilla Parishads Act, 1963, ceases to exist.
(a) District Judge in respect of all suits  (b) District Session Judge in respect of all cases	Section 219 (e)	Determination of the suits and cases pending before a Nyaya Panchayat constituted under the West Bengal Panchayat Act, 1957, deemed to have been transferred to a Nyaya Panchayat constituted under the West Bengal Panchayat Act, 1973, when in consequence of the repeal of the enactments referred to in section 218 any Nyaya Panchayat constituted under the West Bengal Panchayat Act, 1957, ceases to exist.
Block Development Officer	Section 219(f)(i)	Determination of the persons employed by a Gram Panchayat and continuing in office immediately before coming into office of the Gram Panchayat constituted under the West Bengal Panchayat Act, 1973, for the area deemed to have been employed by such Gram Panchayat or Gram Panchayats when in consequence of the repeal of the enactments referred to in section 218 any Gram Panchayat constituted under the West Bengal Panchayat Act, 1957, ceases to exist.

Authorities (1)	Sections (2)	Purposes for which appointed (3)
Block Development Officer	Section 219(f)(ii)	Determination of the persons employed by an Anchal Panchayat and continuing in office immediately before coming into office of the Gram Panchayat constituted under the West Bengal Panchayat Act, 1974, for the area, deemed to have been employed by such Gram Panchayat or Gram Panchayats when in consequence of the repeal of the enactments referred to in section 218 any Anchal Panchayat constituted under the West Bengal Panchayat Act, 1957, ceases to exist.
Block Development Officer	Section 219(f)(iii)	Determination of the persons employed by an Anchalik Panshad and continuing in office immediately before coming into office of the Panchayat Samiti constituted under the West Bengal Panchayat Act, 1973, for the area, deemed to have been employed by such Panchayat Samiti or Panchayat Samitis when in consequence of the repeal of the enactments referred to in section 218 any Anchalik Parishad constituted under the West Bengal Zilla Parishads Act, 1963, ceases to exist.

By order of the Governor,

TRILOCHAN SINGH,  
*Principal Secretary to the Government of West Bengal.*

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[SAKA 1944

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

**WEST BENGAL STATE ELECTION COMMISSION**

**18, Sarojini Naidu Sarani (Rawdon Street)**

**Kolkata – 700 017**

**Ph.: 2280-5277; FAX: 2280-7373**

No. 2510-SEC/4A-6/1994

Date: 29.08.2022

**NOTIFICATION**

In exercise of the power conferred by sub-section (1) of Section 6 of the West Bengal State Election Commission Act, 1994 the West Bengal State Election Commission, in consultation with the State Government and in supersession of all previous notifications issued in this regard, hereby appoints the District Magistrate of a district to be the District Panchayat Election Officer for the district concerned for the purpose of preparation of electoral rolls for, and conduct of, elections to the Panchayats.

By order of the  
State Election Commissioner  
West Bengal State Election Commission

N. SANDILYA  
Secretary  
West Bengal State Election Commission

### নির্দশ ৩

[নিয়ম ৩ (৪) দ্রষ্টব্য]

শপথ অথবা সত্যাপনের জন্য নির্দশ।

..... গ্রাম পঞ্চায়েত/পঞ্চায়েত সমিতি/(মহকুমা)/জিলা পরিষদের এক জন সদস্যরূপে নির্বাচিত/নিয়োজিত হয়ে আমি শ্রী/শ্রীমতী ..... ঈশ্বরের নামে শপথ করছি/সত্যনিষ্ঠার সঙ্গে অঙ্গীকার করছি যে আমি বিধিবন্দু আইন দ্বারা প্রতিষ্ঠিত ভারতীয় সংবিধানের প্রতি প্রকৃত বিশ্বাস ও আনুগত্য পোষণ করে চলব এবং যে সকল কর্তব্য আমার উপর ন্যস্ত হতে চলেছে সেগুলি আমি বিশ্বস্তভাবে সম্পাদন করব।

তারিখ :

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স্থান :

### নির্দশ ৩ক

[নিয়ম ৪(৬) দ্রষ্টব্য]

পঞ্চায়েত সমিতির সভাপতি/সরকারী সভাপতি/জেলা পরিষদ/মহকুমা পরিষদ-এর  
সভাধিপতি/সহকারী সভাধিপতি বা জেলা/মহকুমা পরিষদের স্থায়ী সমিতির  
কর্মাধ্যক্ষ কর্তৃক প্রতিশ্রূতির ফরম

পঞ্চায়েত সমিতির সভাপতি/\*সহকারী সভাপতি/

জেলা/\*\*মহকুমা পরিষদেরসভাধিপতি/\*\*সহকারীসভাধিপতি/

\* ..... জেলা/\*\*মহকুমা পরিষদের\*

স্থায়ী সমিতির কর্মাধ্যক্ষ \*\* পদে আমার নাম প্রস্তাবিত ও সমর্থিত হওয়ায় আমি শ্রী  
এতদ্বারা প্রতিশ্রূতি দিচ্ছি যে নির্বাচিত হলে আমি আমার  
পদে পূর্ণ সময়ের জন্য নিযুক্ত থাকব এবং যতদিন আমি আমার পদে নিযুক্ত থাকব বা যতদিন আমার  
এই পদে নিয়মানুযায়ী নিযুক্ত থাকার কথা ততদিন আমি কোন উপর্যুক্তকারী নিয়মিত কর্মে নিজেকে  
নিযুক্ত রাখব না অথবা এরূপ কোন কর্মে নিযুক্ত থাকলে সেই কর্ম থেকে পূর্ণ সময়ের জন্য ছুটি নেব  
এবং আমি এমন কোন ব্যবস্থা বা স্বনিযুক্তিমূলককর্মে নিজেকে নিয়োজিত রাখব না যা আমার নির্বাচিত  
পদের ক্ষমতার যথাযথ ব্যবহার, কাজের যথাযোগ্য সম্পাদন বা কর্তব্যের যথোপযুক্ত নির্বাহ করার ক্ষেত্রে  
কোনরকম বাধা সৃষ্টি করতে পারে।

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(নির্বাচন প্রার্থীর স্বাক্ষর)

\* এখানে নির্বাচনের যথাযথ বিবরণ দিতে হবে।

\*\* অপ্রয়োজনীয় অংশগুলি বাদ দিতে হবে।