

Telangana State Election Commission



MANUAL OF ELECTION LAW (Panchayat Raj Bodies)

Issued by
**TELANGANA STATE ELECTION COMMISSION,
1st Floor, DTCP Building,
AC Guards, Hyderabad – 500004**

FOREWORD

The law relating to conduct of elections to Panchayath Raj Bodies, has its basis in Indian Constitution and elaborated in various provisions contained in the Telangana Panchayath Raj Act, 2018 and Rules issued thereunder. Apart from that, there are also certain orders issued by the State Election Commission under Article 243 K of the Constitution of India governing the conduct of elections to Panchayath Raj Bodies.

Experience in the last four ordinary elections has shown that manual containing all the relevant provisions of Law and Rules serves as a valuable reference material for the Officers and Staff involved in the elections. The enactment of the new Telangana Panchayath Raj Act, 2018 and the issuance of new rules there under relating to the conduct of direct and indirect elections made it necessary to prepare and publish this Manual by the State Election Commission. The matters of delimitation and reservations are not included as the same fall in the domain of State Government.

In view of the above, a Manual of Election Law for Panchayath Raj Bodies is prepared with the provisions of related Acts & Rules governing the elections. The Model Code of Conduct for local body elections issued by the State Election Commission in exercise of its plenary powers under Article 243K of the Constitution of India is also incorporated in this manual for reference. It is hoped that this Manual will be useful to the officers and the staff involved in the elections for Panchayath Raj Bodies.

Sd/- C. PARTHASARATHI
STATE ELECTION COMMISSIONER

HAND BOOK OF ELECTION LAW

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PART – I

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EXTRACTS FROM CONSTITUTION OF INDIA

PART - IV

Article 40: Organisation of Village Panchayats:

The State shall take steps to organise village Panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government.

PART IX

THE PANCHAYATS

243. Definitions:-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.

243 A. Gram Sabha:-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.

243 B. Constitution of Panchayats:-(1) There shall be constituted in every State, Panchayats at the (1) village, (2) intermediate and (3) district levels in accordance with the provision of this Part.

(2) Notwithstanding anything the clause (1), Panchayats at the intermediate level may not be constituted in a State having a population not exceeding twenty lakhs.

243 C. Composition of Panchayats:- (1) Subject to the provision 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 (a) 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.

243 D. Reservation of Seats:- (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 offices 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.

243 E. Duration of Panchayats etc.:- (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.

(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.

243 F. Disqualifications for membership:- (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.

243 G. Powers, authority and responsibilities of Panchayats:- 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 to them including those in relation to the matters listed in the Eleventh Schedule.

243 H. Powers to impose taxes by, and Funds of, the Panchayats:-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.

243 I. Constitution of Finance Commission to review financial position:-

(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—

- (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.

243 J. Audit of accounts of Panchayats:- 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.

243 K. Elections of the Panchayats:- (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.

243 L. Application to Union territories:- 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 reference, in relation to a Union territory having a Legislative Assembly, to that Legislative Assembly:

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.

243 M. Part not to apply to certain areas:- (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.

- (2) Nothing in this part shall apply to
 - (a) the States of Nagaland, Meghalaya and Mizoram,
 - (b) 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-
 - (a) 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;
 - (b) Shall be construed to affect the functions and powers of the Darjeeling Gorkha Hill Council constituted under such law.
- (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 the 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.

243 N. Continuance of existing laws and Panchayats:- 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.

243 O. Bar to interference by Courts in electoral matters:- 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 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;

ELEVENTH SCHEDULE TO THE CONSTITUTION (Article 243G)

Powers, Authority and Responsibilities of Panchayaths

1. Agriculture including agricultural extension.
2. Land improvement Implementation of land reforms land consolidation and soil conservation.
3. Minor irrigation water management and watershed development.
4. Animal husbandry dairying and poultry.
5. Fisheries.
6. Social forestry and farm forestry.
7. Minor forest produce.
8. Small scale industries, including food processing industries.
9. Khadi,village and cottage industries,
10. Rural housing.
11. Drinking water.
12. Fuel and fodder.
13. Roads, culverts, bridges, ferries, waterways and other means of communication.
14. Rural electrification, including distribution of electricity.
15. No-conventional energy sources.
16. Poverty alleviation programme.
17. Education, including primary and secondary schools.
18. Technical training and vocational education.
19. Adult and non-formal education.
20. Libraries.
21. Cultural activities.
22. Markets and fairs.
23. Health and sanitation, including hospitals, primary health centers and dispensaries.
24. Family welfare.
25. Women and child development.
26. Social welfare including welfare of the handicapped and mentally retarded.
27. Welfare of the weaker sections and in particular of the Scheduled Castes and the Scheduled Tribes.
28. Public distribution system.
29. Maintenance of community assets.

PART – I

Sl. No. 2: CENTRAL ACT No. 40 OF 1996

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CENTRAL ACT No. 40 OF 1996

THE PROVISIONS OF THE PANCHAYATS (EXTENSION TO THE SCHEDULED AREAS) ACT, 1996

1. Short Title: - This Act may be called the provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996.

2. Definition:- In this Act, unless the context otherwise requires. "Scheduled Areas" means the Scheduled Areas as referred to in clause (1) of Article 244 of the Constitution.

3. Extension of Part IX of the Constitution:- The provisions of Part IX of the Constitution relating to Panchayats are hereby extended to the Scheduled Areas subject to such exceptions and modifications as are provided in Section 4.

4. Exceptions and modifications to Part IX of the Constitution:- Notwithstanding anything contained under Part IX of the Constitution the State Legislature of a State shall not make any law under that Part which is inconsistent with any of the following features, namely:-

(a) a State legislation on the Panchayats that may be made shall be in consonance with the customary, law, social and religious practices and traditional management practices of community resources;

(b) a village shall ordinarily consist of a habitation or a group of habitations or a hamlet or a group of hamlets thereof comprising a community and managing its affairs in accordance with traditions and customs;

(c) every village shall have a Gram Sabha consisting of persons whose names are included in the electoral rolls for the Panchayat at the village level;

(d) every Gram Sabha shall be competent to safeguard and preserve the traditions and customs of the people, their cultural identity, community resources and the customary mode of dispute resolution;

(e) every Gram Sabha shall :-

(i) approve plans, programmes and projects for social and economic development before such plans, programmes and projects are taken up for implementation by the Gram Panchayat, at the village level;

- (ii) be responsible for the identification or selection of persons as beneficiaries under poverty alleviation and other programmes;

(f) every Panchayat at the village level shall be required to obtain from the Gram Sabha a certification of utilisation of funds by that Panchayat for the plans, programmes and projects referred to in clause (e)

(g) the reservation of seats in the Scheduled Areas to every Panchayat shall be in proportion to the population of the communities in that Panchayat for whom reservation is sought to be given under Part IX of the Constitution:

Provided that the reservation for the Scheduled Tribes shall not be less than one-half of the total number of seats:

Provided further that all seats of Chairpersons of Panchayats at all levels shall be reserved for the Scheduled Tribes;

(h) the State Government may nominate persons belonging to such Scheduled Tribes as have no representation in the Panchayat at the intermediate level or the Panchayat at the district level;

Provided that such nomination shall not exceed one-tenth of the total members to be elected in that Panchayat;

(i) The Gram Sabha or the Panchayats at the appropriate level shall be consulted before making the acquisition of land in the Scheduled Areas for development projects and before re-settling or rehabilitating persons affected by such projects in the Scheduled Areas; the actual planning and implementation of the projects in the Scheduled Areas shall be coordinated at the State Level;

(j) planning and management of minor water bodies in the Scheduled Areas shall be entrusted to Panchayats at the appropriate level;

(k) the recommendations of the Gram Sabha or the Panchayats at the appropriate level shall be made mandatory prior to grant of prospecting license or mining lease for minor minerals in the Scheduled Areas;

(l) the prior recommendation of the Gram Sabha or the Panchayats at the appropriate level shall be made mandatory for grant of concession for the exploitation of minor minerals by auction;

(m) while endowing Panchayats in the Scheduled Areas with such powers and authority as may be necessary to enable them to function as institutions of self-government, a State Legislature shall ensure that the Panchayats at the appropriate level and the Gram Sabha are endowed specifically with –

- (i) the powers to enforce of prohibition or to regulate or restrict of the sale and consumption of any intoxicant;
- (ii) the ownership of minor forest produce;
- (iii) the power to prevent alienation of land in the Scheduled Areas and to take appropriate action to restore of any unlawfully alienated land of a Scheduled Tribe;
- (iv) the power to manage village markets by whatever name called;
- (v) the power to exercise control over money lending to the Scheduled Tribes;
- (vi) the power to exercise control over institutions and functionaries in all social sectors;
- (vii) the power to control over local plans and resources for such plans including tribal sub-plans;

(n) the State Legislature that may endow Panchayats with powers and authority as may be necessary to enable them to function as institutions of self-government shall contain safeguards to ensure that Panchayats at the higher level do not assume the powers and authority of any Panchayat at the lower level or of the Gram Sabha;

(o) the State Legislature shall endeavour to follow the pattern of the Sixth Schedule to the Constitution while designing the administrative arrangements in the Panchayats at district levels in the Scheduled Areas.

5. Continuance of Existing Laws and Panchayats:- Notwithstanding anything in Part IX of the Constitution with exceptions and modifications made by this Act, any provision of any law relating to Panchayats in force in the Scheduled Areas immediately before the date on which this Act receives the assent of the President which is inconsistent with the provisions of Part IX with such exceptions and modifications shall continue to be in the force until amended or repealed by a competent Legislature or other competent authority or until the expiration of one year from the date on which this Act receives the assent of the President;

Provided that all the Panchayats existing immediately before such date 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 Legislative Council by each House of the Legislature of that State.

PART – I

Sl. No. 3: EXTRACT OF SECTION 8 OF THE REPRESENTATION OF THE PEOPLE ACT, 1951

DISQUALIFICATION ON CONVICTION FOR CERTAIN OFFENCES:-

8. (1) A person convicted of an offence punishable under

- a) Section 153 A (offence of promoting enmity between different groups on ground of religion, race, place of birth residence, language, etc., and doing acts prejudicial to maintenance of harmony) or section 171 E (offence of bribery) or section 171 F (offence of undue influence or personation at an election) or sub-section (1) or sub-section (2) of section 376 or section 376 A or section 376 B or section 376 C or section 376 D (offences relating to rape) or section 498 A (offence of cruelty towards a women by husband or relative of husband) or sub-section (2) or sub-section (3) of section 505 (offence of making statement creating or promoting enmity, hatred or ill-will between classes or offence relating to such statement in any place of worship or in any assembly engaged in the performance of religious worship or religious ceremonies) of the Indian Penal Code (45 of 1860); or
- b) The Protection of Civil Rights Act, 1955 (Act 22 of 1955), which provides for punishment for the preaching and practice of "Unsociability", and for the enforcement of any disability arising there from; or
- c) Section 11 (offence of importing or exporting prohibited goods) of the Customs Act, 1962); or
- d) Section 10 to 12 (offence of being a member of an association declared unlawful, offence relating to dealing with funds of an unlawful association or offence relating to contravention of an order made in respect of a notified place) of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967); or
- e) The Foreign exchange (regulation) Act, 1973 (46 of 1973); or
- f) The Narcotic Drugs and Psychotropic substances Act, 1985 (61 of 1985) or;
- g) Section 3 (offence of committing terrorist acts) or section 4 (offence of committing disruptive activities) of the Terrorists and Disruptive Activities (Prevention) Act, 1987 (28 of 1987); or

h) Section 7 (offence of contravention of the provisions of sections 3 to 6 of the Religious Institutions (Prevention of Misuse) Act, 1988 (41 of 1988); or

i) Section 125 (offence of promoting enmity between classes in connection with the election) or section 135 (Offence of removal of ballot papers from polling stations) or section 135 A (offence of booth capturing) or clause (a) of sub-section (2) of section 136 (offence of fraudulently defacing or fraudulently destroying any nomination paper) of this Act, (or)

j) Section 6 (offence of conversion of a place of worship) of the Place of Worship (Special Provisions) (Act, 1991) shall be disqualified for a period of six years from the date of such conviction.

(2) A person convicted for the contravention of

- a) any law providing for the prevention of boarding or profiteering; or
- b) any law relating to the adulteration of food or drugs; or
- c) any provisions of the Dowry Prohibition Act, 1961 (28 of 1961); or
- d) any provisions of the Commission of Sati (Prevention) Act, 1987 (3 of 1988)

and sentenced to imprisonment for not less than six months, shall be disqualified from the date of such conviction and shall continue to be disqualified for a further period of six years since his release.

PART – I

Sl. No. 4: CHAPTER – IX-A OF INDIAN PENAL CODE, 1860

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CHAPTER – IX-A OF INDIAN PENAL CODE, 1860

OFFENCES RELATING TO ELECTIONS

171-A. "Candidate", "Electoral Right" defined. – For the purposes of this Chapter --

- (a) "candidate" means a person who has been nominated as a candidate at any election;
- (b) "electoral right" means the right of a person to stand or not to stand as, or to withdraw from being, a candidate or to vote or refrain from voting at an election.

171-B. Bribery. – (1) Whoever, ---

- (i) gives a gratification to any person with the object of inducing him or any other person to exercise an electoral right or of rewarding any person for having exercised any such right; or
- (ii) accepts either for himself or for any other person any gratification as a reward for exercising any such right or for inducing or attempting to induce any other person to exercise any such right, commits the offence of bribery;

Provided that a declaration of public policy or a promise of public action shall not be an offence under this section.

(2) A person who offers, or agrees to give or offers or attempts to procure, a gratification shall be deemed to give a gratification.

(3) A person who obtains or agrees to accept or attempts to obtain a gratification shall be deemed to accept a gratification, and a person who accepts a gratification as a motive for doing, what he does not intend to do, or as a reward for doing what he has not done, shall be deemed to have accepted the gratification as a reward.

171-C. Undue influence at elections. --- (1) Whoever, voluntarily interferes or attempts to interfere with the free exercise of any electoral right commits the offence of undue influence at an election.

(2) Without prejudice to the generality of the provisions of sub-section (1), whoever, ---

- (a) threatens any candidate or voter, or any person in whom a candidate or voter is interested, with injury of any kind, or

(b) induces or attempts to induce a candidate or voter to believe that he or any person in whom he is interested will become or will be rendered an object of Divine displeasure or of spiritual censure.

shall be deemed to interfere with the free exercise of the electoral right of such candidate or voter, within the meaning of sub-section (1).

(3) A declaration of public policy or a promise of public action, or the mere exercise of a legal right without intent to interfere with an electoral right, shall not be deemed to be interference within the meaning of this section.

171-D. Personation at elections.--- Whoever at an election applies for a voting paper or votes in the name of any other person, whether living or dead, or in a fictitious name, or who having voted once at such election applies at the same election for a voting paper in his own name, and whoever abets, procures or attempts to procure the voting by any person in any such way, commits the offence of personation at an election.

171-E. Punishment for bribery.--- Whoever commits the offence of bribery shall be punished with imprisonment of either description for a term which may extend to one year, or with fine or with both:

Provided that bribery by treating shall be punished with fine only.

Explanation.—"Treating" means that form of bribery where the gratification consists in food, drink, entertainment or provision.

171-F. Punishment for undue influence or personation at an election.--- Whoever commits the offence of undue influence or personation at an election shall be punished with imprisonment of either description for a term which may extend to one year or with fine or with both.

171-G. False statement in connection with an election.--- Whoever with intent to affect the result of an election makes or publishes any statement purporting to be a statement of fact which is false and which he either knows or believes to be false or does not believe to be true in relation to the personal character or conduct of any candidate shall be punished with fine.

171-H. Illegal payments in connection with an election. --- Whoever without the general or special authority in writing of a candidate incurs or authorises expenses on account of the holding of any public meeting, or upon any advertisement, circular or publication, or in any other way whatsoever for the purpose of promoting or procuring the election of such candidate, shall be punished with fine which may extend to five hundred rupees:

Provided that if any person having incurred any such expenses not exceeding the amount of ten rupees without authority obtains within ten days from the date on which such expenses were incurred the approval in writing of the candidate, he shall be deemed to have incurred such expenses with the authority of the candidate.

171-I. Failure to keep election accounts.--- Whoever being required by any law for the time being in force or any rule having the force of law to keep accounts of expenses incurred at or in connection with an election fails to keep such accounts shall be punished with fine which may extend to five hundred rupees.

177. Furnishing False Information:—Whoever, being legally bound to furnish information on any subject to any public servant, as such, furnishes, as true, information on the subject which he knows or has reason to believe to be false, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both; or, if the information which he is legally bound to give respects the commission of an offence, or is required for the purpose of preventing the commission of an offence, or in order to the apprehension of an offender, with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

181. False statement on oath or affirmation to public servant or person authorised to administer an oath or affirmation:— Whoever, being legally bound by an oath or affirmation to state the truth on any subject to any public servant or other person authorized by law to administer such oath or affirmation, makes, to such public servant or other person as aforesaid, touching the subject, any statement which is false, and which he either knows or believes to be false or does not believe to be true, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

PART – I

Sl. No. 5: PROVISIONS RELATING TO ELECTIONS IN TELANGANA PANCHAYAT RAJ ACT, 2018 I N D E X

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**RELEVANT EXTRACTS FROM
TELANGANA PANCHAYAT RAJ ACT, 2018**

ACT 5 OF 2018

PART – I

Preliminary

1. Short Title, Extent, Application and Commencement:-

(1) This Act may be called the Telangana Panchayat Raj Act, 2018.

(2) It extends to the whole of the State of Telangana except,-

(a) the Municipal Corporations governed by any law relating to Municipal Corporations for the time being in force in the State;

(b) the Municipalities governed by the law relating to Municipalities for the time being in force in the State.

(c) A Notified area declared under Section 389A of the Telangana Municipalities Act, 1965 (Act 6 of 1965);

(d) the mining settlements governed by the Telangana Mining Settlements Act, 1965 (Act XLIV of 1956); and

(e) the cantonments governed by the Cantonments Act, 2006 (Central Act 41 of 2006).

(3) In their application to the Scheduled Areas in the State as referred to in clause (1) of Article 244 of the Constitution of India; the remaining provisions of this Act shall apply subject to the provisions of Part VII of this Act.

(4) It shall come into force on such date and in such area as the Government may, by notification in the Telangana Gazette, appoint and they may appoint different dates for different areas and for different provisions.

2. Definitions:- In this Act unless the context otherwise requires, ---

(1) **"Backward Classes"** means any socially and educationally Backward Classes of citizens recognised by the Government for purpose of clause (4) of Article 15 of the Constitution of India;

- (3) "**Casual Vacancy**" means a vacancy occurring otherwise than by efflux of time, and "Casual Election" means an election held to fill a casual vacancy;
- (4) "**Chairperson**" means the Chairperson of a Zilla Praja Parishad elected under Section 176;
- (5) "**Chief Executive Officer**" means the Chief Executive Officer of the Zilla Parishad appointed under Section 182;
- (6) "**Collector**" means any officer in-charge of a Revenue Division and includes a Deputy Collector, a Sub-Collector and an Assistant Collector;
- (7) "**Commissioner**" means any officer who is authorised by the Government to exercise any of the powers or discharge any of the duties of the Commissioner under this Act;
- (9) "**Election Authority**" means such authority not being a member or office bearer of any local authority as may, by notification, be appointed by the State Election Commissioner;
- (11) "**Finance Commission**" means the Finance Commission constituted by the Governor under Section 244 of this Act;
- (12) "**Government**" means the State Government;
- (13) "**Grama Kantam**" means a traditional dwelling area of the village represented by part where there are no survey numbers;
- (14) "**Gram Panchayat**" means the body constituted for the local administration of a village under this Act;
- (15) "**Grama Panchayat Tribunal**" means a tribunal constituted under Section 141;
- (16) "**Grama Sabha**" means the Grama Sabha which comes into existence under Section 6;
- (19) "**Junior Civil Judge**" means the Junior Civil Judge appointed under the Telangana Civil Courts Act, 1972 (Act 19 of 1972);
- (21) "**Mandal**" means such area in a district as may be declared by the Government by notification to be a Mandal under Section 3 of the Telangana District (Formation) Act, 1974, excluding the areas covered under the Telangana Municipalities Act, 1965 and Municipal Corporations governed by

any law relating to Municipal Corporations for the time being in force in the State;

- (22) "**Mandal Praja Parishad**" means a Mandal Praja Parishad constituted or reconstituted under Section 142;
- (23) "**Mandal Praja Parishad Development Officer**" means the Officer referred to under Section 162;
- (25) "**Notification**" means a notification published either in the Telangana Gazette or as the case may be District Gazette concerned and the word "Notified" shall be construed accordingly;
- (27) "**Ordinary vacancy**" means a vacancy occurring by efflux of time and "ordinary election" means an election held to fill an ordinary vacancy;
- (29) "**Panchayat Secretary**" means a appointed under Section 42;
- (30) "**Population**" means the population as per the latest census of which the relevant figures have been published;
- (31) "**Prescribed**" means prescribed by the Government by rules made under this Act;
- (32) "**President**" means the President of a Mandal Praja Parishad elected under Section 147;
- (35) "**Qualifying date**" in relation to the preparation and publication of every electoral roll under this Act, means the first day of January of the year in which it is so prepared and published.
- (36) "**Registered Voter**" in the 'Mandal Praja Parishad' or 'registered voter in the District' means a person whose name appears in the electoral roll prepared and published under Section 11 for any Gram Panchayat or Gram Panchayats comprised in the Mandal or as the case may be, in the District;
- (37) "**Residence**", "**Reside**" – A person is deemed to have his "residence" or to "reside" in any house if he sometimes uses any portion thereof as a sleeping apartment, and a person is not deemed to cease to reside in any such house merely because he is absent from it or has elsewhere another dwelling in which he resides, if he is at liberty to return to such house at any time and has not abandoned his intention of returning;

- (39) **"Sarpanch"** means the Sarpanch of a Gram Panchayat elected under Section 15;
- (40) **"Scheduled Castes" and "Scheduled Tribes"** shall have the meaning respectively assigned to them in clause (24) and clause (25) of Article 366 of the Constitution of India;
- (41) **"State Election Commission"** means the State Election Commission constituted under Section 196;
- (42) **"State Election Commissioner"** means a State Election Commissioner appointed by the Governor under sub-section (2) of Section 196;
- (44) **"Urban Development Authority"** means such authority as have been notified under the Telangana Urban Development Authority Act, 1975 and shall also include Hyderabad Metropolitan Development Authority or any other Metropolitan Development Authority;
- (45) **"Village"** means any local area which is declared to be a village under this Act;
- (46) **"Village Organization"** is a federation of self help groups formed at village level and registered under the Telangana Mutually Aided Cooperative Societies Act, 1995 (Act 30 of 1995);
- (47) **"Ward"** means a territorial division of a Gram Panchayat;
- (49) **"Year"** means the financial year;
- (50) **"Zilla Praja Parishad"** means a Zilla Praja Parishad constituted under Section 172.

PART – II

GRAM PANCHAYAT

CHAPTER – I

CONSTITUTION, ADMINISTRATION AND CONTROL OF GRAM PANCHAYATS

3. Declaration of a village for the purposes of this Act:- (1) On and from the date of commencement of this Act, all the villages specified in Schedule VIII shall stand and deemed to have been declared as villages by the names and jurisdiction specified in column (4) , (5), (6) & (7) thereof, for the purposes of this Act.

(2) The State Legislature may, by way of amendment to this Act, modify or add or alter Schedule VIII of this Act so as to,-

- (a) form a new village by separation of local area from any village or by uniting two or more villages or parts of villages or by uniting any local area to a part of any village;
- (b) increase the local area of any village;
- (c) diminish the local area of any village;
- (d) alter the boundaries of any village;
- (e) alter the names of any village;
- (f) merge a village or a part of a village to any Nagar Panchayat or Municipality or Municipal Corporation;
- (g) remove a village from the purview of this Act;
- (h) describe the area of Village.

Sub-sections (3) & (4) omitted vide Telangana Panchayat Raj Act (Amendment) Act, 2021 (Telangana Act No.8 of 2021) and G.O.Ms.No.56, PR & RD (MPP & ZPP ADMN) Department, dated.16.12.2021.

(5) The Government may pass such orders as it may deem fit,-

- (a) as to the disposal of the property vested in a Gram Panchayat which has ceased to exist, and the discharge of its liabilities; and
- (b) as to the disposal of any part of the property vested in a Gram Panchayat which has ceased to exercise jurisdiction over any local area, and the discharge of the liabilities of the Gram Panchayat relating to such property or arising from such local area;

An order made under this sub-section may contain such supplemental, incidental and consequential provisions as the Commissioner may deem necessary, and in particular may direct,-

- (i) that any tax, fee or other sum due to the Gram Panchayat or where a Gram Panchayat has ceased to exercise jurisdiction over any local area, such tax, fee, or other sum due to the Gram Panchayat as relates to that area, shall be payable to such authorities as may be specified in the order; and
- (ii) that appeals, petitions, or other applications with reference to any such tax, fee or sum which are pending on the date on which the Gram Panchayat ceased to exist or, as the case may be, on the date on which the Gram Panchayat ceased to exercise jurisdiction over the local area, shall be disposed off by such authorities as may be specified in the order.

(6) Any decision made by the Government under the Section shall not be questioned in a Court of Law.

4. Constitution of Gram Panchayats for villages and their incorporation:-

(1) A Gram Panchayat shall be deemed to have been constituted,-

(a) for every village which has been specified in Schedule VIII, on and from the date following the date on which the present term of the elected body of the existing Gram Panchayat corresponding to the areas covered by such village expires;

(b) for every village which has been specified in Schedule VIII, where there is no elected body for the existing Gram Panchayat corresponding to the areas covered by such village as on the date of commencement of this Act, on such date of commencement, and

(c) for any village added subsequently to Schedule VIII by a way of an amendment in terms of section 3, from the date of such amendment.

(2) Subject to the provisions of this Act, the administration of the village shall vest in the Gram Panchayat, but the Gram Panchayat shall not be entitled to exercise functions expressly assigned by or under this Act or any other law to its Sarpanch, or to any other local authority, or other authority.

(3) Every Gram Panchayat shall be a body corporate by the name of the village specified or subsequently included as the case may be in Schedule VIII, shall have perpetual succession and a common seal, and subject to any restriction or qualification imposed by or under this Act or any other law, shall be vested with the capacity of suing or being sued in its corporate name, of acquiring, holding and transferring property, of entering into contracts, and of doing all things necessary, proper or expedient for the purposes for which it is constituted.

7. Total Strength of a Gram Panchayat:- (1) A Gram Panchayat shall consist of such number of elected members inclusive of its Sarpanch as may be notified from time to time, by the Commissioner in accordance with the following Table and for greater clarity, Schedule VIII shown the number of members against the Gram Panchayats concerned:-

TABLE

Gram Panchayat with a population at the last census	Number of Members
(1)	(2)
Upto 300	5
Exceeding 300 but not exceeding 500	7
Exceeding 500 but not exceeding 1,500	9
Exceeding 1,500 but not exceeding 3,000	11
Exceeding 3,000 but not exceeding 5,000	13
Exceeding 5,000 but not exceeding 10,000	15
Exceeding 10,000 but not exceeding 15,000	17
Exceeding 15,000 but not exceeding 25,000	19
Exceeding 25,000	21

(2) The Member of the Mandal Parishad Territorial Constituency shall be permanent invitee to the meetings of Gram Panchayats and he shall have the right to speak in and otherwise to take part in the proceedings of any meeting of the Gram Panchayat or Gram Panchayats functioning within the local limits of the respective jurisdiction; but shall not, by virtue of this section be entitled to vote at any such meeting.

(3) One person who is either a retired employee or a senior citizen having passion for development of village, one President of a Village Organization and one donor to the Gram Panchayat shall be co-opted in the manner prescribed. They shall have the right to speak in and otherwise take part in proceedings of any meeting, but they shall not be entitled to vote at any such meeting.

8. Election of Members:- All members of the Gram Panchayat shall be elected by the registered voters in the Ward by the method of secret ballot and in accordance with such rules as may be made in this behalf.

9. Reservation of seats of members of Gram Panchayat:- (1) The seats (wards) of members of Gram Panchayats in the State shall be reserved for Scheduled Tribes, Scheduled Castes, Backward Classes and Women, by notification, in the manner specified below.

(2) Out of the total strength of elected members determined under section 7, the Revenue Divisional Officer shall, in respect of each Gram Panchayat in his jurisdiction determine in the first instance, the number of wards to be reserved, in the Gram

Panchayat concerned, for the members belonging to Scheduled Tribes and the Scheduled Castes subject to the condition that the number of wards so reserved shall bear, as nearly as may be, the same proportion to the total number of wards to be filled by direct election to the Gram Panchayat as the population of Scheduled Tribes or as the case may be, of the Scheduled Castes in that Gram Panchayat bears to the total population of that Gram Panchayat, subject to the condition that the Revenue Divisional Officer shall, in the Scheduled Areas, allocate not less than one half of the total number of seats in each Gram Panchayat for being reserved for Scheduled Tribes.

(3) In the villages where 100% (hundred percent) population is Scheduled Tribes, all the wards in every Gram Panchayat of such villages shall be filled up by persons belonging to Scheduled Tribes only.

(4) The Revenue Divisional Officer shall, in addition to the reservation made under sub-section (2), reserve for the Backward Classes such number of wards, as may be allocated to them in each Gram Panchayat, in his jurisdiction. The number of offices of members of Gram Panchayats in the State reserved for Backward Classes shall not be less than thirty four per cent of the total number of offices of the members of Gram Panchayats in the State. For the purpose of reserving wards for the Backward Classes in respect of the Gram Panchayat, the Revenue Divisional Officer shall determine the number of wards to be reserved for the Backward Classes in each Gram Panchayat on the basis of the proportionate percentage of Backward Classes of that Mandal arrived at in the following manner.

NOTE:- In order to arrive at the "proportionate percentage of Backward Classes" of the Gram Panchayat, the following formula shall be adopted:

$$\begin{array}{ccccc} & & \text{Reservation} & & \\ & & \text{for} & & \\ & & \text{Backward} & & \\ & & \text{Classes in} & & \\ & & \text{the State} & & \\ \text{Mandal} & & 34\% & \times & \text{Mandal} \\ \text{Proportionate} & = & \text{-----} & & \text{Backward} \\ \text{Percentage} & & & & \text{classes} \\ \text{of Backward} & & & & \text{percentage} \\ \text{Class} & & \text{State} & & \\ & & \text{Percentage} & & \\ & & \text{of Backward} & & \\ & & \text{Classes} & & \end{array}$$

Explanation:- (i) State percentage of Backward Classes shall be as projected by the Directorate of Economics and Statistics;

(ii) Mandal Backward Classes percentage is the figure as projected by the Directorate of Economics and Statistics;

(5) (a) Where the reservation for Scheduled Tribes, Scheduled Castes and Backward Classes reaches or exceeds 100% (hundred percent), in such case, the reservation for

Backward Classes shall be calculated by arriving at a percentage to the remaining offices after so reserving for Scheduled Tribes and Scheduled Castes.

(b) Notwithstanding anything contained in clause (a), the Revenue Divisional Officer shall for the purpose of reservation of Wards for Backward Classes in Gram Panchayat located in Scheduled Areas, determine in the first instance number of wards remaining after reserving seats for Scheduled Tribes and Scheduled Castes in each such Gram Panchayat and arrive at the number of wards to be reserved for Backward Classes computed only on the basis of such remaining wards applying the proportionate percentage of population of Backward Classes in the Mandal.

(6) The Revenue Divisional Officer shall reserve one-half of the number of wards reserved for Scheduled Tribes, Scheduled Castes and Backward Classes and one-half of the unreserved wards for Women, in each Gram Panchayat.

(7) (a) The Revenue Divisional Officer shall then communicate the number of wards of Gram Panchayats to be reserved in each Gram Panchayat for the members of Scheduled Tribes, Scheduled Castes, Backward Classes and Women to Mandal Parishad Development Officer concerned.

(b) The Mandal Parishad Development Officer shall, in turn, on receipt of communication under clause (a) shall reserve in respect of wards allotted under sub-section (2) to the Scheduled Tribes in the Gram Panchayat in the first instance in such wards where the proportion of voters belonging to Scheduled Tribes to the total number of voters in the ward concerned is the highest in the descending order.

(c) After excluding the wards reserved for Scheduled Tribes in the respective Gram Panchayat, the Mandal Parishad Development Officer shall reserve the wards from among the remaining wards, for Scheduled Castes allotted under sub-section (2) above, in the wards where the proportion of voters belonging to Scheduled Castes to the total number of voters in the ward concerned is the highest in the descending order.

(d) The reservation of wards for Backward Classes in the Gram Panchayat allotted under sub-section (4) shall be made by the Mandal Parishad Development Officer from among the wards remaining after reserving wards for Scheduled Tribes and Scheduled Castes in each Gram Panchayat where the proportion of voters belonging to the Backward Class to the total voters in the ward concerned is the highest in the descending order.

Provided that no reservation for Backward Classes shall be made in such of those Gram Panchayats where there are no Backward Class voters:

Provided further that where there are no Backward Class Voters in a Gram Panchayat in a Mandal or where the proportion of Backward Class voters is lower than their proportion in the Mandal, the reservation of Ward Members for Backward Classes proportionate to the shortage noted shall be shifted to such of those Gram Panchayats within the concerned Mandal in proportion to the Backward Class voters in Gram Panchayats arranged in a descending order, subject to the condition that the total number of ward members to be allotted to Backward Classes in the Mandal shall remain the same thus ensuring that the number of wards reserved for BCs in a Mandal is equal to Mandal proportion as calculated in sub-section (4).

(e) The reservation of wards for women in the Gram Panchayats allotted under sub-section (6), shall be made by the Mandal Parishad Development Officer in each category i.e., Scheduled Tribe, Scheduled Caste, Backward Class and Unreserved, on the basis of draw of lots.

(8) The reservation of wards for Scheduled Tribes, Scheduled Castes, Backward Classes and Women shall be by rotation as far as practicable, commencing from the first ordinary election held under this Act:

Provided that such rotation shall be effected after completion of two consecutive terms:

Provided further that the wards allotted to Scheduled Tribes, Scheduled Castes, Backward Classes during the earlier ordinary elections shall not be allotted to the same categories till a cycle of reservation in that category is completed.

(9) (a) While allotting the wards by rotation Scheduled Tribes, Scheduled Tribes (women), Scheduled Castes, Scheduled Castes (women), Backward Classes, Backward Classes (women), Unreserved and Unreserved (women) shall be treated as separate categories:

Provided that, such of those wards which could not be reserved in the first and second cycles though they were eligible in the descending order but were allotted to the other categories due to order of preference in allotment as per descending order or proportionate population, in those categories shall be allotted first before going to the wards in the second cycle.

(b) Those wards, which lost their reservation as a result of repeating the reservation second time in that cycle, should be reserved in the ensuing elections in those districts or wherever applicable.

Explanation:- For the removal of doubts, it is hereby declared that:-

(i) For purposes of reserving wards under this section any fraction less than one-half shall be ignored and any fraction equal to or more than one-half shall be counted as one.

(ii) The expression "Revenue Divisional Officer" under this section shall include the Sub-Collector or Assistant Collector in-charge of a Revenue Division.

(iii) In case where the reservation for Scheduled Tribes or Scheduled Castes cannot be made due to non availability of their voters in required number of wards, then the reservation shall be made in descending order in such of those wards where the voters of Scheduled Tribes / Scheduled Castes are available in the first instance, and thereafter, the remaining reservation of Wards shall be made on the basis of draw of lots.

Example:- If there are eight wards in a Gram Panchayat of which six are to be reserved for Scheduled Tribes, whereas, Scheduled Tribes voters are available only in three wards then the reservation for the remaining three wards shall be made by draw of lots from among the other five wards by the Mandal Parishad Development Officer concerned.

(10) Nothing in this section shall be deemed to prevent women and the members of the Scheduled Tribes, Scheduled Castes and Backward Classes from standing for election to the un-reserved wards in the Gram Panchayat.

(11) The Government is competent to issue any clarification for the purpose of removing any difficulty in implementing the provisions of this section for the smooth conduct of elections.

10. Division of Wards:- For the purpose of electing members to a Gram Panchayat, the Commissioner shall, subject to such rules as may be prescribed, divide the village into as many wards as there are seats, determined under Section 7, on a territorial basis in such a manner that all wards shall have, as far as practicable, equal number of voters and allot not more than one seat for each ward.

11. Preparation and publication of Electoral Roll for a Gram Panchayat:- (1) The electoral roll for Gram Panchayat shall be prepared by the person authorized by the State Election Commissioner in such manner by reference to such qualifying date as may be prescribed and the electoral roll for the Gram Panchayat shall come into force immediately upon its publication in accordance with the rules made by the Government in this behalf. The electoral roll for the Gram Panchayat shall consist of such part of the electoral roll for the Assembly Constituency published under the Representation of the People Act, 1950 as revised or amended under the said Act, upto the qualifying date, as relates to the village or any portion thereof:

Provided that any amendment, transposition or deletion of any entries in the electoral roll, or any inclusion of names in the electoral roll of the Assembly Constituencies concerned, made by the Electoral Registration Officer under section 22 or section 23, as the case may be, of the Representation of the People Act, 1950, upto the date of election notification, for any election held under this Act, shall be carried out in the electoral roll of the Gram Panchayat and any such names included shall be added to the part relating to the respective Ward.

Explanation:- Where in the case of any Assembly Constituency there is no distinct part of the electoral roll relating to the village, all persons whose names are entered in such roll under the registration area comprising the village and whose addresses as entered are situated in the village shall be entitled to be included in the electoral roll for the Gram Panchayat prepared for the purposes of this Act.

(2) The said electoral roll for a Gram Panchayat,—

(a) shall, unless otherwise directed by the Government, for reasons to be recorded in writing, be revised in the prescribed manner by reference to the qualifying date:-

- (i) before each ordinary election; and
- (ii) before each casual election to fill a casual vacancy in the office of the Sarpanch and member of a Gram Panchayat; and

(b) shall be prepared and published in any year, in the prescribed manner, by reference to the qualifying date, if so directed by the State Election Commission:

Provided that if the electoral roll is not prepared and published as aforesaid, the validity or continued operation of the said electoral roll, shall not thereby be affected.

(3) The electoral roll published under sub-section (1) shall be the electoral roll for the Gram Panchayat and it shall remain in force till a fresh electoral roll for the Gram Panchayat is published under this section.

(4) The electoral roll for the Gram Panchayat shall be divided into as many parts as there are wards so that each part consists of the voters residing in the concerned ward and for this purpose the electoral roll may be rearranged if such rearrangement is found necessary.

(5) Every person whose name appears in the part of the electoral roll relating to a ward shall subject to the other provisions of this Act, be entitled to vote at any election which takes place in that ward while the electoral roll remains in force and no person whose name does not appear in such part of the electoral roll shall vote at any such election.

(6) No person shall vote at an election under this Act in more than one ward or more than once in the same ward and if he does so, all his votes shall be invalid.

Explanation:- In this section, the expression "Assembly Constituency" shall mean a constituency provided by law for the purpose of elections to the Telangana Legislative Assembly.

12. Rearrangement and Republication of Electoral Rolls:- Where, after the electoral roll for the Gram Panchayat has been published under sub-section (1) of section 11, the village is divided into wards for the first time or the division of the village into ward is altered or the limits of the village are varied, the person authorized by the State Election Commissioner in this behalf shall in order to give effect to the division of the village into wards or to the alteration of the wards or to the variation of the limits, as the case may be, authorize a re-arrangement and republication of the electoral roll for the Gram Panchayat or any part of such roll in such manner, as the State Election Commissioner may direct.

13. Identification of Backward Class Voters:- The Government shall identify all the Backward Class voters. This activity shall be conducted as per the schedule issued by the Government which shall be not more than fifteen days.

14. Term of Office of Members:- (1) Save as otherwise provided in this Act the term of office of members elected at ordinary elections shall be five years from the date appointed by the Commissioner for the first meeting of the Gram Panchayat after the ordinary elections.

(2) Ordinary vacancies in the office of elected members shall be filled at ordinary elections which shall be fixed by the State Election Commission to take place on such day or days before the occurrence of the vacancies, provided such day or days shall not fall beyond three months prior to the occurrence of the vacancies.

(3) (a) Every casual vacancy in the office of an elected member of Gram Panchayat shall be reported by the Panchayat Secretary to the election authority within fifteen days from the date of occurrence of such vacancy and shall be filled within four months from that date;

(b) a member elected in a casual vacancy shall enter upon office forthwith but shall hold office only so long as the member in whose place he is elected would have been entitled to hold office if the vacancy had not occurred;

(c) no casual election shall be held to a Gram Panchayat within six months before the date on which the term of office of its members expires by efflux of time.

15. Election and term of office of Sarpanch or Upa-Sarpanch:- (1) There shall be a Sarpanch for every Gram Panchayat, who shall be elected in the prescribed manner by the persons whose names appear in the electoral roll for the Gram Panchayat, from among themselves. A person shall not be qualified to stand for election as Sarpanch, unless he is atleast twenty-one years of age:

Provided that a Member of the Legislative Assembly of the State or a Member of the Legislative Council of the State or of either House of Parliament who is elected to the office of Sarpanch or Upa-Sarpanch shall cease to hold such office unless within one month from the date of election to such office he ceases to be a Member of the Legislative Assembly of the State or a Member of the Legislative Council of the State or of either House of Parliament by resignation or otherwise.

(2) The election of the Sarpanch may be held at the same time and in the same place as the ordinary elections of the members of the Gram Panchayat.

(3) Save as otherwise expressly provided in, or prescribed under this Act, the term of office of the Sarpanch who is elected at an ordinary election shall be five years from the date appointed by the Commissioner for the first meeting of the Gram Panchayat after the ordinary election.

(4) Subject to the provisions of sub-section (5), any casual vacancy in the office of the Sarpanch shall be filled within one hundred and twenty days from the date of occurrence of such vacancy, by a fresh election under sub-section (1); and a person elected as Sarpanch in any such vacancy shall hold office only so long as the person in whose place he is elected would have been entitled to hold office if the vacancy had not occurred.

(5) Unless the Commissioner otherwise directs, no casual vacancy in the office of the Sarpanch shall be filled within six months before the date on which the ordinary election of the Sarpanch under sub-section (1) is due.

(6) The provisions of Sections 20 to 27 shall apply in relation to the office of the Sarpanch as they apply in relation to the office of an elected member of the Gram Panchayat.

(7) The Sarpanch shall be an ex-officio member of the Gram Panchayat and shall be entitled to vote at meetings of the Gram Panchayat.

(8) A person shall be disqualified for election as Sarpanch if he is in arrears of any dues, otherwise than in a fiduciary capacity to a Mandal Praja Parishad, or if is interested in a subsisting contract made with or any work being done for, the Mandal Praja Parishad within whose jurisdiction the Gram Panchayat is situated or any other Gram Panchayat within the jurisdiction of that Mandal Praja Parishad:

Provided that a person shall not be deemed to have any interest in such contract or work by reason only of his having a share or interest in, -

(i) A company as a mere shareholder but not as a director; or

(ii) Any lease, sale or purchase of immovable property or any agreement for the same; or

(iii) An agreement for the loan of money or any security for the payment of money only; or

(iv) Any newspaper in which any advertisement relating to the affairs of any of the aforesaid Gram Panchayat is inserted.

Explanation:- For the removal of doubt it is hereby declared that where a contract is fully performed it shall not be deemed to be subsisting merely on the ground that the Mandal Praja Parishad has not performed its part of the contractual obligation.

(9) For every Gram Panchayat one of the members shall be elected to be Upa-Sarpanch by the Gram Panchayat, in the prescribed manner. If at an election held for the purpose, no Upa-Sarpanch is elected, fresh election shall be held:

Provided that before an election of Upa-Sarpanch is held, every casual vacancy in the office of an elected member of a Gram Panchayat shall be filled.

(10) A Special meeting for the election of the Upa-Sarpanch shall be called on the same date on which the results of the ordinary elections to the Gram Panchayat have been published. The notice of the meeting for election of Upa-Sarpanch shall be given to the members so elected by affixture of the same on the notice board at the office of the Gram Panchayat, immediately after such publication:

Provided that if, for any person, the election of the Upa-Sarpanch is not held on the date aforesaid the special meeting for the election of the Upa-Sarpanch shall be held on the next day, whether or not it is a holiday observed by the Gram Panchayat:

Provided further that the State Election Commission may, from time to time, for reasons to be recorded in writing direct or permit the holding of the election of the Upa-Sarpanch on any other day.

17. Reservation of Office of Sarpanch:- (1) The offices of Sarpanches of Gram Panchayats in the State shall be reserved for Scheduled Tribes, Scheduled Castes, Backward Classes and Women, by notification, in the manner specified below.

(2) (a) Out of the total number of offices of Sarpanch in the State, the Commissioner shall determine in the first instance, the number of offices of Sarpanches of Gram Panchayats to be reserved for the members belonging to Scheduled Tribes and Scheduled Castes.

(b) The number of offices to be reserved to the Scheduled Tribes and Scheduled Castes as may be determined by the Commissioner, shall be subject to the condition that the number of offices so reserved shall, bear as nearly as may be the same proportion to the total number of offices to be filled in the State, as the population of the Scheduled Tribes or as the case may be Scheduled Castes in the State bear to the total population of the State:

Provided that while computing the total population of the State for the purpose of making reservation to the Scheduled Tribes and Scheduled Castes under this sub-section, the population of the Scheduled area and the population of the villages where the 100% (hundred percent) population is Scheduled Tribes shall be excluded.

(3) The Commissioner thereafter shall, allot to each District the number of offices of the Sarpanches on the basis of the proportionate population of the Scheduled Tribes or of the Scheduled Castes in the District to the total population of the Scheduled Tribes or as the case may be the Scheduled Castes of the State:

Provided that in the villages located in the Scheduled areas and the villages where the 100% (hundred percent) population is the Scheduled Tribes, all the Offices of the Sarpanches shall be reserved for the Scheduled Tribes only.

(4) For the purposes of determining the number of offices to be reserved for Backward Classes, the Commissioner, shall determine 34% (thirty four percent) of the offices to the members belonging to the Backward Classes and allot to each district on the basis of the proportion of population of Backward Classes in the State.

(5) The Commissioner shall, reserve one-half of the number of offices reserved for Scheduled Tribes, Scheduled Castes and Backward Classes and one-half of the unreserved offices in each District, for women.

(6) The Commissioner, thereafter shall, communicate the number of offices so reserved for Scheduled Tribes, Scheduled Castes, Backward Classes, and women in respect of each District, to all the District Collectors, in respect of the Gram Panchayats falling within their respective districts.

(7) (a) The District Collector, on receipt of the communication under sub-section (6) shall, determine, in the first instance, the number of offices of Sarpanches to be reserved in each Mandal Praja Parishad for Scheduled Tribes and

Scheduled Castes subject to the condition that the number of offices so reserved shall bear as nearly as may be, the same proportion as the population of the Scheduled Tribes or as the case may be, Scheduled castes in the Mandal bears to the total population of the Scheduled Tribes or Scheduled castes in district concerned:

Provided that in the villages located in the Scheduled areas and the villages where the 100% (hundred percent) population is the Scheduled Tribes, all the offices of the Sarpanches shall be reserved for the Scheduled Tribes only;

(b) The number of offices of Sarpanches to be reserved for the Backward Classes shall be on the basis of the projected population of Backward Classes in the Mandal to the total projected population of the Backward Classes in the District.

For the purpose of determining number of offices of Sarpanches to be reserved for the Backward Classes, the District Collector shall arrive at this number on the basis of the Mandal proportionate percentage of Backward Classes arrived at in the manner specified below:

NOTE:-

$$\begin{array}{ccccc} & & \text{Reservation} & & \\ & & \text{for} & & \\ & & \text{Backward} & & \\ & & \text{Classes in} & & \\ & & \text{the State} & & \\ \text{Mandal} & & & & \text{Mandal} \\ \text{Proportionate} & & & & \text{Backward} \\ \text{Percentage} & = & \frac{\text{-----}}{\text{State}} & \times & \text{classes} \\ \text{of Backward} & & \text{Percentage} & & \text{percentage} \\ \text{Class} & & \text{of} & & \\ & & \text{Backward} & & \\ & & \text{Classes} & & \end{array}$$

Explanation:- (i) State percentage of Backward Classes shall be as projected by the Directorate of Economics and Statistics;

(ii) Mandal Backward Classes percentage is the figure as projected by the Directorate of Economics and Statistics;

(c) The District Collector shall reserve for women one-half of the number of offices reserved for Scheduled Tribes, Scheduled Castes and Backward Classes and one-half of the unreserved offices in each Mandal, for women.

(8) The District Collector, thereafter shall communicate the number of offices to be reserved for Scheduled Tribes, Scheduled Castes, Backward Classes and Women in respect of each Mandal, to the Revenue Divisional Officer.

(9) (a) The Revenue Divisional Officer in turn, shall, allot offices of Sarpanches in each Mandal Praja Parishad for the members belonging to Scheduled Tribes, Scheduled Castes and Backward Classes. He shall allot offices to the Scheduled Tribes in the first instance where the proportion of population of the Scheduled Tribes in the Gram Panchayat to the total population of the Gram Panchayat concerned is the highest in the descending order;

(b) After excluding the Gram Panchayats reserved for Scheduled Tribes, the Revenue Divisional Officer, shall reserve from among the remaining Gram Panchayats, the offices for the Scheduled Castes allocated to each Mandal where the proportion of the population of the Scheduled Castes in Gram Panchayat to the total population of the Gram Panchayat concerned is the highest in the descending order;

(c) After excluding the Gram Panchayats reserved for Scheduled Tribes and Scheduled Castes in the Mandal Praja Parishad, the Revenue Divisional Officer shall reserve from among the remaining Gram Panchayats, the offices for the Backward classes where the proportion of voters belonging to Backward Classes in the Gram Panchayat to the total voters in the Gram Panchayat is the highest in the descending order;

(d) The Revenue Divisional Officer shall reserve one-half of the offices for women in each of the categories from out of the Scheduled Tribes, Scheduled Castes, Backward Classes and unreserved categories on the basis of draw of lots;

(10) (a) The reservation of offices for Scheduled Tribes, Scheduled Castes, Backward Classes and Women shall be by rotation as far as practicable commencing from the first ordinary election held under this Act. The offices reserved to Scheduled Tribes, Scheduled Castes, Backward Classes during the earlier ordinary elections shall not be again reserved to the same categories till a cycle of reservation in that category is completed, except in the case of offices reserved for Scheduled Tribes in the Gram Panchayats in the Scheduled Areas and the villages where hundred percent population is Scheduled Tribes:

Provided that such rotation shall be effected after completion of two consecutive terms;

(b) If a new Gram Panchayat is formed after ordinary general elections to Gram Panchayats, to determine the category of reservation to that Gram Panchayat proportionate reservation as provided above will be notionally worked out taking that new Gram Panchayat into consideration. If this new worked out reservation results in a clear additional seat for any one category, the Gram Panchayat newly created would be allotted to that category. If it does not, then the reservation for the newly created Gram Panchayat shall be decided on the basis of draw of lots:

Provided that this does not apply to Gram Panchayats located in the Scheduled areas and the villages where 100% (hundred percent) population is Scheduled Tribes;

(c) For allotting the offices by rotation to the Scheduled Tribes, Scheduled Tribes (women), Scheduled Castes, Scheduled Castes (women), Backward Classes, Backward Classes (women), Unreserved and Unreserved (women) shall be treated as separate categories:

Provided that such of those offices which could not be reserved in the first and second cycle though they were eligible in the descending order but were allotted to the other categories due to order of preference in allotment as per descending order or proportionate population, in those categories shall be allotted first before going to the offices in the second cycle;

(d) Those offices, which lost their reservation as a result of repeating the reservation second time in that cycle, should be reserved in the ensuing elections in those districts or wherever applicable.

Explanation:- (i) Fraction will be rounded off in descending order only to the extent required to arrive at actual number as per percentage.

(ii) The expression "Revenue Divisional Officer" shall include the Sub-Collector or Assistant Collector in-charge of Revenue Division, for the purposes of this section.

(11) Nothing in this section shall be deemed to prevent women and the members of the Scheduled Tribes, Scheduled Castes and Backward Classes from standing for election to the unreserved offices.

(12) The Government is competent to issue any clarification for the purpose of removing any difficulty in implementing the provisions of this section for smooth conduct of the elections.

18. Fresh Elections in Certain Cases:- (1) If at an ordinary or casual election, no person is elected to fill a vacancy a fresh election shall be held on such day as the officer or authority authorized by the State Election Commissioner in this behalf, may fix.

(2) The term of office of a member of a Gram Panchayat elected under this section shall expire at the time at which it would have expired if he had been elected at the ordinary or casual election, as the case may be.

19. Qualification of Candidates:- No person shall be qualified for election as a member of a Gram Panchayat unless his name appears on its electoral roll and he is not less than twenty-one years of age.

20. Disqualification of certain office Holders etc:- (1) No village servant and no officer or servant of the Government of India or any State Government or of a local authority or an employee of any institution receiving aid from the funds of the Government and no office bearer of anybody constituted under a law made by the Legislature of the State or of Parliament shall be qualified for being chosen as or for being a member of a Gram Panchayat.

Explanation:- For the purpose of this section the expression "village servant" means any person who holds any of the village offices of neeradi, kawalkar, sethasindhi or any such village office by whatever designation it may be locally known.

(2) A person who having held an office under the Government of India or under the Government of any State or under any local authority, has been dismissed for corruption or for disloyalty to the State or to the local authority shall be disqualified for a period of five years from the date of such dismissal.

(3) For the purposes of sub-section (2), a certificate issued by the State Election Commissioner to the effect that a person having held office under the Government of India or under the Government of State or under any local authority has or has not been dismissed for corruption or for disloyalty to the State or to the local authority shall be conclusive proof of that fact:

Provided that no certificate to the effect that a person has been dismissed for corruption or for disloyalty to the State or to the local authority shall be issued unless an opportunity of being heard has been given to the said person.

(4) Apart from the disqualification specified in sub-sections (1) and (2) of this Section and Sections 21, 22, 23, 24 and 25 a person shall be disqualified for being chosen as, and for being a member of a Gram Panchayat if he is otherwise

disqualified by or under any law for the time being in force for the purposes of elections to the Legislature of the State:

Provided that where a person is convicted for an offence specified under sub-section (1) or sub-section (2) of Section 8 of the Representation of People Act, 1951 (Central Act 43 of 1951), or under Section 21 of this Act, while he is a member or office bearer of a Gram Panchayat, Mandal Praja Parishad or Zilla Praja Parishad, the disqualification arising out of such conviction shall not take effect until the expiry of the time for filing an appeal against such conviction and where an appeal is filed until the disposal of the appeal:

Provided further that a person convicted for an offence under sub-section (1) of section 8 of the Representation of People Act, 1951 shall be disqualified for being chosen as or for continuing as a member of a Gram Panchayat, Mandal Praja Parishad or a Zilla Praja Parishad for a period of six years from the date of conviction and a person convicted under sub-section (2) thereof shall be disqualified for a period of six years from the date of conviction and for a further period of five years from the date of release.

21. Disqualification of Candidates:- (1) A person who has been convicted by a Criminal Court,-

(a) for an offence under the Protection of Civil Rights Act, 1955; or

(b) for an offence involving moral delinquency shall be disqualified for election as a Member for a period of five years from the date of conviction or where he is sentenced to imprisonment while undergoing sentence and after a period of five years from the date of expiration thereof.

(2) A person shall be disqualified for being chosen as a member if on the date fixed for scrutiny of nomination for election, or on the date of nomination under sub-section (2) of section 18 he is,—

(a) of unsound mind and stands so declared by a competent Court;

(b) an applicant to be adjudicated an insolvent or an un-discharged insolvent;

(c) interested in a subsisting contract made with, or any work being done for, the Gram Panchayat, Mandal Praja Parishad, Zilla Praja Parishad or any State or Central Government:

Provided that a person shall not be deemed to have any interest in such contract or work by reason only of his having a share or interest in,—

- (i) a company as a mere share-holder but not as a Director;
- (ii) any lease, sale or purchase of immovable property or any agreement for the same; or
- (iii) any agreement for the loan of money or any security for the payment of money only; or
- (iv) any newspaper in which any advertisement relating to the affairs of the Gram Panchayat is inserted.

Explanation:- For the removal of doubts it is hereby declared that where a contract is fully performed it shall not be deemed to be subsisting merely on the ground that the Gram Panchayat, Mandal Praja Parishad, Zilla Praja Parishad, the State or Central Government has not performed its part of the contractual obligations;

- (d) already a member of a Nagar Panchayat or a Municipality constituted under the Telangana Municipalities Act, 1965 (Act 6 of 1965), or a member of a Municipal Corporation constituted under any law relating to Municipal Corporations for the time being in force in the State of Telangana;
- (e) employed as paid legal practitioner on behalf of the Gram Panchayat or as legal practitioner against the Gram Panchayat;
- (f) employed as a Manager or Secretary of any Company or Corporation (other than a co-operative society) in which not less than twenty-five per cent of the paid up share capital is held by the State Government;
- (g) an Honorary Magistrate under the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) with jurisdiction over any part of the village;
- (h) already a member of the Gram Panchayat whose term of office will not expire before his fresh election can take effect or has already been elected as a member of the Gram Panchayat whose term of office has not yet commenced;
- (i) in arrears of any dues including the sums surcharged otherwise than in a fiduciary capacity, to the Gram Panchayat up to and inclusive of the previous year, in respect of which a bill or notice has been duly served upon him and the time, if any, specified therein for payment has expired:

Provided that where any person has paid such dues into the Government treasury or into a bank approved by the Government to the credit of the Gram Panchayat fund and obtained a challan or receipt there for in token

of such payment, he shall not be disqualified to become a member of the Gram Panchayat on and from the date of such payment.

(3) A person having more than two children shall be disqualified for election or for continuing as member:

Explanation: A person having more than two children before thirty first May, 1995 shall not be disqualified so long as the number of children does not increase.

22. Disqualification on Ground of Corrupt Practice or Election Offences:-

Any person who is convicted of any offence punishable under Chapter IX A of the Indian Penal Code, 1860, and any person against whom a finding of having indulged in any corrupt practice is recorded in the verdict in an election petition filed in accordance with Section 242, or any person convicted of an offence punishable under Chapter II of Part V of this Act, shall be disqualified for contesting in any election held under this Act, for a period of six years from the date of such conviction or verdict, as the case may be.

23. Disqualification for Failure to Lodge Account of Election Expenses:- If the State Election Commission is satisfied that a Contesting candidate for the post of Sarpanch, Member of Mandal Praja Parishad Territorial Constituency and Member of Zilla Praja Parishad Territorial Constituency,-

(a) has failed to lodge an account of election expenses within the time, in the manner required by or under this Act; and

(b) has no good reason or justification for the failure, the State election Commission shall, after following the procedure prescribed, by order published in the Telangana Gazette, declare him,-

- (i) to be ineligible for a period of three years from the date of the said order to contest any election held for any office under this Act; and
- (ii) to have ceased to hold office; in case he is elected.

24. Disqualification for Failure to Discharge the Duties and Perform the Functions of Gram Panchayat:- A Sarpanch or as the case may be, Upa-Sarpanch who has been removed on the grounds of failure to discharge the duties and perform the functions as assigned to him under this Act shall be disqualified for contesting elections for a period of six years.

25. Disqualification of Members:- Subject to the provisions of Section 27, a member shall cease to hold office as such if he,-

(a) is or becomes subject to any of the disqualifications specified in Section 21;

(b) is elected as a member to a Ward/Office reserved for Scheduled Castes or Scheduled Tribes or Backward Classes on the basis of a community certificate and subsequently the said community certificate is cancelled under Section 5 of the Telangana (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of issue of Community Certificates Act, 1993 (Act 16 of 1993).

(c) is removed by the District Collector based on a resolution passed by the Gram Panchayat unanimously for misconduct by the member;

(d) absents himself from the meetings of the Gram Panchayat for a period of ninety days, reckoned from the date of the commencement of his term of office, or if within the said period, less than three ordinary meetings have been held, absents himself from three consecutive ordinary meetings held after the said date:

Provided that in the case of woman member, a period of not more than six months at a time shall be excluded in reckoning the period of absence aforesaid, if for reasons of physical disability due to advanced stage of pregnancy and delivery, such member absents herself from meetings after giving a written intimation to the Panchayat Secretary of the date from which she would be absent:

Provided further that no meeting from which a member absented himself shall be counted against him under this clause if,-

(i) due notice of that meeting was not given to him in the prescribed manner; or

(ii) the meeting was held on requisition of members.

Explanation:- For the purpose of this clause,-

(i) "Ordinary Meeting" shall mean a meeting held after giving a notice of at least three days before the day of the meeting;

(ii) Where a meeting other than an ordinary meeting intervenes between ordinary meeting and another ordinary meeting, those two ordinary meetings shall be regarded as being consecutive to each other.

26. Restoration of Members to Office:- Where a person ceased to be a member under Section 20 or Clause (a) of Section 25 read with Section 21, he shall be restored to office for such portion of the period for which he was elected as may remain unexpired at the date of such restoration, if and when the conviction or the sentence is annulled on appeal or revision or the disqualification caused by the sentence is removed

by an order of the Government; and any person elected to fill the vacancy in the interim shall, on such restoration, vacate office.

27. Authority to decide Questions of Disqualification of Members:-

(1) Where an allegation is made that any person who is elected as a member of a Gram Panchayat is not qualified or has become disqualified under Sections 19, 20, 21, 22, 23, 24 and 25 by any voter or authority to the Panchayat Secretary in writing and the Panchayat Secretary has given intimation of such allegation to the member through the District Panchayat Officer and such member disputes the correctness of the allegation so made, or where any member himself entertains any doubt whether, or not he has become disqualified under any of those Sections, such member or any other member may, and the Panchayat Secretary, at the direction of the Gram Panchayat or the District Collector shall, within a period of two months from the date on which such intimation is given or doubt is entertained, as the case may be, apply to the District Court having jurisdiction over the area in which the office of the Gram Panchayat is situated for decision.

(2) Pending such decision, the member shall be entitled to act as if he is qualified or were not disqualified.

28. Bar of Jurisdiction:- No order passed or proceedings taken under the provisions of this Act shall be called in question in any Court, in any suit, or application, and no injunction shall be granted by any Court, except the Gram Panchayat Tribunal or a District Court in respect of any action taken or about to be taken in pursuance of any power conferred by or under this Act.

29. Resignation of Sarpanch, Upa-Sarpanch or Members:- (1) The Sarpanch, Upa-Sarpanch or any member may resign his office in the manner prescribed.

(2) (a) Notwithstanding that the resignation of a person from the office of Sarpanch has taken effect under sub-section (1), the District Collector may by notification record a finding, with reasons therefore, that such person is guilty of willful omission or refusal to carry out, or disobedience of, the provisions of the Act or any rules, bye-laws, regulations or lawful orders made thereunder or abuse of the powers vested in him, while he held the office:

Provided that the District Collector shall, before issuing such notification give the person concerned an opportunity for explanation:

Provided further that no action under this clause shall be taken after the expiration of one year from the date on which the resignation has taken effect;

(b) A person aggrieved by the notification issued under Clause (a) may, within thirty days from the date of publication of such notification prefer an appeal to the

Commissioner and the Commissioner shall in case the appeal is allowed, cancel such notification.

(c) A person in respect of whom a notification was issued under Clause (a) shall, unless the notification is cancelled under Clause (b), be ineligible for election for a period of three years from the date of publication of such notification.

30. Motion of No-Confidence in Upa-Sarpanch:- (1) A motion expressing want of confidence in the Upa-Sarpanch, may be made by giving a written notice of intention to move the motion in such form and to such authority as may be prescribed, signed by not less than one half of the total number of members of the Gram Panchayat, and further action on such notice shall be taken in accordance with the procedure prescribed:

Provided that no notice of motion under this section shall be made within two years of the date of assumption of office by the Upa-Sarpanch:

Provided further that no such notice shall be made against the same Upa-Sarpanch more than twice during his term of office and the second no-confidence motion shall not be initiated before the expiry of two years from the date of first no-confidence motion.

Explanation:- For the removal of doubt, it is hereby declared that for the purpose of this section the expression "total number of members" means, all the members who are entitled to vote irrespective of any vacancy existing in the office of such members at the time of meeting:

Provided that a suspended office bearer or member shall also be taken into consideration for computing the total number of members and he shall also be entitled to vote in a meeting held under this section.

(2) If the motion is carried with the support of atleast one half of the total number of members, the District Collector shall by notification remove him from office and the resulting vacancy shall be filled in the same manner as a casual vacancy.

Explanation:- For the purpose of this section, in the determination of one half of the total number of members, any fraction below 0.5 shall be ignored and any fraction of 0.5 or above shall be taken as one.

31. Cessation of Upa-Sarpanch:- The Upa-Sarpanch shall cease to hold the office as such on the expiry of his term of office as a member of the Gram Panchayat or on his otherwise ceasing to be such member.

33. Deemed Removal of Sarpanch for Failure to Convene the Meetings of Gram Sabha:- A Sarpanch shall be deemed to have been removed from the office as such if he fails to convene the meetings of the Gram Sabha as required under sub-section (3) of Section 6.

34. Deemed removal of Sarpanch and Panchayat Secretary for Failure to Close and Audit of the Accounts:- A Sarpanch and Panchayat Secretary shall be deemed to have been removed from the office as such if they fail to get the accounts of the Gram Panchayat audited within the period as required under the proviso to sub-section (3) of Section 284.

38. Devolution and delegation of Sarpanch's Powers and Functions and Filling up of Vacancies in the Office of Sarpanch:- (1) When the office of Sarpanch is vacant, the Upa-Sarpanch shall exercise the powers and perform the functions of the Sarpanch until a new Sarpanch is declared elected and assumes office.

(2) If the Sarpanch has been continuously absent from jurisdiction for more than fifteen days or is restrained by an order of a Court from exercising the powers and performing the functions of the Sarpanch, or is incapacitated for more than fifteen days, his powers and functions during such absence, restraint or incapacity shall devolve on the Upa-Sarpanch.

(3) When the Sarpanch is under suspension or when the office of Sarpanch is vacant or the Sarpanch has been continuously absent from jurisdiction for more than fifteen days or is restrained by an order of a Court from exercising the powers and performing the functions of the Sarpanch or is incapacitated for more than fifteen days and the Upa-Sarpanch also is under suspension or there is either a vacancy in the office of Upa-Sarpanch or the Upa-Sarpanch has been continuously absent from jurisdiction for more than fifteen days or is restrained by an order of a Court from exercising the powers and performing the functions of the Upa-Sarpanch or is incapacitated for more than fifteen days, the powers and functions of the Sarpanch shall devolve on a member of Gram Panchayat appointed by the Collector in this behalf.

The member so appointed shall be styled as the temporary Sarpanch and he shall exercise the powers and perform the functions of the Sarpanch until a new Sarpanch or Upa-Sarpanch is declared elected or either the Sarpanch or the Upa-Sarpanch ceases to be under suspension or returns to jurisdiction or ceases to be restrained by an order of a court or recovers from his incapacity, as the case may be.

72. Election Expenses to be Borne by the Government:- The cost of the preparation and revision of the electoral roll, the cost of the election expenses, including the conduct of elections to the Gram Panchayat and the cost of maintenance of election establishment employed in connection therewith, shall be borne by the Government.

PART – III

CONSTITUTION AND INCORPORATION, COMPOSITION, RESPONSIBILITIES, FUNCTIONS, POWERS ETC., OF MANDAL PRAJA PARISHADS

142. Constitution and Incorporation of Mandal Praja Parishads:- (1) There shall be constituted, by the Government, by notification from time to time and with effect on and from such date, as may be specified therein, a Mandal Praja Parishad for each Mandal.

(2) Where under sub-section (2) of section 3 of the Telangana Districts (Formation) Act, 1974 (Act No.7 of 1974), a Mandal is re-delimited or a new Mandal is formed, the Government may, by notification, reconstitute the Mandal Praja Parishad for the re-delimited Mandal or constitute a new Mandal Praja Parishad for the new Mandal. On such reconstitution or constitution the Mandal Praja Parishad or Mandal Praja Parishads concerned functioning immediately before such reconstitution or constitution, shall stand abolished:

Provided that in reconstituting the Mandal Praja Parishad the Government may direct that the President, the Vice-President or an elected member of the Mandal Praja Parishad which was functioning immediately before such re-delimitation and who is otherwise qualified to hold such office in the reconstituted Mandal Praja Parishad shall be the President, Vice-President or elected member of the reconstituted Mandal Praja Parishad, as if he was elected to such office in the reconstituted Mandal Praja Parishad.

(3) Where after a Mandal Praja Parishad is constituted for a Mandal, a part of such Mandal is included in a neighbouring Municipality or Municipal Corporation, and

(i) in case the residuary part of the Mandal is viable for the constitution of a separate Mandal Praja Parishad, such residuary part shall be re-delimited into a separate Mandal under the Telangana Districts (Formation) Act, 1974 and a Mandal Praja Parishad shall be constituted for such newly formed Mandal and that portion of the Mandal prior to its re-delimitation which is included in the neighbouring Municipality or Municipal Corporation shall be included in an adjoining Mandal which forms part of such Municipality or Municipal Corporation; or

(ii) in case the residuary portion of the Mandal is not viable to be constituted into a separate Mandal Praja Parishad, it shall be competent for the Government,-

(a) to include such residuary portion of the Mandal in the adjoining Mandal or Mandals and abolish the Mandal Praja Parishad constituted for such Mandal; or

(b) to form a new Mandal by adding to such residuary portion, areas from the adjoining Mandal or Mandals and constitute a Mandal Praja Parishad for such new Mandal:

Provided that where a Mandal Praja Parishad is constituted under clause (i) or sub-clause (b) of clause (ii), the Government may direct that the President, Vice-President or an elected member of the abolished Mandal Praja Parishad who is otherwise qualified to hold such office in the newly constituted Mandal Praja Parishad shall be the President, Vice-President or elected member of the newly constituted Mandal Praja Parishad as if he was elected to such office in the newly constituted Mandal Praja Parishad.

Explanation:- For the removal of doubts it is hereby declared, that,-

(i) the President, Vice-President or an elected member of the newly constituted Mandal Praja Parishad, continued under this sub-section, shall hold office only for the residue of the term of the President, Vice-President or an elected member of the abolished Mandal Praja Parishad:

Provided further that where a Mandal Praja Parishad is abolished under clause (a), the President, Vice-President or an elected member holding office immediately before such abolition shall unless he is continued under the foregoing proviso cease to hold their respective offices.

(4) Every Mandal Praja Parishad shall, by the name of the Mandal for which it is constituted or reconstituted, be a body corporate having perpetual succession and a common seal with power to acquire, hold and dispose of property and to enter into contracts and may by its corporate name sue and be sued.

(5) The notification under sub-section (2) may contain such supplemental, incidental and consequential provisions as the Government may deem necessary and the Government may, from time to time, amend any such notification.

143. Composition of Mandal Praja Parishad:- (1) Every Mandal Praja Parishad shall consist of the following members, namely:-

(i) persons elected under section 145;

(ii) the Member of the Legislative Assembly of the State representing a constituency which comprises either wholly or partly the Mandal concerned;

(iii) any Member of the Legislative Council of the State who is a registered voter in the Mandal concerned;

(iv) the Member of the House of the People representing a constituency which comprises either wholly or partly the Mandal concerned;

(v) any Member of the Council of States who is a registered voter in the Mandal concerned;

(vi) one person belonging to minorities to be co-opted in the prescribed manner by the members specified in clause (i) from among persons who are registered voters in the Mandal and who are not less than 21 years of age.

(2) No person shall be a member in more than one of the categories specified in sub-section (1). A person who is or becomes a Member of a Mandal Praja Parishad in more than one such category shall, by notice in writing signed by him and delivered to the Mandal Parishad Development Officer, within fifteen days from the date of the first meeting referred to in sub-section (11) of section 147, intimate in which one of the said categories he wishes to serve, and there upon he shall cease to be the Member of in the other category or categories. In default of such intimation within the aforesaid period, his membership in the Mandal Praja Parishad in the category acquired earlier shall, and his membership acquired later in the other shall not, cease at the expiration of such period. The intimation given under this sub-section shall be final and irrevocable:

Provided that where a person is elected from more than one constituency he shall retain only one seat and vacate the other seat or seats in the manner prescribed failing which he shall be deemed to have vacated all the seats.

144. Division of Mandal into Constituencies:- For the purpose of electing the members specified in clause (i) of sub-section (1) of Section 143, the Commissioner, subject to such rules as may be made in this behalf, divide each Mandal Praja Parishad area into as many territorial constituencies as he may, by notification specify, in such manner that, as far as practicable, shall consist of a population ranging between three thousand and four thousand, and that the ratio between the population of each constituency and the number of seats allotted to it shall, as far as practicable, be the same throughout the Mandal Praja Parishad area:

Provided that the ratio between the population of the territorial area of a Mandal Praja Parishad and the number of seats in such Mandal Praja Parishad to be filled by election shall, as far as practicable, be the same throughout the State:

145. Election of Members from Territorial Constituencies:- (1) One member shall be elected to the Mandal Praja Parishad from each territorial constituency specified in Section 144 by the method of secret ballot, by the persons who are registered voters in the Mandal Praja Parishad concerned:

Provided that a registered voter in the Mandal Praja Parishad shall be entitled to contest from any territorial constituency of the Mandal Praja Parishad.

(2) For purposes of preparation and publication of the electoral roll for the elections to the office of member under this section, the provisions of Sections 11 and 12 shall, mutatis mutandis apply, subject to such rules as may be made in this behalf.

146. Reservation of Seats of Members of Mandal Praja Parishad:- (1) The seats of members of Mandal Praja Parishads in the State shall be reserved for Scheduled Tribes, Scheduled Castes, Backward Classes and Women, by notification, in the manner specified below.

(2) In every Mandal Praja Parishad out of the total strength of elected members determined under Section 144 the District Collector shall in respect of each Mandal Praja Parishad in the District determine, in the first instance, the number of Mandal Praja Parishad Territorial Constituencies (hereinafter referred to as MPTC) to be reserved in the Mandal Praja Parishad concerned for the members belonging to Scheduled Tribes and the Scheduled Castes, subject to the condition that the number of MPTCs so reserved shall bear, as nearly as may be, the same proportion to the total number of MPTCs to be filled by direct election to the Mandal Praja Parishad as the population of Scheduled Tribes or as the case may be, of the Scheduled Castes, in that Mandal bears to the total population of that Mandal and communicate the same to all the Revenue Divisional Officers in the District in respect of the Mandals falling within their respective jurisdiction, subject to the condition that the District Collector shall, in the Mandal Praja Parishad wholly located in the Scheduled Areas, allocate not less than one half of the total number of MPTCs in each Mandal Praja Parishad for being reserved for Scheduled Tribes.

(3) The number of seats of members of Mandal Praja Parishads in the State reserved for Backward Classes shall not be less than 34% (thirty-four percent) of the total number of seats of the members of Mandal Praja Parishads in the State. For the purpose of reserving MPTCs for Backward Classes in respect of the Territorial Constituencies of the Mandal Praja Parishads in the District, the District Collector, shall determine the number of MPTCs to be reserved for the Backward Classes in each Mandal Praja Parishad, on the basis of the proportionate percentage of Backward Classes of the Mandal in the manner specified below and communicate the same to the concerned Revenue Divisional Officers in the District in respect of the Mandal Praja Parishads falling within their respective jurisdiction.

NOTE:- In order to arrive at the Mandal proportionate percentage of Backward Classes the following formula shall be adopted:

$$\text{Mandal Proportionate Percentage of Backward Class} = \frac{\text{Reservation for BCs in the State}}{\text{State Percentage of BCs.}} \times \text{Mandal BC\%}$$

Explanation:- (i) State percentage of Backward Classes is the figure as projected by the Directorate of Economics and Statistics.

(ii) Mandal Backward Class percentage is the figure as projected by the Directorate of Economics and Statistics.

(4) Notwithstanding anything contained in sub-section (3), the District Collector shall, for purposes of reservation of MPTCs for Backward Classes in the Mandal Praja Parishad wholly located in the Scheduled Areas, determine in the first instance the number of MPTCs remaining after reserving seats for Scheduled Tribes and Scheduled Castes in each such Mandal Praja Parishad and arrive at the number of MPTCs to be reserved for Backward Classes computed only on the basis of such remaining MPTCs applying the proportionate percentage of population of Backward Classes in the Mandal.

(5) The District Collector shall reserve one-half of the number of MPTCs reserved for Scheduled Tribes, Scheduled Castes and Backward Classes and one-half of the unreserved seats for Women in each Mandal Praja Parishad.

(6) The District Collector while communicating the number of MPTCs to be reserved for Scheduled Tribes, Scheduled Castes and Backward Classes shall also communicate to the Revenue Divisional Officer, the number of MPTCs to be reserved for Women from among the said categories and also the number of MPTCs to be reserved for Women from among the unreserved MPTCs in respect of each Mandal Praja Parishad.

(7) If a new MPTC is formed after ordinary elections to Mandal Praja Parishads proportionate reservation as provided in sub-sections (2) to (6) shall be worked out taking the new MPTC into Consideration to determine the category of reservation to that MPTC. If this new worked out reservation, results in a clear additional seat for any one category, the MPTC newly created shall be allotted to that category. If it does not result in additional seat, then the reservation for the newly created MPTC shall be decided on the basis of draw of lots.

(8) (a) The Revenue Divisional Officer, shall reserve in respect of each Mandal Praja Parishad in his Revenue Division, MPTCs allotted to the Scheduled Tribes in such Mandal Praja Parishads in the first instance, where the proportion of the population of Scheduled Tribes in the MPTC to the total MPTC population of the is the highest in the descending order;

(b) After excluding the MPTCs reserved for Scheduled Tribes in the respective Mandal Praja Parishad, the Revenue Divisional Officer shall reserve from among the remaining MPTCs for the Scheduled Castes allocated to each Mandal Praja Parishad under sub-section (2) in Territorial Constituencies where the proportion of the population of the Scheduled Castes in the MPTC to the total population of the MPTC is the highest in the descending order;

(c) After excluding the MPTCs reserved for Scheduled Tribes and Scheduled Castes in respect of a Mandal Praja Parishad, the Revenue Divisional Officer shall reserve from the remaining MPTCs for Backward Classes where the proportion of voters belonging to Backward Classes to the total number of voters in the MPTC is the highest in the descending order;

(d) The Revenue Divisional Officer shall reserve MPTCs for Women from out of the reserved and unreserved categories on the basis of draw of lots.

(9) (a) The reservation of MPTCs for Scheduled Tribes, Scheduled Castes, Backward Classes and Women shall be, by rotation commencing from the first ordinary election under this Act. The MPTCs allotted to Scheduled Tribes, Scheduled Castes, Backward Classes during the earlier ordinary elections shall not be allotted to the same categories till a cycle of reservation in that category is completed:

Provided such rotation shall be effected after completion of two consecutive terms;

(b) For allotting the seats by rotation Scheduled Tribe, Scheduled Tribe (women), Scheduled Caste, Scheduled Caste (women), Backward Classes, Backward Classes (women), Unreserved and Unreserved (women) shall be treated as separate categories:

Provided that such of those seats which could not be reserved in the first and second cycle though they were eligible in the descending order but were allotted to the other categories due to order of preference in allotment as per descending order or proportionate population, in those categories shall be allotted first before going to the seats in the second cycle;

(c) Those seats, which lost their reservation as a result of repeating the reservation second time in that cycle, should be reserved in the ensuing elections in those districts or wherever applicable.

Explanation:- For the removal of doubts, it is hereby declared that,-

(i) for purposes of reserving seats under this section any fraction less than one-half shall be ignored and any fraction equal to or more than one-half shall be counted as one.

(ii) the expression Revenue Divisional Officer shall include the Sub-Collector or Assistant Collector in-charge of a Revenue Division, for the purposes of this section.

(10) Nothing in this section shall be deemed to prevent women and the members of the Scheduled Tribes, Scheduled Castes and Backward Classes from standing for election to the unreserved seats.

147. Election, Reservation and Term of office of President and Vice-President:- (1) For every Mandal Praja Parishad there shall be one President and one Vice-President who shall be elected by and from among the elected members specified in clause (i) of sub-section (1) of section 143 by show of hands duly obeying the party whip given by such functionary of the recognized political party, as may be prescribed. If at an election held for the purpose no President or Vice-President is elected, fresh election shall be held. The names of the President and the Vice-President so elected shall be published in the prescribed manner:

Provided that if a Member of the Legislative Assembly, Legislative Council of the State or of either House of Parliament is elected to either of the said offices, he shall cease to hold such office unless within fifteen days from the date of election to such office, he ceases to be a Member of the Legislative Assembly, the Legislative Council of the State or of either House of Parliament by resignation or otherwise:

Provided further that a member voting under this sub-section in disobedience of the party whip shall cease to hold office in the manner prescribed and the vacancy caused by such cessation shall be filled as a casual vacancy.

(2) The offices of President in the State shall be reserved for Scheduled Tribes, Scheduled Castes, Backward Classes and Women, by notification, in the manner specified below.

(3) Out of the total number of offices of President in the State, the Commissioner, shall determine in the first instance, the number of offices of President of Mandal Praja Parishads to be reserved for the members belonging to Scheduled Tribes and Scheduled Castes in the non-scheduled area of the State, subject to the condition that the number of offices so reserved shall bear as nearly as may be, the same proportion to the total number of offices to be filled by direct election to the Mandal Praja Parishads as the population of Scheduled Tribes or Scheduled Castes in the State bears to the total population of the State.

(4) The Commissioner shall there after allot to each District on the basis of the proportion of the population of the Scheduled Tribes or as the case may be of the Scheduled Castes in the non-scheduled area of the District to the total population of the Scheduled Tribes or of the Scheduled Castes in the State and communicate the same to all the District Collectors:

Provided that all the Offices of Presidents of Mandal Praja Parishads located in the Scheduled Area shall be reserved for Scheduled Tribes only.

(5) The Commissioner shall reserve 34% (thirty four percent) of the offices to the members belonging to Backward Classes, while determining the number of offices to be reserved for Backward Classes, and allot to each District on the basis of proportionate population of Backward Classes in the district.

(6) The Commissioner shall reserve one-half of the number of offices reserved for Scheduled Tribes, Scheduled Castes and Backward Classes and one-half of the unreserved offices, for women in each District.

(7) The Commissioner, thereafter shall communicate to the District Collector, the number of offices to be reserved for Scheduled Tribes, Scheduled Castes, Backward Classes and Women in respect of each District, to the District Collector.

(8) (a) The District Collector in turn shall reserve the Mandal Praja Parishads in the District and allot to the Scheduled Tribes in the first instance, where the proportion of the population of Scheduled Tribes in Mandal to the total population of the Mandal concerned is the highest in the descending order;

(b) After excluding the Mandal Praja Parishads reserved for Scheduled Tribes, the District Collector shall reserve from among the remaining Mandal Praja Parishads the offices for the Scheduled Castes allocated to each District under sub-section (4) where the proportion of the population of the Scheduled Castes of the Mandal to the total population of the Mandal concerned is the highest in the descending order;

(c) The reservation of the offices for Backward Classes in each District shall be made by the District Collector after excluding the Mandal Praja Parishads reserved for Scheduled Tribes and Scheduled Castes, where the proportion of Backward Class voters in the Mandal to the total voters in the Mandal concerned is the highest in the descending order;

(d) The District Collector shall reserve offices for Women from out of the reserved and un-reserved categories on the basis of draw of lots.

(9) (a) The reservation of Offices for Scheduled Tribes, Scheduled Castes, Backward Classes and Women shall be by rotation commencing from the first ordinary election held under this Act. The offices of Presidents reserved to the Scheduled Tribes, Scheduled Castes, Backward Classes during the earlier ordinary elections shall not be reserved to the same categories till a cycle of reservation in that category is completed, except the offices reserved for Scheduled Tribes in the Mandal Praja Parishads wholly located in the Scheduled Areas:

Provided that such rotation shall be effected after completion of two consecutive terms;

(b) Candidates elected from any of the Territorial Constituencies shall be eligible to contest for the office of the President, provided such candidate belongs to the same category for which the office is reserved and though not elected from a reserved Territorial constituency;

(c) If a new Mandal is formed after ordinary general elections to Mandal Praja Parishads, to determine the category of reservation to the office of President of that Mandal Praja Parishad, proportionate reservation as provided from sub-section (3) to (7) shall be worked out taking the new Mandal Praja Parishad into consideration. If this new worked out reservation, results in a clear additional seat for any one category, the Mandal Praja Parishad newly created shall be allotted to that category. If it does not result in additional seat then the reservation for the newly created Mandal Praja Parishad shall be decided on the basis of draw of lots;

(d) For allotting the offices by rotation Scheduled Tribe, Scheduled Tribe (women), Scheduled Caste, Scheduled Caste (women), Backward Classes, Backward Classes (women), Unreserved and Unreserved (women) shall be treated as separate categories:

Provided, such of those offices which could not be reserved in the first and second cycle though they were eligible in the descending order but were allotted to the other categories due to order of preference in allotment as per descending order or proportionate population, in those categories shall be allotted first before going to the offices in the second cycle;

(e) Those offices, which lost their reservation as a result of repeating the reservation second time in that cycle, should be reserved in the ensuing elections in those districts or wherever applicable.

Explanation:- Fraction will be rounded off in descending order only to the extent required to arrive at actual number as per percentage, under this sub-section.

(10) Nothing in this section shall be deemed to prevent women and members of the Scheduled Tribes, Scheduled Castes, Backward Classes from standing for election to the unreserved offices.

(11) A special meeting of members, specified in clause (i) to (v) of Sub-section (1) of Section 143, to elect a President and Vice-President shall be called as soon as may be after the results of the ordinary elections to the office of elected members of the Mandal Praja Parishad have been published. The notice of the date and time of the meeting for the election of President and Vice-President shall be given to the elected members in the prescribed manner:

(12) Every President or Vice-President shall cease to hold office on the expiration of his term of office as a member.

(13) Save as otherwise expressly provided in, or prescribed under this Act, the term of office of the President or Vice-President who is elected at an ordinary election shall be five years from the date appointed by the State Election Commissioner for the first meeting of the Mandal Praja Parishad after the ordinary election.

(14) Any casual vacancy in the office of the President or Vice-President shall be filled within a period of six months from the date of occurrence of the vacancy by a fresh election under sub-section (11) and a person elected as President or Vice-President in any such vacancy shall hold office only so long as the person in whose place he is elected would have been entitled to hold office if the vacancy had not occurred.

148. Resolution of Disputes Relating to Cessation for Disobedience of Party Whip:- Where a member against whom a proceeding that he ceased to hold office as a consequence of the disobedience of the party whip is issued in pursuance of the second proviso to sub-section (1) of Section 147 and the affected member disputes the correctness of the proceedings, he may apply to the District Court having jurisdiction over the area in which the office of the Mandal Praja Parishad is situated, for a decision.

149. Term of Office of Members of Mandal Praja Parishad:- Save as otherwise provided in this Act,-

- (i) an ex-officio member of the Mandal Praja Parishad shall hold office so long as he continues to hold the office by virtue of which he became such ex-officio member;
- (ii) a member elected at an ordinary election or a co-opted member shall hold office for a term of five years from the date appointed by the State Election Commissioner for the first meeting of the Mandal Praja Parishad after the said ordinary election.

150. Qualification of Candidates for Election:- No person shall be eligible for election as member of a Mandal Praja Parishad unless his name appears in the electoral roll of the Mandal Praja Parishads concerned and he has completed the age of twenty-one years.

151. Disqualifications:- (1) A member of the Mandal Praja Parishad shall be disqualified for election as President or Vice-President if he is in arrears of any dues, otherwise than in a fiduciary capacity to a Gram Panchayat, a Mandal Praja Parishad or the Zilla Praja Parishad or if he is interested in a subsisting contract made with or any work being done, for, any Gram Panchayat in the Mandal or the Mandal Praja Parishad or the Zilla Praja Parishad within whose jurisdiction the Mandal Praja Parishad is situated or any other Mandal Praja Parishad within the jurisdiction of that Zilla Praja Parishad:

Provided that a person shall not be deemed to have any interest in such contract or work by reason only of his having a share or interest in,-

- (i) a company as a mere shareholder but not as a director;
- (ii) any lease, sale or purchase of immovable property or any agreement for the same; or
- (iii) any agreement for the loan of money for any security for the payment of money only; or
- (iv) any newspaper in which any advertisement relating to the affairs of any of aforesaid Mandal Praja Parishad is inserted.

(2) The provisions of Sections 20, 21, 22, 23, 24, 25, 26 and 27 shall apply to a member of the Mandal Praja Parishad as they apply to a member of the Gram Panchayat subject to the variations that for the expressions, "Gram Panchayat", "Panchayat Secretary", "Sarpanch", "Upa-Sarpanch" and "District Panchayat Officer", the expressions "Mandal Praja Parishad", "Mandal Parishad Development Officer", "President", "Vice-President" and "Chief Executive Officer", shall respectively be substituted:

Provided that nothing in Clause (c) of Section 25 shall apply to a member of the Mandal Praja Parishad specified in Clause (ii), Clause (iii), Clause (iv) and Clause (v) of sub-section (1) of Section 143.

152. Resignation of President, Vice-President or Member:- The President, the Vice-President, elected member or co-opted member may resign his office in such manner as may be prescribed.

153. Permanent invitees to the meetings of the Mandal Praja Parishad:- The Collector, the Sarpanches of all the Gram Panchayats within the jurisdiction of the Mandal Praja Parishad and the member of the Zilla Praja Parishad specified in Clause (i) of sub-section (3) of Section 172 elected from the Mandal concerned, the Chairperson, Zilla Praja Parishad, and the President of Agricultural Marketing Committee shall be permanent invitees to the meetings of the Mandal Praja Parishad and they shall have the right to speak in and otherwise to take part in the proceedings of any meeting of a Mandal Praja Parishad functioning within the local limits of their respective jurisdictions but shall not, by virtue of this section be entitled to vote at any such meeting.

154. President of Mandal Praja Parishad may invite certain persons to attend its meetings:- (1) The President of a Mandal Praja Parishad may for purposes of consultation, invite a person other than an office bearer of any political party having experience and specialized knowledge of the subject under the consideration of the Mandal Praja Parishad to attend that particular meeting of the Mandal Praja Parishad. Such person shall have the right to speak in, and otherwise to take part in the proceedings of such meeting, but shall not, by virtue of this Section be entitled to vote at any such meeting.

(2) A person attending a meeting under sub-section (1) shall be entitled to such allowances as may be prescribed.

168. Election Expenses to be Borne by the Government:- The cost of the election expenses including the conduct of elections to the Mandal Praja Parishad and the cost of maintenance of election establishment employed in connection therewith shall be borne by the Government.

PART – IV

CONSTITUTION, INCORPORATION, COMPOSITION, RESPONSIBILITIES, FUNCTIONS, POWERS OF ZILLA PRAJA PARISHADS

172. Constitution, Incorporation and Composition of Zilla Praja Parishad:-

(1) There shall be constituted, by the Government, by notification, a Zilla Praja Parishad for a District with effect from such date as may be specified therein.

(2) Every Zilla Praja Parishad shall, by the name of the District for which it is constituted, be a body corporate having perpetual succession and a common seal with power to acquire, hold and dispose of property and to enter into contracts and may by its corporate name, sue and be sued.

(3) Every Zilla Praja Parishad shall consist of the following members, namely,-

- (i) persons elected under Section 174;
- (ii) the Member of the Legislative Assembly of the State representing the Constituency which comprises either wholly or partly the district concerned.

Provided that such Member of the Legislative Assembly shall have the right to speak in and otherwise to take part in the proceedings of a meeting of any Standing Committee of the Zilla Praja Parishad but he shall not be entitled to vote at a meeting of such Standing Committee, unless he is also a member of that Standing Committee:

Provided further that no Member of the Legislative Assembly representing a Constituency the whole of which forms part of the local area within the jurisdiction of any of the Municipal Corporations or any of the Municipalities in the State shall be the member of the Zilla Praja Parishad, of the concerned district;

- (iii) The Member of the Legislative Council of the State who is a member of the Mandal Praja Parishad:

Provided that such Member of the Legislative Council of the State shall have the right to speak in and otherwise to take part in the proceedings of a meeting of any Standing Committee of the Zilla Praja Parishad but he shall not be entitled to vote at a meeting of that Standing Committee, unless he is also a member of that Standing Committee:

- (iv) The Member of the House of the People representing a Constituency which comprises either wholly or partly the district concerned:

Provided that no Member of the House of the People representing a constituency the whole of which forms part of the local area within the jurisdiction of any of the Municipal Corporations in the State shall be the Member of the Zilla Praja Parishad:

Provided further that a member of the House of the People representing a constituency which comprises more than one district including a portion of any district, shall be a member of the Zilla Praja Parishad of all such district with the right to speak in, and otherwise to take part in the proceedings of their meetings with voting rights; he shall also have the right to speak in and otherwise to take part in the meetings of any Standing Committee of the Zilla Praja Parishad but he shall not be entitled to vote at a meeting of any Standing Committee unless he is also a member of that Standing Committee.

- (v) the Member of the Council of States who is a registered voter in the district;

Provided that such Member of the Council of State shall have the right to speak in, and otherwise to take part in the proceedings of a meeting of any Standing Committee of the Zilla Praja Parishad, but he shall not be entitled to vote at a meeting of that Standing Committee, unless he is also a member of that Standing Committee;

- (vi) two persons belonging to minorities to be co-opted in the prescribed manner by the members specified in Clause (i) from among persons who are registered voters in the District and who are not less than twenty one years of age.

(4) No person shall be a Member in more than one of the categories specified in sub-section (3). A person who is or becomes a Member of a Zilla Praja Parishad in more than one such category, shall, by notice in writing signed by him and delivered to the Chief Executive Officer, within fifteen days from the date of the first meeting of the Zilla Praja Parishad referred to in sub-section (4) of Section 176, intimate in which one of the said categories he wishes to serve, and thereupon, he shall cease to be the member in the other category or categories. In default of such intimation within the aforesaid period, his membership in the Zilla Praja Parishad in the category acquired earlier shall, and his membership acquired later in the other category shall not, cease at the expiration of such period. The intimation given under this sub-section shall be final and irrevocable.

(5) No person other than a Member of the House of the People, shall be entitled to be a member of more than one Zilla Praja Parishad at a time.

173. Mandal to be Territorial Constituency:- For purposes of electing the members specified in Clause (i) of sub-section (3) of Section 172 every Mandal in the District shall be a Territorial Constituency and the State Election Commissioner shall allot not more than one seat for each such Territorial Constituency.

174. Election of Members from Territorial Constituencies:- (1) One member shall be elected to the Zilla Praja Parishad from each Territorial Constituency specified in Section 173 by the method of secret ballot by the registered voters in the Territorial Constituency concerned:

Provided that a registered voter in the district shall be entitled to contest from any Territorial Constituency of the Zilla Praja Parishad.

(2) For purposes of preparation and publication of the electoral roll for the elections to the office of member under this section, the provisions of Sections 11 and 12 shall, mutatis mutandis apply subject to such rules as may be made in this behalf.

175. Reservation of Seats of Members of Zilla Praja Parishad:- (1) The seats of members of Zilla Praja Parishads in the State shall be reserved for Scheduled Tribes, Scheduled Castes, Backward Classes and Women, by notification, in the manner specified below.

(2) In every Zilla Praja Parishad, out of the total strength of the elected members determined under Section 174, the District Collector shall determine, in the first instance, the number of Zilla Praja Parishad Territorial Constituencies (hereinafter referred to as ZPTC) to be reserved for the members belonging to Scheduled Tribes and the Scheduled Castes, subject to the condition, that the number of ZPTCs so reserved shall bear, as nearly as may be, the same proportion to the total number of ZPTCs to be filled by direct election to the Zilla Praja Parishad as the population of Scheduled Tribes or as the case may be of the Scheduled Castes in that Zilla Praja Parishad bears to the total population of that District falling within the jurisdiction.

(3) The number of seats of members of Zilla Praja Parishad in the State reserved for Backward Classes shall not be less than 34%(thirty-four percent) of the total number of offices of the members of Zilla Praja Parishads in the State. For the purpose of reserving ZPTCs for Backward Classes in respect of the Territorial Constituencies in the District, the District Collector, shall determine the number of ZPTCs to be reserved for the Backward Classes in each district on the basis of the proportionate percentage of Backward Classes of District in the manner specified below.

NOTE:- In order to arrive at the District Proportionate percentage of Backward Classes the following formula shall be adopted:

$$\begin{array}{ccc} \text{District} & \text{Reservation for BCs in} & \\ \text{Proportionate} & \text{the State} & \\ \text{Percentage of} & = \frac{\text{-----}}{\text{State Percentage of}} & \text{X District} \\ \text{Backward} & & \text{BC\%} \\ \text{Class} & \text{BCs.} & \end{array}$$

Explanation:-(i) State percentage of Backward Classes shall be as projected by the Directorate of Economics and Statistics.

(ii) District Backward Class percentage is the figure as projected by the Directorate of Economics & Statistics.

(4) The District Collector shall reserve one-half of the number of ZPTCs reserved for Scheduled Tribes, Scheduled Castes and Backward Classes and one-half of the unreserved ZPTCs for women in each Zilla Praja Parishad.

(5) (a) The District Collector shall reserve in respect of ZPTCs and allot to the Scheduled Tribes in the District, in the first instance in such Zilla Praja Parishad Territorial Constituencies, where the proportion of population of the Scheduled Tribes in the ZPTCs to the total population of the ZPTC concerned is the highest in the descending order;

(b) After excluding the ZPTCs reserved for Scheduled Tribes, the District Collector, shall reserve from the remaining ZPTCs the offices for the Scheduled Castes allocated to each District under sub-section (2) where the proportion of the Scheduled Castes of the ZPTC to the total population of the ZPTC concerned is the highest in the descending order;

(c) The reservation of ZPTCs for Backward Classes in the District as allocated under sub-section (3) shall be made by the District Collector after excluding the Zilla Praja Parishad Territorial Constituencies reserved for Scheduled Tribes and Scheduled Castes where the proportion of voters of Backward Classes in the ZPTC to the total voters in the ZPTC concerned is the highest in the descending order;

(d) The District Collector shall reserve ZPTCs for Women as allocated under sub-section (4), out of the reserved and unreserved categories on the basis of draw of lots.

(6) The District Collector shall reserve seats with regard to Zilla Praja Parishad Territorial Constituency in the first instance and thereafter reserve offices with regard to President, Mandal Praja Parishad.

(7) (a) The reservation of ZPTCs for Scheduled Tribes, Scheduled Castes, Backward Classes and Women shall be by rotation commencing from the first ordinary election held under this Act. The ZPTCs allotted to the Scheduled Tribes, Scheduled Castes, Backward Classes during the earlier ordinary election shall not be allotted to the same categories till a cycle of reservation in that category is completed:

Provided such rotation shall be effected after completion of two consecutive terms;

(b) For allotting the seats by rotation, Scheduled Tribe, Scheduled Tribe (women), Scheduled Caste, Scheduled Caste (women), Backward Classes, Backward Classes (women), Unreserved and Unreserved (women) shall be treated as separate categories:

Provided, such of those seats which could not be reserved in the first and second cycle though they were eligible in the descending order but were allotted to the other categories due to order of preference in allotment as per descending order or proportionate population, in those categories shall be allotted first before going to the seats in the second cycle;

(c) Those seats which lost their reservation as a result of repeating the reservation second time in that cycle, should be reserved in the ensuing elections in those districts or wherever applicable.

Explanation:- For the removal of doubts, it is hereby declared that, for purposes of reserving seats under this section, any fraction less than one-half shall be ignored and any fraction equal to or more than one-half shall be counted as one.

(8) Nothing in this section shall be deemed to prevent women and members of the Scheduled Tribes, Scheduled Castes, Backward Classes from standing for election to the unreserved seats.

176. Election of "Chairperson" and "Vice-Chairperson":- (1) For every Zilla Praja Parishad there shall be one "Chairperson" and one "Vice-Chairperson" who shall be elected by and from among the elected members specified in clause (i) of sub-section (3) of Section 172 by show of hands duly obeying the party whip given by such functionary of the recognized political party as may be prescribed. If at an election held for the purpose, no "Chairperson" or "Vice-Chairperson" is elected fresh election shall be held. The names of the "Chairperson" and "Vice-Chairperson" so elected shall be published in the prescribed manner:

Provided that if a Member of the Legislative Assembly, the Legislative Council of the State or of either House of Parliament is elected to either of the said offices, he shall cease to hold such office unless within fifteen days from the date of election to such office he ceases to be Member of the Legislative Assembly and Legislative council of the State or of either House of Parliament by resignation or otherwise:

Provided further that a member voting under this sub-section in disobedience of the party whip shall cease to hold office in the manner prescribed and the vacancy caused by such cessation shall be filled as a casual vacancy.

(2) The offices of Chairperson of Zilla Praja Parishad in the State shall be reserved for Scheduled Tribes, Scheduled Castes, Backward Classes and Women, by notification, in the manner specified below.

(3) Out of the total number of offices of Chairperson in the State, the Commissioner, shall determine in the first instance the number of offices of Chairpersons of Zilla Praja Parishads to be reserved in the State for the members belonging to Scheduled Tribes and the Scheduled Castes, subject to the condition that the number of offices so reserved shall bear, as nearly as may be, the same proportion to the total number of offices to be filled in the State as the population of the Scheduled Tribes, or as the case may be, the Scheduled Castes in the State bears to the total population of the State.

(4) The Commissioner, shall reserve 34% (thirty four percent) of the offices of Chairperson of Zilla Praja Parishads in the State, to the members belonging to Backward Classes.

(5) The Commissioner shall reserve one-half of the number of offices of Chairperson reserved for Scheduled Tribes, Scheduled Castes and Backward Classes and one-half of the unreserved offices for women in the State.

(6) (a) The Commissioner, shall on determining the number under sub-section (3) in respect of the State, reserve offices of Chairpersons and allot to the Scheduled Tribes in the first instance where the proportion of the population of Scheduled Tribes of the District to the total population of the district is the highest in the descending order;

(b) After excluding the offices of Chairperson reserved for Scheduled Tribes, the Commissioner shall reserve from among the remaining offices for the Scheduled Castes determined under sub-section (3) where the proportion of the population of the Scheduled Castes of the District to the total population of the district is the highest in the descending order;

(c) After excluding the offices of Chairperson reserved for Scheduled Tribes and Scheduled Castes, the Commissioner shall reserve from among the remaining offices for the Backward Classes determined under sub-section (4) where the proportion of voters of Backward Classes of the District to the total voters in the district is the highest in the descending order;

(d) The Commissioner, shall reserve offices of Chairpersons for Women determined under sub-section (5), from out of the reserved and unreserved categories on the basis of draw of lots.

(7) (a) The reservation of offices of Chairperson for Scheduled Tribes, Scheduled Castes, Backward Classes and Women shall be by rotation commencing from the first ordinary election held under this Act. The offices of Chairperson of Zilla Praja Parishads reserved for Scheduled Tribes, Scheduled Castes, Backward Classes during the earlier ordinary elections shall not be reserved for the same categories till a cycle of reservation in that category is completed:

Provided such rotation shall be effected after completion of two consecutive terms;

(b) Candidates elected from any of the Territorial Constituencies shall be eligible to contest for the office of the Chairperson, Zilla Praja Parishad, provided such candidate belongs to the same category for which the office is reserved and though not elected from a reserved Territorial constituency;

(c) If a new Zilla Praja Parishad is formed after ordinary general elections to Zilla Praja Parishads, to determine the category of reservation to that Zilla Praja Parishad, the proportionate reservation as provided from sub-sections (3) to (6) shall be worked out taking the new Zilla Praja Parishad into consideration. If this new worked out reservation results in a clear additional seat for any one category, the Zilla Praja Parishad newly created shall be allotted to that category. If it does not result in additional seat, then the reservation for the newly created Zilla Praja Parishad shall be decided on the basis of draw of lots.

Note: When there is a competition for one office between two or more categories, the category which is becoming eligible for such reservation in its earlier cycle gets precedence over others. e.g. In case where there is a tie between Backward Classes category and another category and if the Backward Classes category is in first cycle and the other category is in second cycle, the Backward Classes category will get precedence over the other category, being in the earlier cycle than the latter;

(d) For allotting the offices by rotation, Scheduled Tribe, Scheduled Tribe (women), Scheduled Caste, Scheduled Caste (women), Backward Classes, Backward Classes (women), Unreserved and Unreserved (women) shall be treated as separate categories:

Provided that, such of those offices which could not be reserved in the first and second cycle though they were eligible in the descending order but were allotted to the other categories due to order of preference in allotment as per descending order or proportionate population, in those categories shall be allotted first before going to the offices in the second cycle;

(e) Those offices, which lost their reservation as a result of repeating the reservation second time in that cycle, should be reserved in the ensuing elections in those districts or wherever applicable.

Explanation:- Fraction will be rounded off in descending order only to the extent required to arrive at actual number as per percentage, for the purpose of this section.

(8) Nothing in this section shall be deemed to prevent women and the members of the Scheduled Tribes, Scheduled Castes, Backward Classes from standing for election to the unreserved offices.

(9) A special meeting of of members, specified in clause (i) to (v) of Sub-section (3) of Section 172, to elected a "Chairperson" and "Vice-Chairperson" shall be called as soon as may be, after the results of the ordinary elections to the office of elected members of the Zilla Praja Parishad have been published. The notice of the date and time of the meeting for the election of "Chairperson" and "Vice-Chairperson" shall be given to the elected members in the prescribed manner:

(10) Every "Chairperson" or "Vice-Chairperson" shall cease to hold office on cessation as an elected member.

(11) Save as otherwise expressly provided in, or prescribed under this Act, the term of office of the "Chairperson" or "Vice-Chairperson" who is elected at an ordinary election shall be five years from the date appointed by the State Election Commission for the first meeting of the Zilla Praja Parishad after the ordinary election.

(12) Any casual vacancy in the office of the "Chairperson" or "Vice-Chairperson" shall be filled within a period of six months from the date of occurrence of the vacancy by a fresh election under sub-section (9) and a person elected as "Chairperson" or "Vice-Chairperson" in any such vacancy shall hold office only so long as the person in whose place he is elected would have been entitled to hold office if the vacancy had not occurred.

177. Resolution of disputes relating to cessation for disobedience of party whip:- Where a member against whom a proceeding that he ceased to hold office as a consequence of the disobedience of the party whip is issued in pursuance of the second proviso to sub-section (1) of Section 176 and the affected member disputes the correctness of the proceedings, he may apply to the District Court having jurisdiction over the area in which the office of the Zilla Praja Parishad is situated, for a decision.

178. Term of Office of a Member of a Zilla Praja Parishad:- Save as otherwise provided in this Act,-

- (i) an ex-officio member of the Zilla Praja Parishad shall hold office so long as he continues to hold the office by virtue of which he became such ex-officio member;
- (ii) a member elected at an ordinary election or a co-opted member shall hold office for a term of five years from the date appointed by the State Election Commission for the first meeting of the Zilla Praja Parishad after the said ordinary election.

179. Qualification of candidates for election:- No person shall be eligible for election as member of a Zilla Praja Parishad unless his name appears in the electoral rolls of the Zilla Praja Parishad concerned and he has completed the age of twenty one years.

180. Disqualifications:- (1) A member of the Zilla Praja Parishad shall be disqualified for election as "Chairperson" or "Vice-Chairperson" if he is in arrears of any dues, otherwise than in a fiduciary capacity to any Gram Panchayat, Mandal Praja Parishad in the District or the Zilla Praja Parishad or if he is interested in a subsisting contract made with or any work being done for any Gram Panchayat, Mandal Praja Parishad in the District or the Zilla Praja Parishad:

Provided that a person shall not be deemed to have any interest in such contract or work by reason only of his having a share or interest in,-

- (i) a company as a mere shareholder but not as a director; or
- (ii) any lease, sale or purchase of immovable property or any agreement for the same; or
- (iii) any agreement for the loan of money or any security for the payment of money only; or
- (iv) any newspaper in which any advertisement relating to the affairs of any of the aforesaid Gram Panchayat, Mandal Praja Parishad or Zilla Praja Parishad is inserted.

(2) The provisions of Sections 20, 21, 22, 23, 24, 25, 26 and 27 shall apply to a member of the Zilla Praja Parishad, as they apply to a member of the Gram Panchayat subject to the variations that the expressions, "Gram Panchayat", "Panchayat Secretary", "Sarpanch", "Upa-Sarpanch" and "District Panchayat Officer", the expressions "Zilla Praja Parishad", "Chief Executive Officer", "Chairperson", "Vice-Chairperson" and "Chief Executive Officer" shall respectively be substituted:

Provided that nothing in Clause (c) of Section 25 shall apply to a member of the Zilla Praja Parishad specified in Clauses (ii) to (iv) of sub-section (3) of Section 172.

181. Resignation of Chairperson, Vice-Chairperson or Member:- The "Chairperson", the "Vice-Chairperson", an elected member or Co-opted member may resign his office in such manner as may be prescribed.

184. Permanent invitees to Zilla Praja Parishad:- (1) The following Shall be the permanent invitees to the meetings of the Zilla Praja Parishad:

- (i) the "Chairperson", District Co-operative Marketing Society;
- (ii) the "Chairperson", Zilla Grandhalaya Samstha;
- (iii) the "Chairperson", District Co-operative Central Bank;
- (iv) the District Collector.
- (v) all Presidents of Mandal Praja Parishads in the District.

(2) The permanent invitees shall be entitled to participate in the meetings of the Zilla Praja Parishad without right to vote.

185. Special Invitees:- (1) The "Chairperson" or "Vice-Chairperson" of a Zilla Praja Parishad or the "Chairperson" of a Standing Committee thereof may, for purposes of consultation, invite a person other than an office bearer of any political party having experience and specialized knowledge of the subject under its consideration to attend its meeting, but shall not, by virtue of this section, be entitled to vote at any such meeting.

(2) A person attending a meeting under sub-section (1) shall be entitled to such allowances as may be prescribed.

PART – V
CONSTITUTION OF STATE ELECTION COMMISSION, CONDUCT OF ELECTION
AND ELECTION OFFICERS

CHAPTER – I
STATE ELECTION COMMISSION AND CONDUCT OF ELECTIONS

196. Constitution of State Election Commission:- (1) There shall be constituted a State Election Commission for the superintendence, direction and control of the preparation of electoral rolls for and the conduct of elections to all the Panchayat Raj Institutions governed by this Act.

(2) The said Election Commission shall consist of a State Election Commissioner. The Governor on the recommendation of the Government shall appoint a person who is holding or who has held an office not less in rank than that of a Principal Secretary to Government as State Election Commissioner.

(3) The conditions of service and tenure of office of the State Election Commissioner shall be such as the Governor may by rules 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.

197. Powers and Functions of the State Election Commissioner:- (1) All elections to the Panchayat Raj Institutions shall be held under the supervision and control of the State Election Commission and for this purpose it shall have power to give such directions as it may deem necessary to the Commissioner, District Collector or any officer or servant of the Government and the Panchayat Raj Institutions so as to ensure efficient conduct of the elections under this Act.

(2) The preparation of electoral rolls for the conduct of all elections under the Act shall be done under the supervision and control of the State Election Commission.

(3) For the purposes of this section the Government shall provide the State Election Commission with such staff as may be necessary.

(4) On the request of the State Election Commission, the State Government shall place at the disposal of the Commission such staff of the State Government, Gram Panchayats, Mandal Praja Parishads and Zilla Praja Parishads for the purpose of conduct of elections under this Act.

(5) The State Election Commissioner may, subject to control and revision, delegate his powers to such officers, as he may deem necessary.

(6) The State Election Commission shall issue the notification and schedule for general election and elections for casual vacancies in all Panchayat Raj Institutions. The schedule and the dates on which the elections will be conducted shall be decided by the State Election Commission in concurrence with the State Government, which has to consider matters pertaining to Law and Order situation, internal security, availability of police, security personnel, home guards, central armed police forces and the logistics of their deployment, availability of staff for election related duties, availability and procurement of election related material and premises for polling and counting, conduct of elections to other legislative and statutory bodies, natural calamities and seasonal conditions including drinking water situation and agricultural season, major fairs and festivals, education calendar and examinations in schools and colleges, onset of any epidemic diseases, operations relating to collection of vital statistics like census or any other enumeration, and matters involving public interest and any other administrative exigencies:

Provided that in case multiple phases are required, the schedule of each phase shall have a gap of not more than five days from each other.

198. Notification and Appointment of Returning Officers:- (1) For the Purpose of holding elections to fill ordinary or casual vacancies, the State Election Commission shall, by notification under sub-section (6) of section 197, published in the Gazette, call upon such date or dates, as may be specified therein, the voters of the Gram Panchayat or Mandal Praja Parishad or Zilla Praja Parishad, as the case may be, to elect Sarpanch and members of the Gram Panchayat and/or Members of the Mandal Praja Parishad and/or Members of the Zilla Praja Parishad, in accordance with the provisions of the Act, the rules and orders, if any, made thereunder.

(2) The said notification shall specify the time Schedule for various stages of the ordinary elections as well as the elections to fill the casual vacancies, which shall be that,-

From the date of election notice under sub-section (3),

- | | | |
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| (a) | nomination shall be filed | Within a period of three days (including the day of notice) upto 5.00 p.m. (whether or not it is a holiday) |
| (b) | scrutiny of nominations shall be completed | on the fourth day by 5.00 p.m. (whether or not it is a holiday) |

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|-----|---|--|
| (c) | Appeal against rejection of nomination shall be filed, before the Revenue Divisional Officer/District Collector | on the fifth day upto 5.00 p.m. (whether or not it is a holiday) |
| (d) | Disposal of appeal against rejection of nomination by the Revenue Divisional Officer/District Collector | on the sixth day before 5.00 p.m. (whether or not it is a holiday) |
| (e) | withdrawal of candidatures shall be allowed | on the seventh day upto 3.00 p.m. (whether or not it is a holiday). |
| (f) | publication of final list of contesting candidates | on the seventh day itself, after the withdrawal of candidatures by 3.00 p.m. (whether or not it is a holiday). |
| (g) | polling shall be held, wherever necessary | on the fifteenth day, (whether or not it is a holiday). |
| (h) | counting of votes and declaration of results, in respect of Gram Panchayats | on the fifteenth day i.e. the date of polling. |
| (i) | counting of votes and declaration of results in respect of members of Mandal Praja Parishads, and Zilla Praja Parishads; and offices of Presidents and Chairmen thereof | on the time and date appointed by the State Election Commission. |

(3) The Returning Officer appointed for the purpose of conducting elections to the Gram Panchayats, Mandal Praja Parishads and Zilla Praja Parishads, shall as per the above time Schedule specified by the State Election Commission issue the Election Notice for election of the Sarpanch, members of the Gram Panchayat, Mandal Praja Parishad, Zilla Praja Parishad etc. and the time Schedule shall commence from that date.

199. Voting Machines at Elections:- 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 Ward or Wards or

Constituency or Constituencies as the State Election Commission may, having regard to the circumstances of each case, specify.

Explanation:- For the purpose of this section, "Voting Machines", 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.

200. Symbols for Elections under the Act:- The State Election Commission shall by notification, specify the symbols that may be chosen by candidates contesting any election under this Act and the restrictions to which their choice shall be subject:

Provided that the State Election Commission shall not in the case of elections to Gram Panchayats allot to any contesting candidate any symbol reserved for a recognised political party or a registered political party but in the case of elections to Mandal Praja Parishads and Zilla Praja Parishads, the State Election Commission shall allot symbols including the symbols reserved for a recognised political party or, as the case may be symbols, if any, reserved for a registered political party where any candidate is set up by such political party.

201. Reservations to Backward Classes:- For the purpose of reserving the offices of Sarpanch, President and Chairperson and members of the Gram Panchayats, Mandal Praja Parishads and Zilla Praja Parishads to the members belonging to the Backward Classes under this Act, the population figures of the Backward Classes, gathered in the Socio-Economic Survey conducted by the Telangana Backward Classes Co-operative Finance Corporation Limited, Hyderabad shall be taken as the basis.

202. Voter Identity Cards:- With a view to preventing impersonation of electors, provision may be made by rules made under this Act, for the production before the Presiding Officer of a polling station by every such elector, of his identity card before the delivery of a ballot paper or ballot papers to him, if under the rules made in that behalf under the Registration of the Electors Rules, 1960 made under the Representation of the People Act, 1950, electors of the Legislative Assembly Constituency or Constituencies in which the Gram Panchayat, Mandal Praja Parishad Territorial Constituency or Zilla Praja Parishad Territorial Constituency, as the case may be, is situated, have been supplied with identity cards with or without their respective photographs attached thereto.

203. Reservation of offices to cease on the expiration of the period specified in Article 334 of Constitution of India:- The provisions of this Act relating to reservation of office of Sarpanch, President and Chairperson and members of the Gram Panchayats, Mandal Praja Parishads and Zilla Praja Parishads for the Scheduled Castes and Scheduled Tribes shall cease to have effect on the expiration of the period specified in Article 334 of the Constitution of India.

204. Injunctions not to be granted in Election Proceedings:- No proceeding which is being or about to be taken under this Act, for the preparation or publication of any electoral roll or for the conduct of any election shall be called in question in any court, in any suit, or application, and no injunction shall be granted by any Court restraining any action in this regard.

205. Requisitioning of premises for Election Purposes:- (1) If it appears to the State Election Commissioner that in connection with any election held under this Act,-

- (a) any premises is/are needed for or 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 is needed or is likely to be needed for the purpose of transport of personnel or 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 State Election Commissioner may, by order in writing, requisition such premises or such vehicle, as the case may be, and may make such further orders as may appear to him to be necessary or expedient, in connection with requisitioning:

Provided that no vehicle which is being lawfully used by a candidate or his agent for any purpose, connected with 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 State Election Commissioner 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 premises is requisitioned under sub-section (1), the period of such requisition shall not be extend beyond the period for which such property is required for any of the purposes mentioned in that sub-section.

Explanation:- For purposes of this section 'premises' means any land, building or part of a building and includes a hut, shed or other structure or any part thereof and 'vehicle' means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise.

206. Payment of Compensation:- (1) Whenever in pursuance of Section 205, the State Election Commissioner requisitions any premises, there shall be paid to the person

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 State Election Commissioner for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the State Election Commissioner 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 Election Commissioner to an arbitrator appointed in this behalf by the said Election Commissioner for determination and shall be determined in accordance with the decision of such arbitrator.

Explanation:- In this sub-section, the expression "person interested" means the person who was in actual possession of the premises requisitioned under Section 205 immediately before the requisition or where no person was in such actual possession, the owner of such premises.

(2) Whenever in pursuance of Section 205, the State Election Commissioner requisitions any vehicle, there shall be paid to the owner thereof compensation, the amount of which shall be determined by the State Election Commissioner on the basis of the fares or rates prevailing in the locality for the hire of such vehicle:

Provided that where the owner of such vehicle, being aggrieved by the amount of compensation so determined, makes an application within the prescribed time to the State Election Commissioner for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the State Election Commissioner may determine;

Provided further that where immediately before requisitioning, the vehicle 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 the arbitrator appointed by the State Election Commissioner in this behalf may decide.

207. Power to obtain Information:- The State Election Commissioner may with a view to requisitioning any property under Section 205 or determining the compensation payable under Section 206 by order, 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 specified.

208. Eviction from Requisitioned Premises:- (1) Any person remaining in possession of any requisitioned premises in contravention of any order made under Section 205 may summarily be evicted from such premises by an officer empowered by the State Election Commissioner in this behalf.

(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 bolt or break open any door of any building or do any other act necessary for effecting such eviction.

209. Penalty for contravention of any order regarding requisitioning:- If any person contravenes any order made under Section 205 or Section 207 he shall be punishable with imprisonment for a term, which may extend to one year or with fine or with both.

210. Electoral Officers and Staff Deemed to be on Deputation:- (1) Any officer or staff employed in connection with the preparation, revision and correction of the electoral rolls for, and the conduct of all elections shall be deemed to be on deputation to the State Election Commission for the period during which they are so employed and such officers and staff shall during that period, be subject to the control, superintendence and discipline of the State Election Commission.

(2) The Returning Officer, Assistant Returning Officer, Presiding Officer, Polling officer and any other officer appointed under this Act, and any police officer designated for the time being by the State Government for the conduct of any elections shall be deemed to be on deputation to the State Election Commission for the period commencing on and from the date of notification calling for such elections and ending with the date of declaration of the results of such elections and such officer shall, during that period, be subject to the control, superintendence and discipline of the State Election Commission.

CHAPTER - II

ELECTION OFFENCES

211. Corrupt Practices:- The following shall be deemed to be corrupt practices for the purposes of this Act-

(1) Bribery, that is to say,-

(A) Any gift, offer or promise by a candidate or his agent or by any other person with the consent of a candidate or his election agent of any gratification, to any person whomsoever, with the object directly or indirectly of inducing,-

(a) a person to stand or not to stand as or to withdraw or not to withdraw from being a candidate at an election, or

(b) an elector to vote or refrain from voting at an election, or as a reward to-

i) a person for having so stood or not stood, or for having withdrawn or not having withdrawn his candidature; or

ii) an elector for having voted or refrained from voting;

(B) The receipt of or agreement to receive, any gratification, whether as a motive or a reward,-

(a) by a person for standing or not standing as or for withdrawing or not withdrawing from being a candidate, or

(b) by any person whomsoever for himself or any other person for voting or refraining from voting or inducing or attempting to induce any elector to vote or refrain from voting, or any candidate to withdraw or not to withdraw his candidature.

Explanation:- For the purposes of this clause the term 'gratification' is not restricted to pecuniary gratification or gratifications estimable in money and it includes all forms of entertainment and all forms of employment for reward but it does not include the payment of any expenses bonafide incurred at, or for the purpose of any election and duly entered in the account of election expenses.

(2) Undue influence, that is to say, any direct or indirect interference or attempt to interfere on the part of the candidate or his agent or of any other person with the consent of the candidate or his election agent with the free exercise of any electoral right:

Provided that,-

(a) without prejudice to the generality of the provisions of this clause any such person as is referred to thereon, who,-

(i) threatens any candidate or any elector or any person in whom a candidate, or an elector is interested, with injury of any kind including social ostracism and excommunication or expulsion from any caste or community; or

(ii) induces or attempts to induce a candidate or an elector to believe that he, or any person in whom he is interested will become or will be rendered an object of divine displeasure or spiritual censure, shall be deemed to interfere with the free exercise of the electoral right of such candidate or elector within the meaning of this clause;

(b) a declaration of public policy, or a promise of public action, or the mere exercise of a legal right without intent to interfere with an electoral right, shall not be deemed to be interference within the meaning of this clause.

(3) The appeal by a candidate or his agent or by any other person with the consent of a candidate or his election agent to vote or refrain from voting for any person on the ground of his religion, race, caste, community or language or the use of, or appeal to religious symbols, or the use of, or appeal to national symbols of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate:

Provided that no symbol allotted under this Act to a candidate shall be deemed to be a religious symbol or a national symbol for the purposes of this clause.

(4) The promotion of, or attempt to promote feelings of enmity or hatred between different classes of the citizens of India on grounds of religion, race, caste, community, or language by a candidate, or his agent or any other person with the consent of a candidate or his election agent for the furtherance of the prospects of the election of that candidate or of prejudicially affecting the election of any candidate.

(5) The propagation of the practice or the commission of sati or its glorification by a candidate or his agent or any other person with the consent of the candidate or his election agent for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate.

Explanation:- For the purpose of this clause, "sati" and "glorification" in relation of sati shall have the meanings respectively assigned to them in the Commission of Sati (Prevention) Act, 1987 (Central Act 3 of 1987).

(6) The publication by a candidate or his agent or by any other person, with the consent of a candidate or his election agent or any statement of fact which is false, and which he either believes to be false, or does not believe to be true in relation to the personal character or conduct of any candidate or in relation to the candidature, or withdrawal of any candidate, being a statement reasonably calculated to prejudice the prospects of that candidate's election.

(7) The hiring or procuring, whether on payment or otherwise of any vehicle or vessel by a candidate or his agent or by any other person with the consent of a candidate or his election agent, or the use of such vehicle or vessel for the free conveyance of any elector other than that the candidate himself the members of his family or his agent to or from any polling station:

Provided that the hiring of a vehicle or vessel by an elector or by several electors at their joint costs for the purpose of conveying him or them to and from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause if the vehicle or vessel so hired is a vehicle or vessel not propelled by mechanical power:

Provided further that the use of any public transport vehicle or vessel by any elector at his own cost for the purpose of going to or coming from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause.

Explanation:- In this clause the expression "vehicle" means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise and whether used for drawing other vehicles or otherwise.

(8) The incurring or authorizing of expenses in contravention of Section 237.

(9) The obtaining or procuring or abetting or attempting to obtain or procure by a candidate or his agent, or by any other person with the consent of a candidate or his election agent, any assistance (other than the giving of vote) for the furtherance of the prospects of that candidate's election, from any person in the service of the State, Central Government, Local Authority or a Corporation owned or controlled by the State or Central Government:

Provided that where any person, in the service of the State or Central Government or a Local Authority in the discharge or purported discharge of his official duty, makes any arrangements or provides any facilities or does any other act or thing, for to or in relation to, any candidate or his agent or any other person acting with the consent of the candidate or his election agent (whether by reason of the office held by the candidate or for any other reason), such arrangements, facilities or act or thing shall not be deemed to be assistance for the furtherance of the prospects of that candidate's election.

Explanation:- (1) In this section the expression 'agent' includes an election agent, a polling agent, and any person who is held to have acted as an agent in connection with election the consent of the candidate.

(2) For the purposes of sub-section (9) a person shall be deemed to assist in the furtherance of the prospects of a candidate's election if he acts as an election agent of that candidate.

(3) For the purposes of sub-section (9) notwithstanding anything contained in any other law, the publication in the Telangana Gazette of the appointment, resignation, termination of service, dismissal or removal from service of a person in the service of the Government shall be conclusive proof,-

(i) of such appointment, resignation, termination of service, dismissal or removal from service, as case may be; and

(ii) where the date of taking effect of such appointment resignation, termination of service, dismissal or removal from service, as the case may be, is stated in such publication, also of the fact that such person was appointed with effect from the said date, or in the case of resignation, termination of service, such person ceased to be in such service with effect from the said date.

(4) For the purposes of sub-section (10), booth capturing shall have the same meaning as in Section 226.

(10) Booth capturing by a candidate or his agent or other person.

212. Penalty for illegal hiring or procuring of conveyance at Elections:- If any person is guilty of any such corrupt practices as specified in sub-section (9) of Section 211 or in connection with an election he shall be punishable with imprisonment for a term, which may extend to three months and with fine, which may extended to three thousand rupees.

213. Promoting enmity between classes in connection with election:- 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 or 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 and with fine which may extend to three thousand rupees.

214. Prohibition of public meetings before the date of poll:-

(1) No person shall:-

(a) convene, hold or 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 cinematography, 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, in any polling area during the period of forty-eight hours prior to the hour fixed for the conclusion of the poll in the case of Mandal Praja Parishads and Zilla Praja Parishads and forty-four hours prior to the hour fixed for the conclusion of the poll in the case of Gram Panchayats.

(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 election.

215. Disturbance at election meetings:- (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 which may extend to six months or with fine which may extend to two thousand rupees.

(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 notification under this Act calling upon the constituency to elect a member or members or office bearers of a Local Authority 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 to do by the "Chairperson" 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.

216. Restrictions on the printing of pamphlets, posters etc:- (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,-

(i) whether it is printed in the capital of the State, to the State Election Commissioner, and

(ii) in any other case, to the District Magistrate of the district in which it is printed.

(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 or promoting or prejudicing the election of a candidate or group of candidates or any play card or poster having reference to an election, but does not include any handbill, play card 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.

217. Maintenance of Secrecy of Voting:- (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.

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

218. Officers etc. at elections not to act for candidates or to influence voting:- (1) No person who is a District Election Officer or a Returning Officer, or an Assistant Returning Officer or a Presiding Officer or Polling Officer, at an election, or an officer or clerk appointed by the 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 of a 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.

219. Prohibition of canvassing in or near polling stations:- (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 meters 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 signs (other than an official notice) relating to the election.

(2) Any person who contravenes the provisions of sub-section (1) shall be punished with fine which may extend to two hundred and fifty rupees.

220. Penalty for disorderly conduct in or near polling stations:- (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 contravenes, or willfully aids or abets the contravention of the provisions 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.

221. Penalty for misconduct at the polling station:- (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 authorised 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 opportunity of voting at that station.

(3) If any person who has been so removed from 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.

222. Penalty for failure to observe procedure for voting:- If an 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.

223. Prohibition of going armed to or near a polling station:- (1) No person other than a 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 (Central Act 54 of 1959), of any kind within the neighbourhood of a polling station.

(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) An offence punishable under sub-section (2) shall be cognizable.

224. Breaches of official duty in connection with Elections:- (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 two thousand rupees.

(2) No suit or other legal proceedings shall lie against any such person for damages in respect of any such act or omission as aforesaid.

(3) The persons to whom this section applies are the District Election Officers, Returning Officers, Assistant Returning Officers, Presiding Officers, Polling Officers, 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.

225. Penalty for Government Servants for acting as Election Agent, Polling Agent or Counting Agent:- If any person in the service of the State or Central Government or a local Authority or a Corporation owned or controlled by the State or Central 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.

226. Offence of Booth Capturing:- (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 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 purposes of this sub-section and Section 241 "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 threatening 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 person, making the counting authorities surrender the ballot papers or voting machines and the doing of anything which affects the orderly counting of votes;

(e) doing by any person in the service of 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.

227. Removal of ballot papers or ballot boxes from polling stations to be an offence:- (1) Any person who at any election fraudulently takes or attempts to take a ballot paper or ballot box out of polling station or willfully aids or abets the doing of any such act shall be punishable with imprisonment for a term which may extend to five years and with fine which may extend upto five thousand rupees.

(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 such person may cause him to be searched by a police:

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.

228. Liquor not to be sold, given or distributed on Polling Day:- (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 prior to the hour fixed for the conclusion of the poll in the case of Mandal Praja Parishads and Zilla Praja Parishads and forty four hours prior to the conclusion of poll in the case of Gram Panchayats and also on the counting day.

(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.

229. Adjournment of poll in emergencies:- (1) If at an election the proceedings at any polling station are interrupted or obstructed by any riot or open violence, or if at an election it is not possible to take the poll at any polling station or such place on account of any natural calamity or any other sufficient cause, the Presiding officer for such polling station shall announce and adjournment of the poll to a date to be notified later and he shall forthwith inform the Returning Officer concerned.

(2) Whenever a poll is adjourned under sub-section (1), the Returning officer, shall immediately report the circumstances to the District Election Authority and the State Election Commission, and shall, as soon as may be, with the previous approval of the State Election Commission, appoint the day on which the poll shall recommence, and fix the hours during which, the poll will be taken, and shall not count the votes cast at such election until such adjourned poll shall have been completed.

(3) In every such case as aforesaid, the Returning officer shall notify in such manner as the State Election Commission may direct, the date and hours of polling fixed under sub-section (2).

230. Fresh Poll in the case of Destruction of Ballot Boxes:- (1) If at any election,-

(a) any ballot boxes or Electronic Voting Machines used at a polling station is unlawfully taken out of the custody of the Presiding officer or the Returning officer or is accidentally or intentionally destroyed or 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, human or mechanical or irregularity in procedure as is likely to vitiate the poll is committed at a polling station, the Returning officer shall forthwith report the matter to the State Election Commission.

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

(a) 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 and notify the day so appointed and the hours so fixed in such manner as it may deem fit; or

(b) if satisfied that the result of a fresh poll at the polling station will not, in any way affect the result of the election or that the mechanical failure of the voting machine or the error or irregularity in procedure is not material, issue such directions to the Returning Officer as it may deem proper for the further conduct and completion of the election.

(3) The provisions of this Act and of any rules or orders made thereunder shall apply to every such fresh poll as they apply to the original poll.

231. Destruction, Loss of Ballot Papers at the Time of Counting:- (1) If any time before the counting of votes is completed any ballot papers used at a polling station are unlawfully taken out of the custody of the Returning Officer or are accidentally or intentionally destroyed or lost or are damaged or tampered with, to such an extent that the result of the poll at the polling station cannot be ascertained, the Returning officer shall forthwith report the matter to the State Election Commission.

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

(a) direct that the counting of votes shall be stopped, declare the poll at the polling station to be void, appoint a day, and fix the hours, for taking a fresh poll at the polling station 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 station will not, in any way, affect the result of the election, issue such directions to the Returning officer as it may deem proper for the resumption and completion of the election in relation to which the votes have been counted.

(3) The provisions of this Act and of any rules or orders made thereunder shall apply to every such fresh poll as they apply to the original poll.

232. Impersonation at Elections:- Whoever at an election applies for a ballot paper or votes in the name of any other person, whether living or dead or in a fictitious name or who having voted once at such election applies at the same election for a ballot paper in his own name, and whoever abets, procures or attempts to procure the voting by any person in any such way shall be punished with imprisonment for a term which may extend to five years and with fine which may extend to five thousand rupees.

233. Other Offences and Penalties thereunder:-

(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 or fraudulently destroys or removes any list, notice or other document affixed by or under the authority of a Returning Officer, or

(c) fraudulently defaces or fraudulently destroys any ballot paper or the official mark or any ballot paper or any declaration of identity or official envelope used in connection with voting by postal ballot; or

(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 willfully 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 Returning Officer or an Assistant 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;

(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 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.

234. Penalty for offences not otherwise provided for:- Whoever does any act in contravention of any of the provisions of this Act or of any rule, notification or order made, issued or passed, thereunder and not otherwise provided for in this Act shall, on conviction, be punished with imprisonment which may extend to two years and with fine which may extend to two thousand rupees.

235. Offences by Companies:- (1) Where an offence under this Act, has been committed by a company, every person who at the time the offence was committed, was in charge of and was responsible to the company for the conduct of the business of the company as well as the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where any offence under this Act has been committed by a company and it is proved that offence has been committed with the consent or connivance or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation :- For the purposes of this section,-

- a. "company" means any body corporate and includes a firm or other association of individuals; and
- b. "director" in relation to a firm means a partner in the firm.

CHAPTER III

ELECTION EXPENSES

236. Application of Chapter:- This chapter shall apply to candidates of any election held under this Act.

237. Account of Election Expenses:- (1) Every candidate, at any election held under this Act shall, either by himself, or by his election agent, keep a separate and correct account of all expenditure incurred in connection with the election, between the date on which the candidate concerned has been nominated, and the date of declaration of the result of the election, both dates inclusive hereinafter in this chapter referred to as "election expenses".

Explanation-I:- '*Election Expenses*' for purpose of this Act shall mean all expenses in connection with the election,-

- (a) incurred or authorized by the contesting candidate or by his election agent;
- (b) incurred, by any association, or body of persons, or by any individual (other than the candidate or his election agent), aimed at promoting or procuring the election of the candidate concerned; and
- (c) incurred by any political party, by which the candidate is set up, so as to promote or procure his election;

Provided that any expenses incurred by any political party as part of its general propaganda, (which is distinguishable from its election campaign, for the promotion or procuring the election of a particular candidate), by words, either written or spoken or by signs or visible representations or by audio-visual devices or through print or electronic media or otherwise shall not constitute 'election expenses' for purposes of this Act.

Explanation-II:- (1) For the removal of doubts, it is hereby declared that any expenses incurred in respect of any arrangements made, facilities provided or any other act or thing done by any person in the service of the Government and belonging to any of the classes mentioned in sub-section (9) of Section 211 in the discharge or purported discharge of his official duty as mentioned in the proviso to that clause shall not be deemed to be expenses in connection with the election incurred or authorized by a candidate or by his election agent for the purposes of this sub-section.

- (2) The account of election expenses shall contain such particulars, as may by order, be specified by the State Election Commission.
- (3) The total of the said expenses shall not exceed such amount, as may by order, be specified by the State Election Commission.

238. Lodging of Account with the Mandal Parishad Development Officer and Chief Executive Officer:- (1) Every contesting candidate at an election shall, within forty five days from the date of declaration of the result of the election, lodge with the Mandal Parishad Development Officer, an account of his election expenses, which shall be a true copy of the account kept by him, or by his election agent under Section 237.

(2) The Mandal Parishad Development Officer shall submit the copies of election expenditure statements in respect of,

(a) the Members of Gram Panchayat and Mandal Praja Parishad directly to the State Election Commission.

(b) the Members of Zilla Praja Parishad to the Chief Executive Officer, Zilla Praja Parishad concerned for onward submission to the State Election Commission.

CHAPTER - IV

MISCELLANEOUS ELECTION MATTERS, VACATION OF SEATS AND OFFICES

239. Adjournment of poll or countermanding of election on the ground of booth capturing:- (1) If at any election,-

- (a) booth capturing has taken place at a polling station or in such number of polling stations as is likely to affect the result of such election or that the result of the poll at that polling station cannot be ascertained; or
- (b) booth capturing 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 Returning Officer shall forthwith report the matter to the State Election Commission.

(2) The State Election Commissioner shall on the receipt of a report from the Returning 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 and notify the date so appointed and hours so fixed in such manner as he may deem fit, or
- (b) if 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 effect result of the election, countermand the election in that constituency.

Explanation:- In this section "booth capturing" shall have the same meaning as in Section 226.

240. Power to Delegate:- The State Election Commissioner may, subject to such conditions and restrictions as the Government may, by general or special order, impose, by order in writing delegate to any officer or authority subordinate to him, either generally or as respects any particular matter or class of matters any of his powers under this Act.

241. Appointment of Observers:- (1) The State Election Commission may nominate an Observer who shall be an officer of Government to watch the conduct of election or elections for such specified area or areas in the district and to perform such other functions as may be entrusted to him by the Commission in relation thereto.

(2) The Observer nominated under sub-section (1) shall have the power to direct the Returning Officer for any of the wards or constituencies for which he has been nominated, to stop the counting of votes at anytime before the declaration of the result, or not to declare the result, if in the opinion of the Observer, both capturing has taken place at a large number of polling stations or at counting centers or any ballot papers used at a polling station are unlawfully taken out of the custody of the Returning Officer or are accidentally or intentionally destroyed or lost or are damaged or tampered with, to such an extent that the result of the poll at that polling station cannot be ascertained.

(3) Where an Observer has directed the 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 under Section 231 or Section 239 in the matter of declaration of results.

(4) It shall be competent for the State Election Commission to appoint an Election Expenditure Observer for a group of wards or constituencies or for a Mandal or group of Mandals so as to ensure that the provisions of Section 237 and 238 are strictly adhered to and in that behalf the Commission may issue such instructions as it deems fit, from time to time, to such Observers.

242. Election Petitions:- No election held under this Act shall be called in question except by an election petition presented to such authority and in accordance with such rules as may be made in this behalf.

243. Prohibition of holding dual offices and vacation of seats:- (1) No person shall be entitled to contest in the elections to the offices of member of the Gram Panchayat from more than one ward or to the office of member of the Mandal Praja Parishad or Zilla Praja Parishad from more than one territorial constituency.

(2) No person shall be a member of the Gram Panchayat, member of the Mandal Praja Parishad or Zilla Praja Parishad simultaneously and if he is so elected, he shall retain only one office and vacate the other office or offices in the manner prescribed.

(3) Where a person is elected to more than one office of member of the Gram Panchayat or Mandal Praja Parishad or Zilla Praja Parishad and Sarpanch or President or Chairperson he shall retain one office and vacate the other office or offices in the manner prescribed except when his continuance as member of the Mandal Praja Parishad or Zilla Praja Parishad is necessary to continue as President or as the case may be the Chairperson thereof.

PART – VII

SPECIAL PROVISIONS RELATING TO THE PANCHAYATS, MANDAL PRAJA PARISHADS AND ZILLA PRAJA PARISHADS LOCATED IN THE SCHEDULED AREAS.

252. Application of this part:- (1) The provisions of this Part shall apply to the Gram Panchayats, Mandal Praja Parishads and Zilla Praja Parishads constituted in the Schedule Areas in the State.

(2) The provisions of this Part shall prevail over anything inconsistent therewith elsewhere in this Act.

253. Declaration of Village in Scheduled Area:- For the purposes of Section 3, a village shall ordinarily consist of a habitation or a group of habitations or a hamlet or a group of hamlets thereof comprising a community or communities and managing the affairs in accordance with traditions and customs.

254. Functions of Gram Sabha:- (1) Every Gram Sabha shall be competent to safeguard and preserve the traditions and customs of the people, their cultural identity, community resources and without detriment to any law for the time being in force, the customary mode of dispute resolution.

(2) Every Gram Sabha shall,-

- (i) approve plans, programmes and projects for social and economic development before such plans, programmes and projects are taken up for implementation by the Gram Panchayat, at the village level;
- (ii) be responsible for the identification of selection of persons as beneficiaries under poverty alleviation and other programmes.

(3) Every Gram Panchayat shall obtain from the Gram Sabha a certification of utilisation of funds by that Gram Panchayat for the plans, programmes and projects referred to in sub-section (2).

255. Reservation of seats of members of Gram Panchayats and Mandal Praja Parishads and Offices of Sarpanch's of Gram Panchayats and Presidents of Mandal Praja Parishads:- The reservation of seats in the Scheduled Areas to every Gram Panchayat and Mandal Praja Parishad shall be in proportion to the population of the communities in that Gram Panchayat or the Mandal Praja Parishad as the case may be:

Provided that the reservation for the Scheduled Tribes shall not be less than one-half of the total number of seats:

Provided further that all seats of Sarpanchas of Gram Panchayats and Presidents of Mandal Praja Parishads shall be reserved for the Scheduled Tribes.

256. Nomination of persons:- The Government may nominate persons belonging to such Scheduled Tribes who have no representation in Mandal Praja Parishads:

Provided that such nomination shall not exceed one tenth of the total members to be elected in that Mandal Praja Parishad.

257. Acquisition of land in the Scheduled Areas :- The Grama Sabha of Gram Panchayat concerned where land is to be acquired, shall be consulted before making the acquisition of land in the Scheduled Areas for development projects under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013) and before resettling or rehabilitating persons evicted by such project in the Scheduled Areas, the actual planning and implementation of the projects in the Scheduled Areas shall be coordinated at the State level.

258. Management of minor water bodies in the Scheduled Areas:- Planning and management of minor water bodies in the Scheduled Areas shall be entrusted to Gram Panchayats, Mandal Praja Parishads or the Zilla Praja Parishads, as the case may be, in such manner as may be prescribed.

259. Minor minerals in the Scheduled Areas:- (1) The recommendations of the Gram Panchayat, made in such manner as may be prescribed, shall be taken into consideration prior to grant of prospecting license or mining lease, for minor minerals in the Scheduled Areas.

(2) The prior recommendation of the Gram Panchayat, made in such manner as may be prescribed, shall be taken into consideration for grant of concession for the exploitation of minor minerals by auction.

260. Powers and functions of Gram Panchayats & Mandal Praja Parishads:- (1) The Gram Panchayat or as the case may be, the Gram Sabha shall exercise such powers and perform such functions in such manner and to such extent as may be prescribed in respect of the following matters, namely:-

- (a) enforcement of prohibition or regulation or restriction of the sale and consumption of any intoxicant;

- (b) the ownership of minor forest produce;
- (c) prevention of alienation of land in the Scheduled Areas and restoration of any unlawfully alienated land of a Scheduled Tribe;
- (d) Management of village markets by whatever name called; and
- (e) Exercising control over money-lending to the Scheduled Tribes.

(2) The Mandal Praja Parishad shall exercise such powers and perform such functions in such manner and to such extent as may be prescribed, in respect of the following matters, namely :-

- (a) exercising control over institutions and functionaries in all social sectors; and
- (b) control over local plans and resources for such plans including tribal sub-plans.

PART – VIII
MISCELLANEOUS

263. Motion of No-confidence in President or Chairperson:- (1) A motion expressing want of confidence in the President or Chairperson or Vice-Chairperson may be made by giving a written notice of intention to move the motion in such form and to such authority as may be prescribed, signed by not less than one half of the total number of members of Mandal Praja Parishad or as the case may be the Zilla Praja Parishad and further action on such notice shall be taken in accordance with the procedure prescribed:

Provided that no notice of motion under this section shall be made within four years of the date of assumption of office by the person against whom the motion is sought to be moved;

Provided further that no such notice shall be made against the same person more than once during his term of office.

Explanation:- For the removal of doubts, it is hereby declared that for the purpose of this section the expression “total number of members” means, all the members who are entitled to vote in the election to the office concerned inclusive of the President or Chairperson but irrespective of any vacancy existing in the office of such members at the time of meeting:

Provided that a suspended office bearer or member shall also be taken into consideration for computing the total number of members and he shall also be entitled to vote in a meeting held under this section.

(2) If the motion is carried with the support of two thirds of the total number of members in the case of the president or a Vice-President or the Chairperson or Vice-Chairperson, the Government shall by notification remove him from office and the resulting vacancy shall be filled in the same manner as a casual vacancy.

Explanation:- For the purposes of the section, in the determination of two-thirds of the total number of members, any fraction below 0.5 shall be ignored and any fraction of 0.5 or above shall be taken as one.

267. Powers of Government to remove President or Chairperson:- (1) If in the opinion of the Government the president or the Vice-President as the case may be, the Chairperson, the Vice-Chairperson,-

- (i) willfully omitted or refused to carry out the orders of the Government for the proper working of the concerned local body; or
- (ii) abused his position or the powers vested in him; or
- (iii) is guilty of misconduct in the discharge of his duties; or
- (iv) persistently defaulted in the performance of his functions and duties entrusted to him under the Act to the detriment of the functioning of the concerned local body or has become incapable of such performance.

the Government, may remove such President or Vice-President, or as the case may be Chairperson or the Vice-Chairperson, after giving him an opportunity for explanation:

Provided that the proceedings initiated under this sub-section may be continued notwithstanding the fact that the President or Vice-President, or as the case may be, Chairperson or the Vice-Chairperson, ceased to hold office by resignation or otherwise and shall be concluded within two years from the date of such cessation and where on such conclusion the authority competent to remove him, records a finding after giving an opportunity of making a representation to the person concerned that the charge or charges proved against him are sufficient for his removal, then the provision of sub-section (3) shall apply to the person against whom such finding is recorded.

(2) Where the President or the Vice-President or the Chairperson or Vice-Chairperson is removed under sub-section (1), the vacancy shall, subject to the provisions of sub-section (3), be filled as casual vacancies.

(3) A President or a Vice-President or a Chairperson or a Vice-Chairperson removed from his office under the Section shall not be eligible for re-election as President or Vice-President or Chairperson or Vice-Chairperson for a period of two years from the date of the removal.

(4) If the Government are satisfied that any elected member of a Mandal Praja Parishad or Zilla Praja Parishad is guilty of any misconduct while acting or purporting to act in the discharge of his duties, or in the performance of the functions, under this Act, the Government may, by order, remove such member, after giving him an opportunity for explanation, and any member so removed shall not be eligible for re-election as a member for a period of two years from the date of removal.

(5) Where a member of Mandal Praja Parishad or Zilla Praja Parishad is removed under sub-section (4), the vacancy shall be filled in such manner and within such time as may be prescribed.

(6) If the Government are of the opinion that any President or Vice-President or the Chairperson or Vice-Chairperson or any member of the Mandal Praja Parishad or Zilla Praja Parishad willfully omitted or refused to carry out the orders of Government for the proper working of the concerned local body or abused his position or the powers vested in him, and that the further continuance of such person in office would be detrimental to the interests of the concerned local body or Mandal or District, the Government may, by order, suspend such President or Vice-President, or as the case may be, the Chairperson or Vice-Chairperson or member from office for a period not exceeding three months, pending investigation into the said charges and action thereon under the foregoing provisions of this Section:

Provided that no order under this sub-section shall be passed unless the person concerned has had an opportunity of making a representation against the action proposed:

Provided further that it shall be competent for the Government to extend, from time to time, the period of suspension for such further period not exceeding three months, so however that total period of suspension shall not exceed six months:

Provided also that a person suspended under this sub-section shall not be entitled to exercise the powers and perform the functions attached to his office and shall not be entitled to attend the meetings of the concerned local body except a meeting held for the consideration of a no-confidence motion.

268. Powers of Government to dissolve Gram Panchayat, Mandal Praja Parishad or Zilla Praja Parishad:- (1) (i) If, any time, it appears to the Government that a Gram Panchayat, Mandal Praja Parishad or Zilla Praja Parishad is not competent to perform its functions or has failed to exercise its powers or perform its functions or has exceeded or abused any of the powers conferred upon it by or under this Act, or any other law for the time being in force, the Government may direct the Gram Panchayat, Mandal Praja Parishad or as the case may be, Zilla Praja Parishad to remedy such incompetency, failure excess or abuse or to give a satisfactory explanation therefor and if the Gram Panchayat, Mandal Praja Parishad or the Zilla Praja Parishad fails to comply with such direction, the Government may dissolve it with effect from a specified date and reconstitute it either immediately or within six months from the date of dissolution, and cause any or all of the powers and functions of the Gram Panchayat, Mandal Praja Parishad or Zilla Praja Parishad to be exercised and performed by such person or authority as the Government may appoint in that behalf during the period of its dissolution and any person or authority so appointed may, if the Government so direct, receive remuneration for the services rendered from the funds of the Gram Panchayat, Mandal Praja Parishad or the Zilla Praja Parishad, as the case may be;

(ii) with effect from the date specified for the dissolution of a Gram Panchayat, Mandal Praja Parishad or Zilla Praja Parishad under clause (i), all its members including its Sarpanch, Upa-Sarpanch, President or Vice – President and Chairperson or Vice Chairperson, as the case may be, shall forthwith be deemed to have vacated their offices as such and they shall not be entitled to be restored to office after the expiration of the period of dissolution. The vacancies arising out of vacation of office under this section shall be deemed to be casual vacancies and filled accordingly within a period of six months from the date of dissolution.

Provided that no casual elections to fill the vacancies under this section shall be held where the remainder of the period for which the dissolved Gram Panchayat, Mandal Praja Parishad or as the case may be, the Zilla Praja Parishad would have continued had it not been dissolved, is less than six months.

(2) The Government may, by notification, authorize the District Collector to exercise the power of the Government under sub-section (1) in respect of Gram Panchayats.

(3) If, at any time, it appears to the Government that a Standing Committee of a Zilla Praja Parishad is not competent to perform its functions or has failed to exercise its powers or perform its functions or exceeded or abused any of the powers conferred upon it by or under this Act, or any other law for the time being in force, the Government may direct the Standing Committee to remedy such incompetency, failure, excess or abuse, or to give a satisfactory explanation therefor

and if the Standing Committee fails to comply with such direction, the Government may dissolve the Standing Committee and direct the Zilla Praja Parishad to reconstitute the dissolved Standing Committee immediately thereafter.

269. Special provisions in the case of Gram Panchayat, Mandal Praja Parishad and Zilla Praja Parishad:- (1) The Government, or as the case may be, an officer authorized by the Government, shall appoint a Special Officer or a Person-in-Charge or a Committee of Persons-in-Charge to a Gram Panchayat or a Mandal Praja Parishad or a Zilla Praja Parishad, if for any reason, the process of election to such Gram Panchayat or Mandal Praja Parishad or Zilla Praja Parishad is not completed, in accordance with the Act.

(2) The Special Officer or Person-in-charge or the Committee of persons-in-charge, appointed under sub-section (1) shall exercise the powers, discharge the duties and perform the functions of the Gram Panchayat or Mandal Praja Parishad or Zilla Praja Parishad until the members, the Sarpanch and Upa-Sarpanch, members, the President and Vice-President of Mandal Praja Parishad and the members, the Chairperson and Vice-Chairperson of Zilla Praja Parishad elected thereof respectively, assume office.

(3) The term of the Special Officer or Person-in-Charge or Committee of Persons-in-Charge appointed under sub-section (1) shall be for a period of six months from the date of appointment or till the date of assumption of office, of the members and office bearers of Gram Panchayat, Mandal Praja Parishad and Zilla Praja Parishad respectively, whichever is earlier.

(4) Subject to such rules as may be made in this behalf, the administration of the Gram Panchayat or Mandal Praja Parishad or as the case may be, the Zilla Praja Parishad shall be carried on by the Special Officers or a Person-in-Charge or a Committee of Persons-in-charge appointed under sub-section (1) in accordance with the provisions of the Act and rules made there under.

Explanation:- Special Officer or a Person-in-Charge or a Committee of Persons-in-Charge is deemed to be Gram Panchayat or Mandal Praja Parishad or Zilla Praja Parishad respectively.

270. Acts of Gram Panchayats, Mandal Praja Parishads and Zilla Praja Parishads not to be invalidated by infirmity and vacancy:- (1) No act of a Gram Panchayats shall be deemed to be invalid by reason only of a defect in the establishment of such Gram Panchayat or on the ground that the Sarpanch, Upa-Sarpanch or any member of such Gram Panchayat was not entitled to hold or continue in such office by reason of any disqualification or by reason of any irregularity or illegality in his election, as the case may be, or by reason of such act having been done during the period of any vacancy in the office of the Sarpanch, Upa-Sarpanch or member of such Gram Panchayat.

(2) The provisions of sub-section (1) shall mutatis-mutandis apply to the acts of the Mandal Praja Parishad or a Zilla Praja Parishad or a Standing Committee thereof.

271. Oath of Allegiance:- (1) Every person who is elected to be the Sarpanch or Member of a Gram Panchayat or the President or Member of a Mandal Praja Parishad or the Chairperson or Member of a Zilla Praja Parishad shall, before taking

his seat make, at a special meeting or any other meeting of the Gram Panchayat, Mandal Praja Parishad or a Zilla Praja Parishad as the case may be, an oath or affirmation of his allegiance to the Constitution of India in the form prescribed.

(2) Any such Sarpanch, President or Chairperson or Member who fails to make, within three months of the date on which his term of office commences, or at one of the first three meetings held after the said date, whichever is later, the oath of affirmation laid down in sub-section (1) shall cease to hold his office and his seat shall be deemed to have become vacant.

(3) No such Sarpanch, President or Chairperson or Member shall take his seat at a meeting of the Gram Panchayat, Mandal Praja Parishad or, as the case may be, of the Zilla Praja Parishad or do any act as such member unless he has made the oath of affirmation as laid down in this Section.

(4) Where a person ceases to hold office under sub-section (2), the Panchayat Secretary, the Mandal Praja Parishad Development Officer, or, as the case may be, the Chief Executive Officer, shall report the same to the Gram Panchayat, Mandal Praja Parishad or a Zilla Praja Parishad at its next meeting and on application of such person made within thirty days of the date on which he has ceased to be Sarpanch, President or Chairperson or Member under that sub-section the Gram Panchayat, Mandal Praja Parishad or the Zilla Praja Parishad may grant him further time which shall not be less than four months and not more than nine months for making the oath of affirmation and if he makes the oath of affirmation within the time so granted, he shall, notwithstanding anything in this Act, continue to hold his office.

(5) Where on an application made by a person who ceases to hold office under sub-section (2), the Government are satisfied that such person for reasons beyond his control, has not been able to make the oath or affirmation within the period specified in sub-section (2) or within further time, if any, granted to him under sub-section (4), they may by an order, grant such further time as they deem fit to the person to make the oath or affirmation. If such person makes the oath or affirmation within the time granted he shall, notwithstanding anything in this Act, continue to hold his office.

277. Chairperson, President, Sarpanch to be public servants:- The Chairperson, the Vice-Chairperson or a Member of a Zilla Praja Parishad, the President, the Vice-President or a member of a Mandal Praja Parishad, the Sarpanch, Upa-Sarpanch or member of a Gram Panchayat, the Chief Executive Officer, the Mandal Parishad Development Officer, the Panchayat Secretary or any officer or servant of a Zilla Praja Parishad or a Mandal Praja Parishad or the Gram Panchayat shall be deemed to be a public servant, within the meaning of Section 21 of Indian Penal Code (Central Act 45 of 1860).

PART – VIII A
SPECIAL PROVISIONS IN RESPECT OF RESERVATIONS FOR THE SEATS
AND OFFICES IN GRAM PANCHAYATS, MANDAL PRAJA PARISHADS AND
ZILLA PRAJA PARISHADS.

285A. Reservation of seats and offices in Gram Panchayats, Mandal Praja Parishads and Zilla Praja Parishads:- In pursuance of the judgements of Supreme Court of India, the upper ceiling of 50 percent vertical reservations in favour of SCs/STc/OBCs should not be breached in the context of local self Government, and accordingly, not withstanding anything contained in Sections 9,17,146, 147,175,176 and elsewhere in the Act providing for reservation in favour of Scheduled Castes, Scheduled Tribes and Backward Classes, the seats and offices to be reserved for Backward Classes shall be so determined, duly keeping in view the requirement of reservation in respect of SCs, STs therein, that the total number of seats/offices reserved for the SCs, STs and BCs shall not exceed 50 percent of the total number of seats or as the case may be the offices, in the respective local bodies, in the manner prescribed.

PART – IX
RULES, BYE-LAWS AND PENALTIES

286. Power of Government to make rules for the purpose of this Act:- (1)

The Government shall, in addition to the rule making powers, conferred on them by any other provisions of this Act, have power to make rules generally to carry out all or any of the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, the Government may make rules,–

(i) as to all matters under this Act, relating to electoral rolls or the conduct of elections, not expressly provided for in this Act, including deposits to be made by candidates standing for election and the conditions under which such deposits may be forfeited and the conduct of inquiries and the decision of disputes relating to electoral rolls or elections;

297. Transitional provision in regard to elections – (1) The first ordinary elections to the Gram Panchayats, Mandal Praja Parishads and Zilla Praja Parishads in accordance with the provisions of this Act shall be held within a period not exceeding one year and six months from the date of commencement of this Act.

(2) Notwithstanding anything contained in this Act, for the purpose of the first ordinary elections to the Gram Panchayats under this Act, the Gram Panchayats shall be deemed to have been constituted for the villages specified in Schedule VIII, and accordingly the State Election Commission may prepare the voters list and conduct the elections to those Gram Panchayats prior to the date of their constitution as such in terms of Section 4 of the Act.

Provided that such elected bodies under sub-section (2) shall take charge only on or after the date on which the Gram Panchayats are constituted in terms of Section 4 of the Act.

PART – I

Sl. No.6: Extract of Section 12 of the Telangana (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of issue of community certificates Act, 1993

* * *

Section 12:- Penalty for securing an appointment or election to political offices etc, on the basis of false community certificates:- (1) whoever not being a person belonging to any of the Scheduled Castes, Scheduled Tribes or Backward Classes secures an appointment in Government or other institutions referred to in section 11 against the posts reserved for the Scheduled Castes, Scheduled Tribes or Backward Classes or is elected to any of the elective offices of any local authority or co-operative society against the offices reserved for such Castes, Tribes or Classes on the basis of a false community certificate, shall on conviction be punishable with rigorous imprisonment for a term which shall not be less than six months but which may extend upto two years and with fine which shall not be less than one thousand rupees but which may extend upto five thousand rupees:

Provided that the Court may, for adequate and special reasons to be mentioned in the Judgement, impose a sentence of imprisonment for a lesser term or fine.

(2) Whoever not being a person belonging to a Scheduled Tribe secures any benefit or protection intended for a member of a Scheduled Tribe under a notification, direction or regulation made under the Fifth Schedule to the Constitution of India or under any other law in force in the Scheduled Areas on the basis of a false community certificate shall, on conviction be punishable with rigorous imprisonment for a term which shall not be six months but which may extend up to two years and with fine which shall not be less than one thousand rupees but which may extend upto five thousand rupees.

PART – I

Sl. No.7: Extract of prevetion of disfigurement of Open Places and Prohibition and obscene and objectionable posters and Advertisements Act, 1997.

THE ANDHRA PRADESH GAZETTE
PART – IV.B EXTRAORDINARY
PUBLISHED BY AUTHORITY

No.44 HYDERABAD, TUESDAY, NOVEMBER 25, 1997.

ANDHRA PRADESH ACTS, ORDINANCES AND REGULATIONS Etc.

The following Act of the Andhra Pradesh Legislative Assembly which was reserved by the Governor on the 20th January, 1993 for the consideration and assent of the President, received the assent of the President on the 17th November, 1997 and the said assent is hereby first published on the 25th November, 1997 in the Andhra Pradesh Gazette for general information:

ACT NO. 28 OF 1997

AN ACT TO PROVIDE FOR THE PREVENTION OF DISFIGUREMENT BY OBJECTIONABLE OR UNAUTHORISED ADVERTISEMENTS OF PLACES OPEN TO PUBLIC VIEW AND FOR THE PROHIBITION OF PRINTING, PUBLISHING AND DISPLAY OF OBSCENE POSTERS RELATING TO CINEMAS AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Forty – eighth Year of the Republic of India as follows.:-

CHAPTER - I

PRELIMINARY

1. (1) This Act may be called the Andhra Pradesh Prevention of the Disfigurements of Open Places and Prohibition of obscene and objectionable posters and Advertisements Act, 1997.

(2) It extends to the whole of the State of Andhra Pradesh

(3) It shall come into force on such date as the State Government may by notification in the Andhra Pradesh Gazette, appoint.

Short title, extent
and
Commencement.

Definitions:

2. In this Act, unless the context otherwise requires-

- (a) "advertisement" includes any notice, circular, hand-bill label, wrapper or other document and also includes any visible representation made by means of any light, sound, smoke or gas;
- (b) "authority" means an authority constituted under section 9;
- (c) "government" means the State Government of Andhra Pradesh;
- (d) "notification" means a notification published in the Andhra Pradesh Gazette and the word "notified" shall be construed accordingly;
- (e) "objectionable advertisement" means any advertisement:-
 - (i) Which is likely to incite any person to commit murder, sabotage or any offence involving violence; or
 - (ii) Which is likely to seduce any member of the armed forces of the Union or of the Police forces from allegiance or his duty, or prejudice the recruiting of persons to serve in any such force or prejudice the discipline of any such force: or
 - (iii) Which is likely to incite any section of the citizens of India to commit an act of violence against any other section of the citizens of India: or
 - (iv) Which is deliberately intended to outrage the religious feelings of any class of the citizens of India by insulting or blaspheming of profaning the religion or the religious beliefs of that else: or
 - (v) Which is grossly indecent, or scurrilous or obscene or is intended to black - mail;

Explanation :-An advertisement shall not be deemed to be objectionable merely because words or sings or visible representations are used;

(1) expressing disapprobation or criticism of any law or of any policy or administrative action of the Government with a view to obtain its alteration or redress by lawful means.

(2) criticising any social or religious practice without malicious intentions and with an honest view to promote social or religious reform or social Justice;

(f) "Place open to public view" includes any private place or building, monument, statue, post - wall, fence, tree or other thing or contrivance visible to a person being in, or passing along, any public place;

(g) "poster" means any printed, typed, hand written, cyclostyled or Xeroxed matter or design or pictorial representation usually meant to be displayed as a play card or pasted on any wall, building, hoarding or other place open to public view whether by cinematography exhibition or otherwise but does not include the exhibition of a cinematograph film inside the auditorium of a cinema theatre;

(h) "prescribed" means prescribed by rules made under this Act;

(i) "Public place" means any place (including a road, street or way, whether a thoroughfare or not and a landing place) to which the public are granted access or have a right to resort, or over which they have a right to pass.

CHAPTER - II

Prevention of disfigurement of open places

3. Whoever affixes to, or inscribes or exhibits on any place open to public view any objectionable advertisement, shall be punished with imprisonment of either description for a term which may extend to one year or with fine which shall not be less than two thousand rupees but which may extend to five thousand rupees or with both.

Penalty for
disfigurement by
objectionable
advertisements

4. Whoever affixes to, or inscribes or exhibits on any place open to public view any advertisement without the written consent of the owner or occupier or person in management of the property in which such place is situated shall be punished with imprisonment of either description for a term which may extend to three months or with fine which shall not be less than one thousand rupees but which may extend to two thousand rupees, or with both.

Penalty for
unauthorized
disfigurement by
advertisement;

5. Whoever in any manner whatsoever punishment causes, procures, counsels, aids, abets or is accessory to, the Commission of any offence under section 3 or section 4 shall be punished with the punishment 4 shall be punished with the punishment provided for the offence.

Punishment of a
betters

Power to remove, erase, pull down and destroy objectionable advertisements.	6. (1) Any police officer not below the power to rank of a Sub-Inspector or any other officer, empowered in this behalf by the Government may remove, erase, or otherwise pull down any objectionable advertisement.
Central Act 2 of 1974	(2) Any advertisement removed or pulled down under sub-section (1) or a photograph of any advertisement erased under that sub-section shall be produced before a Magistrate of the First Class and if, in the opinion of the Magistrate, such advertisement is an objectionable advertisement, the Magistrate may cause the advertisement or the photograph thereof to be destroyed after giving an opportunity of hearing to the advertiser wherever he is known and where he is not known after recording that fact, but if in the opinion of the Magistrate such advertisement is not an objectionable advertisement the Magistrate shall dispose it of in the manner provided in sections 457, 458 and 459 of the Code of Criminal Procedure, 1973 or in the case of an advertisement which is erased make an order that it shall be restored at the cost of the Government.

CHAPTER – III

Prohibition of obscene posters etc.

Obscene poster.	<p>7. A poster shall be deemed to be obscene if –</p> <p>(a) its effect is to tend debase and corrupt persons who are likely, having regard to all relevant circumstances, to read or see the matter contained or embodied in it;</p> <p>(b) it holds out or recommends to the public anything to be used as, or suggestive of, a sexual stimulant;</p> <p>(c) it undermines the accepted canons of decency or encourages vicious or immoral acts;</p> <p>(d) it lowers the sacredness of the institution of marriage or depicts scenes of rape, criminal assault on women or other immoralities;</p> <p>(e) it exhibits the human form in a state of nudity or indecorous or sensual posture; or</p> <p>(f) it encourages lasciviousness or arouses impure and lecherous thoughts.</p>
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8. Notwithstanding anything contained in any law or contract to the contrary, but subject to the provisions of this Act, no person shall print, publish, distribute or display or cause to be printed, published, distributed or displayed any obscene poster relating to a cinema in any public place.

Prohibiting of printing, publishing or displaying obscene posters.

9. The Government may, as soon as may be after the commencement of this Act, by notification constitute an authority or authorities for the purpose of determining all question relating to obscenity of a poster.

Constitution of Authority for determination of questions relating to obscenity of poster.

10. Every person who contravenes the provision of section 8 shall, on conviction, be punishable with imprisonment which may extend to six months or with fine which shall not be less than two thousand rupees but which may extend to five thousand rupees or with both.

Penalty

11. (1) The Commissioner of Police in the twin cities of Hyderabad and Secunderabad, Visakhapatnam and Vijayawada and the District Collector elsewhere may, -

Power to make search and seizure.

(a) enter and search at all reasonable times with such assistance, if any, as he considers necessary any place in which he has reason to believe that an offence punishable under this chapter, has been or is being committed;

(b) seize, and detain any material which has reason to believe contravenes any of the provisions of this chapter;

(c) examine any record, register, document or any other material or object found in any place mentioned in Clause (a) and seize the same if he has reason to believe that it may furnish evidence of the commission of an offence punishable under this chapter.

(2) Where any property is seized under sub-section (1), such seizure shall be reported to a Magistrate forthwith, and the provisions of Chapter XXXIV of the Code of Criminal Procedure, 1973, shall apply to the custody and disposal thereof as they apply to property referred to therein.

Central "Act 2 of 1974

(3) The Commissioner of Police or the District Collector may, by order, delegate the powers under this section to an officer not below the rank of an Inspector of Police or a Mandal Revenue Officer (Gazetted).

Central Act 2 of 1974.

Forfeiture 12. Where a person has been convicted by any Court for contravening any provision of this chapter or any rule relating thereto, the court may direct that, any poster or other document (including all copies thereof), articles or things in respect of which the contravention is made, shall be forfeited) to the Government.

Compound- 13. (1) The Commissioner of Police, in the twin cities of Hyderabad ing of and Secunderabad, Visakhapatnam and Vijayawada and the District offences. Collector elsewhere may accept, from any person against whom a reasonable suspicion exists that he has committed any offence punishable under this chapter, such sum of money as may be prescribed by way of composition for the offence which such person is suspected to have committed.

(2) On the payment of such sum of money to the Commissioner of Police or the District Collector, as the case may be the suspected person, if in custody, shall be discharged and no other proceedings shall be taken against him.

CHAPTER - IV

MISCELLANEOUS

Offences by 14. (1) Where an offence has been committed by a company, companies every person who, at the time when the offence was committed was in charge of and was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence, and shall be liable to be proceeded against and punished accordingly :

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any gross negligence on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer of the company shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation : For the purpose of this section, -

(a) 'Company' means any body corporate and included a firm or other association of individuals; and

(b) 'Director' in relation to a firm means a partner in the firm.

15. Notwithstanding anything contained in the Code of Criminal Procedure, 1973 the offences punishable under sections 3 and 4 shall be deemed to be cognizable offences within the meaning of that Code.

Certain offences to be cognizable.
Central Act 2 of 1974

16. No court shall take cognizance of any offence punishable under this Act except on a complaint filed, in the twin cities of Hyderabad and Secunderabad, Visakhapatnam and Vijayawada by the Commissioner of Police or by any Police Officer not below the rank of an Inspector of Police authorized by him in this behalf and elsewhere by the District Collector or any Officer not below the rank of a Mandal Revenue Officer authorized by him in this behalf.

Cognizance of offences.

17. No suit, prosecution or other legal proceeding shall lie against the Government the authority any local authority or any public servant or person, in respect of anything which is in good faith done or intended to be done in pursuance of this Act or of any rule made thereunder.

Protection of action taken in good faith

18. Where a person is prosecuted for committing an offence under section 4, the burden of proving that he has the written consent referred to in that section shall be on him.

Burden of proof in certain cases.

19. The Government may, from time to time, issue such directions not inconsistent with the provisions of this Act or the rules made thereunder as they may think fit, setting out the principles which shall guide the authority in discharging its duties under this Act.

Power to issue directions.

20. The provisions of this Act and the rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force, or any custom, usage or contract or decree or order of a Court or other authority.

Act to override other laws.

21. (1) The Government may for the purposes of removing any difficulty, by order published in the Andhra Pradesh Gazette, direct that the provisions of this Act shall, during such period as may be specified in the order, have effect subject to such adaptations whether by way of modification, addition or omission as they may deem necessary or expedient :

Power to remove difficulties.

Provided that no such order shall be made after two years from the commencement of this Act.

(2) Every order made under sub-section (1) shall be laid before the Legislative Assembly of the State.

(3) No order under sub-section (1) shall be called in question in any court on the ground that no difficulty as is referred to in sub-section (1) existed or was required to be removed.

Power to make rules. 22. (1) The Government may by notification, make rules for carrying out all or any of the purposes of this Act.

(2) Every rule made under this Act shall, immediately after it is made, be laid before the Legislative Assembly of the State if it is in session and if it is not in session, in the session immediately following for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if before the expiration of the session in which it is so laid or the session immediately following, the Legislative Assembly agrees in making any modification in the rule or in the annulment of the rule, the rule shall from the date on which the modification or annulment is notified, have effect only in such modified form or shall stand annulled, 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.

G BHAVANI PRASAD,
Secretary to Government,
Legislative Affairs & Justice Law Department

PART – II

SI. No.1: RULES RELATING TO PREPARATION AND PUBLICATION OF ELECTORAL ROLLS

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**RULES RELATING TO PREPARATION AND PUBLICATION OF
ELECTORAL ROLLS**

**(Issued in G.O.Ms.No. 26, Panchayat Raj & Rural Development (PTS.III)
Department, dated: 19.05.2018)**

NOTIFICATION

In exercise of the powers conferred by clause (i) sub-section (2) of section 286, read with section 11, sub-section (2) of section 145 and sub-section (2) of section 174, of the Telangana Panchayat Raj Act, 2018 (Act No. 5 of 2018), the Governor of Telangana, hereby, makes the following Rules relating to preparation and publication of electoral rolls under the said Act, for a Gram Panchayat, Mandal Praja Parishad and Zilla Praja Parishad, or any portion thereof.

RULES

1. Short Title:- These rules may be called the Telangana Panchayat Raj (Preparation and Publication of Electoral Rolls) Rules, 2018.

2. Preparation of Gram Panchayat Electoral Roll:- (1) The electoral roll of a Gram Panchayat, hereinafter referred to as "the electoral roll", shall be such part of the current electoral roll of the Telangana Legislative Assembly Constituency, prepared and published under the Representation of the People Act, 1950 (Central Act 43 of 1950), as relates to the village, which shall be prepared by the District Panchayat Officer, taking into account the various amendments issued to the said electoral roll of the Assembly Constituency, from time to time, as they relate to the village, upto the date of election notification.

(2) There shall be a separate electoral roll for each Gram Panchayat.

3. Electoral roll for election to the office of Sarpanch:- For the purpose of election of Member and Sarpanch of Gram Panchayat, the roll prepared under Rule 2 shall be the electoral roll.

4. Form and language of the roll:- (1) The roll shall be prepared in the format specified by the State Election Commission, by order.

(2) The roll shall be prepared in such language or languages in which the roll of the Telangana Legislative Assembly Constituency, within which the Gram Panchayat is situated, is prepared.

5. Publication of copies of rolls:- (1) As soon as the roll is prepared in accordance with these rules, the District Panchayat Officer shall, make arrangements to print or copy or cyclostyle or write in manuscript as many copies of the roll as may be directed by the State Election Commission, from time to time. He shall publish the same for inspection by general public:

- (a) on the notice board kept in the office of the District Panchayat Officer.
- (b) on the notice board kept in the office of the Mandal Praja Parishad.
- (c) on the notice board kept in the office of the Gram Panchayat.
- (d) at three conspicuous places in the concerned village; and
- (e) on the web portal of the Gram Panchayat, if any.
- (f) the published copies of the electoral rolls are to be supplied on free of cost to the recognized political parties and also to the registered political parties having reserved symbol by obtaining acknowledgements from them. For others, copies may be given on payment of actual cost of making copies of the rolls.

(2) The electoral roll published under sub-rule (1) shall indicate the ward division made under sub-section (4) of Section 11 or as the case may be, under Section 12, of the Telangana Panchayat Raj Act, 2018 (Act 5 of 2018), hereinafter in these rules referred to as "the Act".

(3) Upon such publication under this rule, the roll shall be the electoral roll of the Gram Panchayat and shall remain in force till a fresh electoral roll is prepared and published.

6. Procedure for lodging claims and objections:- All omissions of names in any part of the roll or objections to any entry in the roll, at any point of time after its publication under Rule 5, shall be settled only after a suitable amendment to the relevant entry in the electoral roll of the Legislative Assembly Constituency, based on which the Gram Panchayat roll was prepared. Anybody wishing to prefer a claim for inclusion or deletion of any name in the roll or any objection in respect of any entry in the roll so published, shall submit a proper claim or objection under the provisions of the Registration of Electors Rules, 1960 made under the representation of the People Act, 1950 (Central Act 43 of 1950), to the Electoral Registration Officer of the concerned Legislative Assembly Constituency. Subject to the provisions of Section 11 of the Act, and based on the orders of the Electoral Registration Officer of the Assembly Constituency on such claims and objections, the District Panchayat Officer shall incorporate all such amendments made upto the date of the notification issued by the State Election Commission under sub section (2) of Section 198 of Telangana Panchayat Raj Act, 2018 into the Gram Panchayat electoral rolls. In case of any clerical or printing error or both, or when the entries deviate from the particulars of the Assembly Electoral roll, the District Panchayat Officer may cause such errors rectified, so as to bring it in conformity with the particulars of the Assembly Electoral roll concerned. However, the District Panchayat Officer shall not resort to suo motu revision of the rolls by way of deletions or additions or modifications.

7. Electoral roll of a Mandal Praja Parishad:- (1) For purposes of preparation and publication of electoral roll for the election to the office of members of Mandal Praja Parishad, the provisions of Sections 11 and 12 of the Telangana Panchayat Raj Act, 2018 shall apply mutatis mutandis.

(2) The Electoral roll for the Gram Panchayat prepared and published under Rule 2 shall be arranged Territorial Constituency-wise of the Mandal Praja Parishad by the Mandal Parishad Development Officer and it shall be divided into convenient parts which shall be numbered conveniently. The part of the electoral roll shall be arranged Gram Panchayat-wise in alphabetical order for each Mandal Praja Parishad Territorial Constituency for the purpose of conducting elections of Mandal Parishad Territorial Constituency.

(3) A copy of such electoral roll in respect of each Territorial Constituency of Mandal Praja Parishad shall be kept open for inspection by displaying it in the office of the Mandal Praja Parishad concerned by the Mandal Parishad Development Officer.

8. Electoral roll of a Zilla Praja Parishad:- (1) For purposes of preparation and publication of electoral roll for the election of member of Zilla Praja Parishad, the provisions of Sections 11 and 12 shall apply mutatis mutandis.

(2) The electoral roll for the Gram Panchayat prepared and published under Rule 2 shall be arranged for each Mandal Praja Parishad which is a Territorial Constituency of the Zilla Praja Parishad by the Chief Executive Officer, Zilla Praja Parishad concerned, and it shall be divided into convenient parts which shall be numbered conveniently. The part of the electoral roll shall be arranged Gram Panchayat-wise in alphabetical order for each Zilla Praja Parishad Territorial Constituency, for the purpose of conducting elections of Zilla Parishad Territorial Constituency.

(3) A copy of such electoral roll in respect of each Territorial Constituency of Zilla Praja Parishad shall be kept open for inspection by displaying it in the office of the Mandal Praja Parishad and Zilla Praja Parishad concerned by the Chief Executive Officer, Zilla Praja Parishad.

FORM – I

NOTICE OF PUBLICATION OF ELECTORAL ROLL

(See rule 5)

Date: _____

Notice is hereby given that, the electoral roll of the Gram Panchayat in Mandal has been prepared in accordance with the Telangana Panchayat Raj (Preparation and Publication of Electoral Rolls) Rules, 2018 by adopting the existing entries in the relevant part of the Electoral Roll for Legislative Assembly Constituency prepared under the Representation of the People Act, 1950. The same is kept open for inspection at my office and at the office of the Gram Panchayat.

Any person who wishes to lodge any claim for including his/her name in the roll or any objection to the inclusion of a name or any objection to the particulars of any entry in the said roll, shall first get such claim or objection settled with reference to the corresponding entry in the Electoral Roll of the Assembly Constituency by lodging suitable claim or objection under the provisions of the Representation of the People Act, 1950 (Central Act 43 of 1950) and the Registration of Electors Rules, 1960 made thereunder, before the Electoral Registration Officer of the said Assembly Constituency.

All orders of inclusion, deletion or corrections issued on the basis of these claims and objections by the said Electoral Registration Officer till the date of the notification issued by the State Election Commission under sub-section (2) of Section 198 of the Telangana Panchayat Raj Act, 2018, will be duly incorporated in the electoral Roll of the Gram Panchayat.

District Panchayat Officer
_____ District.

PART – II

Sl. No. 2: RULES RELATING TO THE TELANGANA PANCHAYAT RAJ (CONDUCT OF ELECTIONS OF MEMBERS AND SARPANCH OF GRAM PANCHAYATS, MEMBERS OF MANDAL PRAJA PARISHADS AND MEMBERS OF ZILLA PRAJA PARISHADS) RULES, 2018

(G.O.Ms.No.28, Panchayt Raj & Rural Development (PTS.III)
Department, Dated: 19.05.2018)

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RULES RELATING TO THE TELANGANA PANCHAYAT RAJ (CONDUCT OF ELECTIONS OF MEMBERS AND SARPANCH OF GRAM PANCHAYATS, MEMBERS OF MANDAL PRAJA PARISHADS AND MEMBERS OF ZILLA PRAJA PARISHADS) RULES, 2018

[G.O. Ms. No. 28, Panchayt Raj & Rural Development (PTS.III) Department,

Dated: 19.05.2018.

NOTIFICATION

In exercise of the powers conferred by Section 286 read with sections 8, 11, 12, 14, 15, 23, 145, 151, 174, 199, 237 & 238 of the Telangana Panchayat Raj Act, 2018 (Act No. 5 of 2018), the Governor of the State of Telangana, hereby, makes the following rules relating to conduct of election of members and Sarpanch of Gram Panchayat, Members of Mandal Praja Parishad and Members of Zilla Praja Parishad.

RULES
CHAPTER – I
PRELIMINARY

1. Short title and application:- (1) These Rules may be called the Telangana Panchayat Raj (Conduct of Elections) Rules, 2018.

(2) These rules shall come into force on 19.5.2018.

(3) These rules shall apply to whole state of Telangana for filling ordinary and casual vacancies in the offices of Member and Sarpanch of Gram Panchayat, Member of Mandal Praja Parishad and Member of Zilla Praja Parishad.

2. Definitions:- (1) In these rules, unless the context otherwise requires -

- (a) **'Act'** means the Telangana Panchayat Raj Act, 2018;
- (b) **'Ballot box'** includes any box, bag or other receptacle used for the insertion of ballot papers by voters;
- (c) **'Counterfoil'** means the counterfoil attached to a ballot paper printed under the provisions of these rules;
- (d) **"Detachable Memory Module (DMM) / Secured Detachable Memory Module (SDMM)"** means such electronic memory device which is attached to the control unit of electronic voting machine and keeps the election data safely in secured manner.
- (e) **'Election'** means an election to fill a vacancy in the office of Member or Sarpanch of Gram Panchayat or Member of Mandal Praja Parishad or Zilla Praja Parishad;
- (f) **'Elector'** in relation to an election to any Gram Panchayat or Mandal Praja Parishad or Zilla Praja Parishad means, any person entitled to vote at such election;
- (g) **'Electoral Roll'** in relation to a Gram Panchayat or Mandal Praja Parishad or Zilla Praja Parishad means, the electoral roll published under section 11 of the Act;

- (h) **'Electronic Voting Machine'** means the voting machine referred to in section 199 of the Act;
- (i) **'Form'** means a form appended to these rules;
- (j) **'Marked copy of the electoral roll'** means the copy or copies of the electoral roll set apart for the purpose of marking the names of electors to whom ballot papers are issued at an election or to whom access is allowed to Electronic Voting Machines in order to exercise their franchise.
- (k) **'Polling station'** in relation to any election held under these rules means, the place fixed for taking the poll at such election;
- (l) **'Presiding Officer'**, includes any polling officer performing any of the functions of a Presiding Officer under these rules;
- (m) **'Returning Officer'** means any officer of the local authority or the Government authorised or appointed by the Collector and District Election Authority to do any act or perform any function in connection with the conduct of elections under these rules.

Explanation:- The Collector and District Election Authority may appoint one or more persons who shall be an Officer or Officers of the local authority or the Government, as Assistant Returning Officer or Officers to assist the Returning Officer in the performance of his functions and every Assistant Returning Officer so appointed shall, subject to the control of the Returning Officer, be competent to perform all or any of the functions of the Returning Officer and the expression Returning Officer shall be deemed to include such Assistant Returning Officer also.

- (n) **'Section'** means a section of the Act;
- (o) **'Voter Verifiable Paper Audit Trail (VVPAT)'** means Voter verifiable Paper Audit Trail System which enables the voter to physically verify the vote cast by herself/himself in addition to keeping a physical record of the ballot enabling manual counting of votes in cases of specified circumstances.

(2) The words and expressions used but not defined in these rules shall have the same meaning assigned to them in the Act.

(3) For the purpose of these rules, a person who is unable to write his/her name shall, unless otherwise expressly provided in these rules, be deemed to have signed an instrument or other paper, if –

- (a) he/she has placed a mark on such instrument or other paper in the presence of the Returning Officer or the Presiding Officer or such other Officer specified in these rules;
- (b) such Officer on being satisfied as to his/her identity has attested the mark as being the mark of that person.

CHAPTER – II

GENERAL PROVISIONS

3. Administrative Machinery for the Conduct of Elections:- The Administrative Machinery for the purpose of conducting elections under these rules, shall be such as may be specified by the State Election Commission, by an order made under Article 243-K of the Constitution of India.

4. Display of voters list:- The Returning Officer shall affix a notice on the notice board of the office of the Gram Panchayat or Mandal Praja Parishad or Zilla Praja Parishad, as the case may be, showing the voters list thereof, or of any ward or territorial constituency thereof, notified for elections on the day of publication of election notice under Section 198 of Telangana Panchayat Raj Act, 2018.

5. Issue of Election Notice by the Returning Officer:- (1) The Returning Officer shall, on the basis of the election notification issued by the State Election Commission under Section 198, shall give public notice of the intended elections for Gram Panchayats in **Form I** and for Mandal Praja Parishad and Zilla Praja Parishad in **Form II** in Telugu language which shall be published in such manner as the Returning Officer thinks fit.

6. Special Election Programme:- Notwithstanding anything contained in these rules, where the election process is interrupted or the election programme has to be altered on account of the orders of any court of law or for other valid reasons to be recorded in writing, it shall be competent for the State Election Commission either generally or in respect of specified Gram Panchayat or Mandal Praja Parishad or Zilla Praja Parishad, as the case may be, to alter the election programme notified under sub- section (1) of Section 198 and re-notify the election programme as it deems fit in the circumstances of the case without having regard to the guidelines mentioned in sub-section (2) of Section 198 and the Returning Officer shall give effect to the same:

Provided that where the election programme is re-notified under this rule commencing from the making of nominations, the nominations already made shall be disregarded and the deposits, if any, made under Rule 9 shall be refunded.

7. Nomination of Candidates:-(1) Any person may be nominated as a candidate for election to the office of Member or Sarpanch of a Gram Panchayat, Member of a Mandal Praja Parishad and Member of a Zilla Praja Parishad if he/she is qualified to be chosen to fill the seat under the provisions of the Act. Every nomination paper shall be in **Form III** for Gram Panchayat and in **Form IV** for Mandal Praja Parishad and Zilla Praja Parishad. This shall be presented by the candidate or by his proposer in person, between the hours specified, and signed by the candidate and by the proposer. The candidate shall sign the declaration on the nomination paper expressing his willingness to stand for the election.

- (2) (a) A candidate for the office of Member and Sarpanch of Gram Panchayat, Member of Mandal Praja Parishad and Member of Zilla Praja Parishad shall be a person whose name is registered in the electoral roll for that Gram Panchayat or Mandal Praja Parishad or Zilla Praja Parishad, as the case may be.
- (b) The proposer for member of a ward in the Gram Panchayat or for Member of Mandal Praja Parishad or Zilla Praja Parishad shall be a registered voter in the concerned ward or the territorial constituency. The proposer to the office of Sarpanch shall be a registered voter in any ward of the concerned Gram Panchayat.
- (c) A candidate for the office of Member or Sarpanch in a Gram Panchayat or Member in Mandal Praja Parishad or Zilla Praja Parishad, which is reserved, to be filled by a person belonging to the Scheduled Tribes or Scheduled Castes or Women or Backward Classes, as the case may be, shall not be deemed to be qualified to be chosen to fill that seat unless his nomination paper contains a declaration by him specifying the particular tribe or caste or class of which he is a member and the area in relation to which that Tribe or Caste is a Scheduled Tribe or as the case may be, a Scheduled Caste or Backward Class of the State. This declaration shall be made before any Gazetted Officer of the Government or before any Officer of the Revenue Department not below the rank of a Deputy Tahasildar.
- (d) Each candidate shall be nominated on a separate nomination paper.
- (e) A candidate may be nominated by more than one nomination paper but not more than four nomination papers for election in the same office of Ward Member or Sarpanch or Mandal Parishad Territorial Constituency or Zilla Parishad Territorial Constituency.
- (f) A candidate may be nominated by more than one proposer separately for the same elective post in a separate nomination paper.
- (3) A candidate may file nominations for more than one ward in a Gram Panchayat or territorial constituency of a Mandal Praja Parishad or Zilla Praja Parishad, as the case may be, but he/she shall withdraw his/her nominations to all but one ward or territorial constituency, as the case may be, of his/her choice, before the date and time fixed for withdrawal of candidature, failing which, all his/her nominations shall become invalid and he/she shall not be allowed to contest from any ward or territorial constituency, referred to above.
- (4) A candidate may file nominations to a ward and Sarpanch of a Gram Panchayat or Territorial Constituency of a Mandal Praja Parishad or Zilla Praja Parishad as the case may be simultaneously. Where a person is elected to two such offices simultaneously, he/she shall retain one office of his/her choice and vacate the other office in the manner prescribed within 15 days of election failing which, all his/her elected offices shall become invalid.

8. Presentation of Nomination Paper and Requirements of Valid Nominations:-

(1) On receiving nomination paper, the Returning Officer shall forthwith number the nomination paper serially in the order in which it is presented and give a receipt as provided in **Form III** for Gram Panchayats and in **Form IV** for Mandal Praja Parishads and Zilla Praja Parishads. The Returning Officer or such other authorised person shall satisfy himself that the name and serial number of the candidate and his proposer, as entered in the nomination paper, are the same as those entered in the electoral roll. Where necessary, he shall direct that the nomination form be amended so as to be in accordance with the electoral roll.

(2) The Returning Officer may while interpreting an entry in the electoral roll overlook merely clerical or printing errors, but he shall record the interpretation adopted by him, together with the reasons therefor, while making the formal acceptance or rejection on scrutiny of a nomination.

(3) Every candidate shall, along with the nomination paper also file a declaration with regard to his criminal antecedents, assets and liabilities and educational qualifications as required by the State Election Commission and in the prescribed format attested by two witnesses.

9. Deposits:- (1) The State Election Commission may, before ordinary election, by notification, specify the amount of deposit, which each candidate has to make and different amounts may be specified for different offices and categories of candidates. At or before the time of presentation of his nomination paper each candidate shall remit or cause to be remitted the specified amount of deposit, in any Government Treasury or Bank or in cash with the Returning Officer. Where the deposit is made in cash a receipt therefor shall be given by the Returning Officer. No candidate shall be deemed to be duly nominated, unless the deposit as aforesaid has been made:

Provided that where a candidate has been nominated in more than one nomination paper, for an office, not more than one deposit shall be required to be made.

Explanation:- The delivery to the Returning Officer of a receipt from Government Treasury or from the Bank in which the concerned local body has an account, evidencing the payment by or on behalf of a candidate to the credit of Gram Panchayat or Mandal Praja Parishad or Zilla Praja Parishad as the case may be of the amount required to be deposited under this sub-rule shall be deemed to be a deposit of such amount within the meaning of this sub-rule, made by or on behalf of such candidate at the time of such delivery;

(2) If no nomination paper is received within the time appointed in that behalf, in respect of any person by whom or on whose behalf the deposit referred to in sub-rule (1) has been made or if the nomination of any such person is rejected, or if he withdraws his candidature in the manner and within the time specified in sub-rule (1) of

Rule 13, the deposit shall be returned immediately to the person by whom it was made, and if any candidate dies before commencement of the poll, any such deposit if made by him shall be returned to his legal representative, if not made by the candidate, shall be returned to the person by whom it was made.

(3) If a candidate by whom or on whose behalf the deposit referred to in sub-rule (1) has been made, is not elected and the number of valid votes polled by him does not exceed one eighth of the total number of valid votes polled by all the candidates, the deposit shall be forfeited, to the Government.

(4) The deposit made in respect of a candidate shall, if it is not forfeited under sub-rule (3) be returned to the candidate or to the person who has made the deposit on his behalf., as the case may be, within thirty days after publication of the result of election.

(5) A deposit required to be returned to any person under sub-rule (2) or sub-rule (4) shall, if such person is dead, be returned to his legal representative.

(6) Notwithstanding anything contained in this rule, immediately after publication of the result of election, the Returning Officer or the person authorised by the District Collector in this behalf, shall pass an order as to whether a deposit made under sub-rule (1) shall be refunded or forfeited. The executive authority concerned shall, within thirty days from the date of publication of the result, return the deposit to the person who made the deposit or to his legal representative when such deposit is refundable. In the case of forfeiture of deposit under sub-rule (3), the Returning officer shall communicate an order to the person concerned who made the deposit citing the reason for such forfeiture.

(7) The amounts received towards election deposit, and credited to the Gram Panchayat/Mandal Praja Parishad/Zilla Praja Parishad fund shall be remitted to Government Account by the Executive Authority concerned after deducting any refunds made to the concerned for any reason provided under these rules.

10. Publication of list of nominations received:- On the last day appointed for the receipt of nomination papers and immediately after the hour fixed for their receipt is past, the Returning Officer or such other authorised person shall publish at his office in Telugu language a list in **Form-V** of all the nominations received, with a notice that the nomination papers will be taken up by the Returning Officer for scrutiny at the specified place, and on the date and time appointed.

11. Scrutiny of Nomination Papers:- (1) On the date appointed for scrutiny of the nominations, the candidate, the proposer of each candidate and one other person duly authorised in writing by each candidate, may attend at such time and place specified. No other person shall be entitled to be present. The Returning Officer may, however, admit such other persons as he thinks fit to assist him. He shall give such persons all reasonable facilities to examine the nomination papers of all the candidates, which have been received as aforesaid.

(2) The Returning Officer shall then examine the nomination papers and shall decide on all objections which may be made at the time to any nomination and may either on such objection or on his own motion after such summary enquiry as he thinks necessary, reject any nomination on any of the following grounds, namely: -

- (i) that the candidate is ineligible for election as a Member or Sarpanch of Gram Panchayat, Member of Mandal Praja Parishad and Member of Zilla Praja Parishad under Sections 19, 20, 21, 22, 23, 24, 150, 151, 179 & 180 of the Act; or
- (ii) that the name of the candidate is not registered in the electoral roll of the Gram Panchayat, Mandal Praja Parishad or Zilla Praja Parishad;
- (iii) that the name of the proposer is not registered in the electoral roll of the Gram Panchayat in the case of Sarpanch, in the electoral roll of the concerned ward in the case of Member, Gram Panchayat and in the electoral roll of the concerned territorial constituency in the case of Member, Mandal Praja Parishad and Member, Zilla Praja Parishad; or
- (iv) that the candidate or his proposer has failed to comply with any of the provisions of Rules 7, 8(3) and 9,
- (v) that, in case the office is reserved for any community or women, the candidate does not belong to that community or is not a women, as the case may be; or
- (vi) that the signature/thumb impression of the candidate or the proposer in the nomination paper is not genuine:

Provided that the nomination of a candidate shall not be rejected merely on the ground of any incorrect description of his name or of the name of his proposer, or of any other particulars relating to the candidate or his proposer as entered in the electoral roll, if the identity of the candidate or proposer, as the case may be, is otherwise established beyond reasonable doubt.

(3) The Returning Officer shall endorse on each nomination paper, his decision, accepting or rejecting the same and, if the nomination paper is rejected, he shall record in writing a brief statement of his reasons for such rejection. The scrutiny shall be completed on the date appointed in this behalf and no adjournment of the proceedings shall be allowed except where such proceedings are interrupted or obstructed by riot or open violence or for causes beyond the control of the Returning Officer:

Provided that in case an objection is made, the candidate concerned may be allowed time to rebut the same not later than the next day and the Returning Officer shall record his decision on the date to which the proceedings are adjourned.

(4) Immediately after all the nomination papers have been scrutinised and the decisions, accepting or rejecting the same have been recorded, the Returning Officer shall prepare a list of validly nominated candidates, and affix it on the notice board of

his office in **Form VI**. There shall be one entry only in respect of each validly nominated candidate in the list, although more nomination papers than one in respect of him may have been accepted as valid.

12. Appeal against rejection of Nomination:- A person whose nomination paper is rejected may prefer an appeal against the decision of the Returning Officer before the concerned Revenue Divisional Officer in case of election to Sarpanch and member Gram Panchayat and Member, Mandal Praja Parishad and before the District Collector in case of election to Member, Zilla Praja Parishad on the day immediately following the date of scrutiny of nominations. The appeal shall be disposed off by the appellate authority the day immediately following the date of filing of appeal.

13. Withdrawal of Candidature:- (1) Any candidate may withdraw his candidature by notice in writing in **Form-VII** signed by him and delivered to the Returning Officer by such candidate in person at any time after the presentation of his nomination paper and not later than 3-0' Clock in the afternoon of the third day succeeding that appointed for scrutiny of the nominations whether or not it is a public holiday. Where such notice is not delivered by such candidate in person, it shall be delivered by his proposer or election agent who has been authorised in this behalf in writing by such candidate. The Returning Officer shall give a receipt for the same as provided in **Form-VII** on being satisfied as to the genuineness of the notice of withdrawal and the identity of the candidate.

(2) The Returning Officer on receiving a notice of withdrawal under sub-rule (1) shall, as soon as may be, cause a notice of the withdrawal to be published in **Form-VIII**.

(3) A candidate who has withdrawn his candidature under sub-rule (1) shall not be allowed to cancel the withdrawal.

14. Preparation and Publication of List of Contesting candidates:- (1) On the expiry of the time allowed for withdrawal of candidature under Rule 13, the Returning Officer shall prepare in Telugu language in **Form IX** a list of persons whose nominations have not been rejected and who have not withdrawn their candidature and publish it on the notice board of his office forthwith whether or not it is a public holiday. The list shall contain the names of the candidates in alphabetical order in Telugu and shall describe them as in their nomination paper.

(2) In the election to Member, Mandal Praja Parishad and Member, Zilla Praja Parishad, for the purpose of listing, the names of the candidates shall be classified as follows namely:-

- (i) candidates of recognized National and State political parties;
- (ii) candidates of registered political parties with a reserved symbol;
- (iii) candidates of registered political parties without a reserved symbol;
- (iv) Independent candidates.

(3) The arrangement of names of candidates shall be on the basis of first letter of his name irrespective of whether the name given is a proper name or surname. The initials, if any, prefixed to the name of the candidate shall be ignored for the aforesaid purpose. If two candidates in the same category have the same name but different initials, then the two names should be arranged inter se with reference to the first letter of the initial. Further, if two or more such candidates have the same name but different surnames, then their names should be arranged inter-se in alphabetical order with reference to the surnames.

(4) If two or more candidates falling under the same category bear the same name, they shall be distinguished by the addition of their occupation or residence or in some other manner. In the list of contesting candidates, the names of such candidates shall be arranged in the order in which their nominations were received by the Returning Officer.

There will also be no objection to the addition of any honorific, academic, hereditary, professional or any other title to the name of a candidate, but such title should on no account be taken into consideration, in the arrangement of names in alphabetical order.

(5) If the poll is found to be necessary, the Returning Officer shall assign to each contesting candidate a distinctive symbol subject to such directions as may be issued by the State Election Commission in that behalf.

Provided that the Returning Officer shall not allot to any contesting candidate any symbol reserved for a recognized political party and registered political party in the case of elections to the gram panchayats. However, he shall allot symbols including symbols reserved for a recognized or registered political party, where any candidate is set up by such political party in case of elections to the office of Member, Mandal Praja Parishad and Zilla Praja Parishad.

Provided further that in case of election to Member, Mandal Praja Parishad and Member, Zilla Praja Parishad, the Returning Officer shall assign to every contesting candidate a distinctive symbol as per the provisions of paragraph 6 of the Registration of Political Parties and Allotment of Symbols Order, 2001, and any other instructions issued by the State Election Commission in this behalf from time to time.

(6) In every case where a symbol has been assigned to a candidate under sub-rule (5) such candidate or his election agent shall forthwith be informed of the symbol so assigned and be supplied with a specimen thereof by the Returning Officer.

15. Declaration of Result of Uncontested Election:- (1) If the number of contesting candidates is more than one, poll shall be taken.

(2) If there is only one validly nominated candidate, the Returning Officer shall forthwith declare such candidate as duly elected in **Form-X** and send the same to the State Election Commission, Election Authority and the District Election Authority.

16. Death of candidate before poll:- (1) If a contesting candidate in respect of Gram Panchayat dies before the poll, it shall not be necessary to countermand the poll.

(2) In respect of elections to the office of Member of Mandal Praja Parishad or the office of Member of Zilla Praja Parishad,-

(a) Where an independent candidate or a candidate of a Registered Political Party without a reserved symbol dies before the poll, it shall not be necessary to countermand the poll;

(b) If a candidate, set up by a recognised or registered political party with a reserved symbol -

(i) dies at any time after 10.00 AM on the last date of making nominations and his nomination is found valid on scrutiny under Rule 11;

(ii) whose nomination has been found valid on scrutiny under Rule 11 and who has not withdrawn his/her candidature under Rule 13 dies and in either case, a report of his/her death is received at any time before the preparation and publication of the list of contesting candidate under Rule 14; or

(iii) dies as a contesting candidate and a report of his death is received before the commencement of the poll;

The Returning Officer shall, upon being satisfied about the fact of the death of the candidate, by order, announce an adjournment of the poll to a date to be notified later and report the same to the State Election Commission, Election Authority and to the District Election Authority:

Provided that no order adjourning a poll shall be made in a case referred to in sub-rule (1) and clause (a) of sub-rule (2) except after the scrutiny of all the nominations including the nomination of the deceased candidate.

(c) The State Election Commission shall, on receipt of a report from the Returning Officer under clause (b) of sub-rule (2), call upon the recognized or registered political party with a reserved symbol as the case may be, whose candidate has died, to nominate another candidate for the said poll within seven days of issue of such notice to such recognized or registered political party and the provisions of Section 198 and Rules 4 to 14 shall, so far as may be, apply in relation to such nomination as they would apply to other nominations;

Provided that no person who has given a notice of withdrawal of his candidature under sub-rule (1) of rule 13 before the adjournment of the poll shall be ineligible for being nominated as a candidate for the election after such adjournment.

- (d) where a list of contesting candidates had been published under sub-rule (1) of rule 14 before the adjournment of the poll, the Returning Officer shall again prepare and publish a fresh list of contesting candidates under the aforesaid rule so as to include the name of the candidate who has been validly nominated.

17. Appointment of Election Agent:- (1) A candidate at an election may appoint any one person other than himself to be his election agent. The notice of such appointment shall be given in **Form-XI** by forwarding the same in duplicate to the Returning Officer who shall return one copy thereof to the election agent after affixing therein his seal and signature in token of his approval of the appointment.

(2) An election agent may perform such functions in connection with the election as are authorised by or under these rules to be performed by an election agent.

(3) (i) Any revocation of the appointment of an election agent shall be signed by the candidate and shall operate from the date on which it is lodged with the Returning Officer in **Form-XI A**;

(ii) In the event of such revocation or of the death of an election agent the candidate may appoint in like manner another person to be his election agent; and when such appointment is made, notice thereof shall be given in the manner laid down in sub-rule (1).

(4) No person shall be appointed as election agent who is disqualified under Section 21, excepting the one mentioned in clause (h) of sub section (2).

18. Appointment of Polling Agent:- (1) The number of polling agents that may be appointed by a contesting candidate or his election agent, shall, in respect of each polling station, be one agent and a relief agent.

(2) Every such appointment shall be made in **Form XII** and shall be made over to the polling agent for production at the polling station.

(3) No polling agent shall be admitted into the polling station unless he has delivered to the Presiding Officer the instrument of his appointment under sub-rule (2) after duly completing and signing before the Presiding Officer the declaration contained therein.

(4) A polling agent may perform such functions in connection with the poll as are authorised by or under these rules, to be performed by a polling agent.

(5) Any revocation of the appointment of a polling agent shall be signed by the candidate or his election agent, as the case may be. Such revocation shall operate from the date on which it is lodged with the Returning Officer in **Form-XII A**. 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 another polling agent at any time before the poll is closed and shall forthwith give notice of such appointment as laid down in sub-rule (2).

19. Appointment of Counting Agent:- (1) Each candidate may appoint such number of counting agents at the place or places fixed for counting as may be specified by the District Election Authority.

(2) Every such appointment shall be made in **Form-XIII** in duplicate one copy of which shall be forwarded to the Returning Officer while the other copy shall be made over to the counting agent for production before the Returning Officer not later than one hour before the time fixed for counting.

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

(4) Any revocation of the appointment of a counting agent shall be signed by the candidate or his election agent as the case may be. Such revocation shall operate from the date on which it is lodged with the Returning Officer in **Form-XIII A**. In the event of a revocation or of the death of a counting agent at any time before the counting of votes is commenced, the candidate or his election agent may appoint another person as the counting agent and when an appointment is made, a notice of such appointment in the manner prescribed above shall be given to the Returning Officer.

20. Prohibition for appointment as Election Agent, Polling Agent and Counting agent:- The following persons, irrespective of whether he/she is provided with security or not or anything else shall not be appointed as Election Agent, Polling Agent and Counting Agent of a candidate during an election.

- (i) Any sitting Minister of Union and State Government;
- (ii) Sitting Member or Parliament;
- (iii) Sitting Member of Legislative Assembly/Legislative Council;
- (iv) Mayor of a Corporation, Chairperson of Municipality/ Nagar Panchayat;
- (v) Chairperson of Zilla Praja Parishad and President of Mandal Praja Parishad, Sarpanch of a Gram Panchayat or any sitting member of any Mandal Praja Parishad or Zilla Praja Parishad;
- (vi) Elected Chairperson of National/State/District co-operative Institution;

- (vii) Political functionaries appointed as Chairpersons of Central PSUs/State PSUs, Chairpersons of Government Bodies, Government Pleader/Additional Government Pleader;
- (viii) Any Government servant.

21. Rights of candidates and his Election Agent:- (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.

(2) A contesting candidate himself or his election agent may 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 these rules to do, or may assist any polling agent or counting agent or such contesting candidate in doing any such act or thing.

22. Non-attendance of Agents:- Where any act or thing is required or authorised by or under these rules 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.

CHAPTER – III

POSTAL BALLOT

23. Voting by Postal Ballot:- At an election where a poll is taken, any member of the Armed Forces of the Union or a member of the Armed Police Forces of the State serving outside the State may give his vote by a postal ballot and such person shall not be entitled to give his vote in any other manner. The wife of any such person may also give her vote by postal ballot.

24. Electors under preventive detention:- (1) Subject to the other provisions of these rules, a voter of a Ward/Territorial Constituency may, if he is subject to preventive detention under any law for the time being in force, give his vote by postal ballot at any election in such Ward/Territorial Constituency where a poll is taken.

(2) As soon as possible, after a notice is published under sub-section (3) of Section 198 and Rule 5, the Returning Officer shall ascertain in writing from the Collector of the District whether any voter is subject to preventive detention under any law for the time being in force. The Collector shall within five days from the date of receipt of such communication from the Returning Officer forward list of names of any such voters in that Ward/Territorial Constituency, if any, together with their addresses and the particulars about their place of detention to the Returning Officer.

(3) Any voter who is subject to preventive detention under any law for the time being in force or on his behalf any member of his family may within ten days from the date of publication of the notice apply to the Returning Officer of the Ward/Territorial Constituency for permission to give his vote by postal ballot at the election. Every such application shall specify the name of the voter, his address, his serial number in the electoral roll and the particulars regarding his place of detention.

(4) If the Returning Officer is satisfied that the person whose name has been forwarded under sub-rule (2) or who has made an application under sub-rule (3) is under preventive detention and is a voter in the Ward/Territorial Constituency to which the election relates and is entitled to vote at such election he shall permit such person to give his vote at the election by postal ballot.

(5) While granting any such permission, the Returning Officer shall, at the same time, put the letters 'P.B.' against his name in the marked copy of the electoral roll which means that a postal ballot has been issued.

25. Intimation by voters on election duty:- (1) A voter on election duty who wishes to vote by post at an election shall send an application in **Form – XIV** to the Returning Officer so as to reach him atleast seven days or such shorter period as the Returning Officer may allow before the date of poll and if the Returning Officer is satisfied that the applicant is such public servant and voter on election duty, he shall issue a postal ballot paper to him. The Returning Officer shall mark 'P.B' against his name in the marked copy of the electoral roll to indicate that a postal ballot paper has been issued to him.

(2) Where such voter, being a Presiding Officer, Polling Officer or other public servant on election duty in the Ward/Territorial Constituency of which he is an elector, wishes to vote in person at an election in a Ward/Territorial Constituency and not by post, he shall send an application in **Form XV** to the Returning Officer so as to reach him atleast four days, or such shorter period as the Returning Officer may allow, before the date of poll; and if the Returning Officer is satisfied that the applicant is such public servant and voter on election duty in the Ward/Territorial Constituency he shall—

- (a) issue to the applicant an election duty certificate in **Form XVI**;
- (b) mark 'EDC' against his name in the marked copy of the electoral roll to indicate that an election duty certificate has been issued to him, and
- (c) ensure that he is not allowed to vote at the polling station where he would otherwise have been entitled to vote.

26. Form of Postal Ballot Paper:- (1) Every postal ballot paper shall have a counterfoil attached thereto, and the said ballot paper and the counterfoil shall be in such form, and the particulars therein shall be in such language or languages as the State Election Commission may direct.

(2) In the postal ballot paper, below the last symbol, None Of The Above (NOTA) provision shall be provided and a symbol may also be assigned to it in the manner prescribed by the State Election Commission for the benefit of those electors who may wish to exercise the option of not voting for any of the contesting candidates in the fray.

27. Issue of Postal Ballot Paper:- (1) The Returning Officer shall, in case of every voter who is entitled to give his vote at the election by postal ballot, as soon as may be after the publication of list of contesting candidates at the election, send by post under certificate of posting to each such voter a ballot paper together with –

- a) a declaration in **Form XVII**.
- b) a cover in **Form XVIII**.
- c) a large cover addressed to the Returning Officer in **Form XIX**.
- d) instructions for the guidance for the elector in **Form XX**.

Provided that the Returning Officer may in case of voter on election duty deliver the ballot paper and forms or cause them to be delivered to such voter personally.

(2) The Returning Officer shall, at the same time -

- a) record on the counterfoil of the ballot paper, the number of the elector as entered in the marked copy of the electoral roll;
- b) mark the name of the elector in the marked copy of the electoral roll to indicate that a postal ballot paper has been issued to him without however recording therein the serial number of the ballot paper issued to that elector; and
- c) ensure that the elector is not allowed to vote at a polling station.

(3) Every officer under whose care or through whom a postal ballot paper is sent shall ensure its delivery to the addressee without delay.

(4) After all the ballot papers are issued under this rule, the Returning Officer shall seal in a separate packet, the counterfoils of the ballot papers issued to the voters entitled to vote under postal ballot and record on the packet a brief description of its contents and the date on which it was sealed.

(5) No election shall be invalid by the reason that a voter has not received his postal ballot paper.

28. Recording of Vote:- (1) An elector who has received a postal ballot paper and desires to vote shall record his vote on the ballot paper in accordance with the directions contained in Part I of **Form XX** and then enclose it in the cover in **Form XVIII**.

(2) The elector shall sign the declaration in **Form XVII** in the presence of, and have the signature attested by, a stipendiary magistrate or such other officer specified below, as may be appropriate, to whom he is personally known or to whose satisfaction he has been identified -

- (a) in the case of a service voter, such officer as may be appointed in this behalf by the Commanding Officer of the unit, ship or establishment in which the voter or her husband, as the case may be, is employed;
- (b) in the case of a voter on election duty, any gazetted officer or the Presiding Officer of the polling station at which he is on election duty.
- (c) in the case of an elector under preventive detention, the Superintendent of the Jail or the Commandant of the detention camp in which the elector is under detention; and
- (d) in any other case, such officer as may be notified by the State Election Commission.

29. Assistance to illiterate or infirm voters:- (1) If an elector is unable through illiteracy, blindness or other physical infirmity to record his vote on a postal ballot paper and sign the declaration, he shall take the ballot paper, together with declaration and the covers received by him to an officer competent to attest his signature under sub-rule (2) of Rule 28 and request the officer to record his vote and sign his declaration on his behalf.

(2) Such officer shall thereupon mark the ballot paper in accordance with the wishes of the elector in his presence, sign the declaration on his behalf and complete the appropriate certificate contained in **Form XVII**.

30. Re-issue of Ballot Paper:- (1) When a postal ballot paper and other papers sent under Rule 27 are for any reason returned undelivered, the Returning Officer may re-issue them by post under certificate of posting or deliver them or cause them to be delivered to the elector personally on a request being made by him.

(2) If any elector has inadvertently dealt with the ballot paper or any of the other papers sent to him under Rule 27 in such a manner that they cannot conveniently be used, a second set of papers shall be issued to him after he has returned the spoiled papers and satisfied the Returning Officer of the inadvertence.

(3) The Returning Officer shall cancel the spoiled papers so returned and keep them in a separate packet after noting thereon the particulars of the election and the serial numbers of the cancelled ballot papers.

31. Return of Ballot Paper:- (1) After an elector has recorded his vote and made his declaration under Rule 28 or Rule 29, he shall return the ballot paper and declaration to the Returning Officer in accordance with the instructions communicated to him in Part II of **Form XX** so as to reach the Returning Officer before the hour fixed for the commencement of counting of votes.

(2) If any cover containing a postal ballot paper is received by the Returning Officer after the expiry of the time fixed in sub-rule (1), he shall note thereon the date and time of its receipt and shall keep all such covers together in a separate packet.

32. Safe Custody of postal ballots:- The Returning Officer shall keep in safe custody until the commencement of the counting of votes all covers containing postal ballot papers received by him.

CHAPTER – IV

VOTING BY BALLOT

33. Voting at Polling Station:- (1) If poll has to be taken, the Returning Officer shall appoint forthwith one Presiding Officer and one or more polling officers at each polling station and may pay the remuneration as fixed by the Government for their services:

Provided that if a polling officer is absent from the polling station, the Presiding Officer may appoint 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 during the absence of the former officer and inform the 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 these rules or any rules or orders made thereunder.

(3) If the Presiding Officer, owing to illness or other unavoidable cause, is obliged to absent himself from the polling station, his functions shall be performed by such Polling Officer as has been previously authorised by the Returning Officer to perform such functions during any such absence.

34. Right to vote (Voting to be in person):- All electors voting at an election shall do so in person at the polling station provided for them under the rules.

35. Form of Ballot Paper:- (1) Every Ballot paper shall have a counterfoil attached thereto and the said ballot paper and the counterfoil shall be in such form as the State Election Commission may, by order, direct.

(2) In the ballot paper, below the last symbol, None Of The Above (NOTA) provision shall be provided and a symbol may also be assigned to it in the manner prescribed by the State Election Commission for the benefit of those electors who may wish to exercise the option of not voting for any of the contesting candidates in the fray.

36. Arrangements at Polling Station:- (1) Outside each polling station there shall be displayed prominently,-

- (a) a notice specifying the polling area, the serial number of electors in the relevant electoral roll who are entitled to vote at the polling station; and
- (b) a copy of the list of contesting candidates with the serial numbers and the symbols assigned to them.

(2) At each polling station there shall be set up one or more voting compartments in which electors can record their votes, screened from observation.

(3) Where the elections for Gram Panchayats and Mandal Praja Parishads and Zilla Praja Parishads are held simultaneously there shall be two ballot boxes kept in the polling station, one for the Member and Sarpanch of Gram Panchayat and the other for the Member of Mandal Praja Parishad and Zilla Praja Parishad. Where the elections are held separately only one ballot-box either for Gram Panchayat or for Mandal Praja Parishad or for Zilla Praja Parishad, as the case may be, shall be kept.

(4) The names of the contesting candidates along with their symbols shall be displayed inside the polling station, above the ballot box to enable the voter to exercise his franchise without difficulty.

(5) The Returning Officer shall provide at each polling station sufficient number of ballot boxes, copies of the electoral roll or such part thereof as contains the names of the electors entitled to vote at the polling station, ballot papers, instruments for stamping the distinguishing mark on the ballot paper and articles necessary for electors to mark the ballot papers, stationery and such forms as may be necessary.

37. Admission to Polling Station:- (1) The Presiding Officer shall keep order at the polling station, shall see that the election is fairly conducted, shall regulate the number of electors to be admitted at any one time inside the polling station and shall exclude there from all persons other than,-

- (a) his polling officers and such persons as the Presiding Officer may, from time to time, admit for the purpose of identifying electors;
- (b) other public servants on duty in connection with the election;
- (c) the candidates, their election agents, and one polling agent of each candidate at a time;
- (d) a child in arms accompanying an elector;
- (e) a person accompanying blind or infirm voters who cannot move without help; and
- (f) persons authorised by the State Election Commission.

(2) Where a woman elector cannot be identified by the identification officers appointed for the purpose by reason of her observing 'purdah' she may be required to be identified by any of women voter in the queue or local women government employee unless she otherwise satisfies the Presiding Officer of her identity.

38. Preparation of Ballot Boxes:-(1) Where a paper seal is used for securing a ballot box, 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.

(2) The Presiding Officer shall thereafter fix the paper seal so signed in the space meant therefor in the ballot box and shall then secure and seal the box in such manner that the slit for the insertion of ballot paper therein remains open.

(3) The seals used for securing a ballot box shall be affixed in such manner that after the box has been closed, it is not possible to open it without breaking the seals.

(4) Where it is not necessary to use paper seals or securing the ballot boxes, the Presiding Officer shall secure and seal the ballot box in such manner that the slit for the insertion of ballot papers remains open and shall allow the polling agents present to affix, if they so desire, their seals.

(5) Every ballot box used at a polling station shall bear label both inside and outside marked with:-

- (a) the details of the Ward/Territorial Constituency;
- (b) the serial number and name of the polling station;
- (c) the serial number of the ballot box (to be filled in at the end of the poll on the label outside the ballot box only) and;
- (d) the date of poll.

(6) Immediately before commencement of the poll the Presiding Officer shall demonstrate to the polling agents and other persons present, that the ballot box is empty and bears the labels referred to in sub-rule (5)

(7) The ballot box shall then be closed, sealed, secured and placed in full view of the Presiding Officer and polling agents.

39. Demonstration of the marked copy of the electoral roll:- Immediately before commencement of the poll, the Presiding Officer shall demonstrate to the polling agents and others present, the marked copy or, as the case may be, marked copies of the electoral roll to be used during the poll.

40. Facilities for woman electors:- (1) Where a polling station is for both men and women electors, the Presiding Officer may direct that they shall be admitted into the polling station alternately in separate batches.

(2) The Returning Officer or the Presiding Officer may appoint a woman to serve as an attendant at any polling station to assist women electors and also to assist the Presiding Officer generally in taking the poll in respect of women electors, and in particular, to help in searching any woman elector in case it becomes necessary.

41. Identification of electors:- (1) The Presiding Officer may employ at the polling station such persons, as he thinks fit to help identification of the electors or to assist him otherwise in taking the poll.

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

(3) Every elector shall produce identity card issued to him/her under the provisions of the Registration of Electors Rules, 1960 made under the Representation of the Peoples Act, 1950 or any such document as may be specified, by order, by the State Election Commission before the Presiding Officer or the polling officer authorized by him in this behalf, in order to establish his/her identity at the polling station.

(4) In deciding the right of a person to cast his vote, the Presiding Officer or the polling officer, as the case may be, shall overlook the clerical or printing errors in an entry in the electoral roll if he is satisfied that such person is identical with the elector to whom such entry relates.

42. Facilities for public servants on election duty:- (1) The provisions of Rule 41 shall not apply to any person who produces at the polling station an election duty certificate issued by Returning Officer and seeks permission to cast his vote at that polling station although the polling station is different from the one where he is entitled to vote.

(2) On production of such certificate the Presiding Officer shall –
(a) obtain thereon the signature of the person producing it;
(b) have the person's name and electoral roll number as mentioned in the certificate entered at the end of the marked copy of the electoral roll; and
(c) issue to him a ballot paper, and permit him to vote, in the same manner as for an elector entitled to vote at that polling station.

43. Challenging of Identity:- (1) Any polling agent may challenge the identity of a person claiming to be a particular elector by first depositing a sum of five rupees in cash with the Presiding Officer for each such challenge.

(2) On such a deposit being made, the Presiding Officer shall:
(a) warn the person challenged, of the penalty for personation;
(b) read the relevant entry in the electoral roll in full and ask him whether he is the person referred to in the entry.

- (c) enter his name and address in the list of challenged votes in **Form - XXI**; and
- (d) require him to affix his signature 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 the person challenged any question necessary for the purpose of establishing his identity and require him to answer them on oath; and
- (c) administer an oath to the challenger and any other person offering to give evidence.

(4) If, after the inquiry, 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 and handover him/her to the police for prosecution under relevant law.

(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 Government and in any other case he shall return it to the challenger on the conclusion of the inquiry.

44. Safeguards against personation:- (1) Every elector about whose identity the Presiding Officer or the Polling Officer, as the case may be, is satisfied shall allow -

- (a) the inspection of his left fore-finger by the Polling Officer; and
- (b) an indelible ink mark to be put on his left fore-finger.

(2) If any such elector —

- (a) refuses to allow such inspection of his left fore-finger; or
- (b) refuses to allow an indelible ink mark to be put on his left fore-finger;
or
- (c) does any act in order to remove any such mark after it has been put;
or
- (d) fails or refuses to produce his identity card or any other document specified by State Election Commission to establish his identity under rule 41 of these rules; or
- (e) refuses to put his signature or thumb impression on the counter-foil;

he shall not be entitled to be supplied with any ballot paper or to record his vote at the election.

(3) A person who already has such a mark on his left fore-finger at the time he enters the polling station shall not be supplied with any ballot paper.

(4) Any reference in this rule to the left fore-finger of an elector shall, in the case where the elector has no left fore-finger be construed as a reference to another finger of his left hand and shall in the case whether there are no fingers on his left hand be construed as a reference to the fore finger or any other finger on his right hand and shall in the case where he has no finger on both the hands be construed as a reference to such extremity of his right or left arm as he possesses.

45. Distinguishing Mark:- Before a ballot paper is issued to an elector, the ballot paper and the counterfoil attached thereto, shall be stamped on the back with such distinguishing mark as the State Election Commission may direct and every ballot paper before it is issued shall be signed in full on its back by the Presiding Officer.

46. Issue of Ballot Paper:- (1) At the time of issuing a ballot paper to an elector, the polling officer shall,-

- (a) record on its counterfoil the electoral roll number of the elector as entered in the marked copy of the electoral roll, and
- (b) obtain the signature or thumb impression of that elector on the said counterfoil:
- (c) mark the name of the elector in the marked 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 elector:

Provided that, no ballot paper shall be delivered to an elector unless he has put his signature or thumb impression on the counterfoil of that ballot paper.

(2) No person in the polling station shall note down the serial numbers of the ballot papers issued to the electors.

47. Maintenance of secrecy of voting by electors and voting procedure:- (1) Every elector to whom a ballot paper has been issued under Rule 46 or any other provisions of these rules shall maintain secrecy of voting within the polling station and for that purpose observe the voting procedure hereinafter laid down.

(2) The elector on receiving the ballot paper or papers, as the case may be, shall forthwith-

- (a) proceed to one of the voting compartments,
- (b) make a mark on the ballot paper or papers with the instrument supplied for the purpose on or near the symbol / symbols allotted to the candidate / candidates for whom he intends to vote,
- (c) fold the ballot paper / papers vertically first and thereafter horizontally so as to conceal his vote,
- (d) if required, show to the Presiding Officer the distinguishing mark on the ballot paper or papers,
- (e) insert the folded ballot paper into the specified ballot box, and
- (f) leave the polling station by the exit provided.

(3) Every elector shall vote without undue delay.

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

(5) If an elector to whom a ballot paper has been issued refuses, after warning given by the Presiding Officer to observe the procedure laid down in sub-rules (1) and (2), 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 word "Cancelled: voting procedure violated" and put his signature below these words and all such ballot papers shall be kept in a separate cover which shall bear on its face the words "Ballot Papers - voting procedure violated".

(7) Without prejudice to any other penalty to which an elector, 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.

48. Recording of votes of Blind or infirm voters:- (1) If the Presiding Officer is satisfied that owing to blindness or other physical infirmity, an elector is unable to recognise the symbols on ballot paper or to make a mark thereon without assistance, the Presiding Officer shall permit the elector to take with him a companion of not less than eighteen years of age to the voting compartment for recording vote on the ballot paper on his behalf and in accordance with his wishes and if necessary, for folding the ballot paper so as to conceal the vote and insert it into the ballot box:

Provided that no person shall be permitted to act as the companion of more than one elector at any polling station on the same day:

Provided further that when any person is permitted to act as the companion of the elector on any day under this rule, the person shall be required to declare in **Form –XXII** that he shall keep secret the vote recorded by him on behalf of the elector and that he has not already acted as the companion of any other elector at any polling station on that day.

(2) The Presiding Officer, shall keep a record of all cases under this rule in **Form–XXIII**.

49. Spoilt and returned ballot papers:- (1) An elector 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, be given another ballot paper and the ballot paper so returned and the counterfoil of such ballot paper shall be marked as "Spoilt: Cancelled" by the Presiding Officer.

50. Tendered Votes:- (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 entitled, subject to the following provisions of this rule, to mark a ballot paper (hereinafter in these rules referred to as a "Tendered Ballot Paper) in the same manner as any other elector.

(2) Every such person, shall, before being supplied with a tendered ballot paper, sign his name against the entry relating to him in a list in **Form - XXIV**

(3) A tendered ballot paper shall be the same as the other ballot paper used at the polling except that it shall be-

- (a) serially the last in the bundle of ballot papers issued for use at the polling station; and
- (b) endorsed on the back of the ballot paper and its counterfoil with the words "Tendered Ballot Paper" by the Presiding Officer in his own hand and signed by him.

(4) The elector, after marking a 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 specifically kept for the purpose.

51. Closing of Poll and Sealing of Ballot Boxes and covers after poll:- (1) The Presiding Officer shall close the polling station at the hour appointed for closing and shall not thereafter admit any elector into the polling station:

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

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

(3) The Presiding Officer of each polling station, as soon as practicable, after the close of the poll, shall close the slit of the ballot box and where the box does not contain any mechanical device for closing the slit, he shall seal up the slit and also allow any polling agent present to affix his seal. The ballot box shall thereafter be sealed and secured.

(4) Where it becomes necessary to use a second ballot box by reason of the first ballot box getting full, the first box shall be closed, sealed and secured as provided in sub-rule (3) before another ballot box is put into use.

(5) The Presiding Officer of each polling station, as soon as practicable, after the close of the poll, shall in the presence of any candidate or polling agents who may be present make up the following into separate packets and seal with his own seal and the seals of such candidates or agents as may desire to affix their seals:

- (i) the tendered ballot papers;
- (ii) the unused ballot papers;
- (iii) the spoilt and returned ballot papers;
- (iv) the marked copy of the electoral roll;
- (v) the tendered votes list;
- (vi) the list of challenged votes;
- (vii) the counterfoils of used ballot papers;
- (viii) the ballot papers cancelled for violation of voting procedure; and
- (ix) any other papers directed by the State Election Commission to be kept in a sealed cover/packet.

(6) Each packet shall be numbered and shall bear a note as to its contents, description of the election and the polling stations. Where no vote has been recorded at any polling station, the Presiding Officer shall submit a 'nil' report.

52. Account of Ballot Papers:- (1) The Presiding Officer shall at the close of the poll prepare a ballot paper account in **Form XXV** and place 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 a true copy of the entries made in the ballot paper account after obtaining a receipt from the said polling agent therefor and shall also attest it as a true copy.

53. Delivery of ballot boxes to Returning Officer:- (1) The Presiding Officer shall then, as soon as may be, deliver the ballot boxes and all such packets and papers used at the polling station or cause them to be delivered to the Returning Officer at such places as he may direct.

(2) The Returning Officer shall make adequate arrangements for the safe transport of all ballot boxes, packets and other papers referred to in this rule from polling stations and for their safe custody until the commencement of this counting of votes.

54. Procedure on adjournment of poll:- (1) If the poll at any polling station is adjourned under Section 229, the provisions of rules 51 to 53 shall, as far as practicable, apply as if the poll was closed at the hour fixed in that behalf.

(2) When an adjourned poll is recommended under sub-section (2) of Section 229, the electors who have already voted at the poll so adjourned shall not be allowed to vote again.

(3) The 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 electoral roll and a new ballot box.

(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 to whom the ballot papers are issued at the adjourned poll, without however recording therein the serial number thereof.

(5) The provisions of Rules 33 to 53 shall apply in relation to the conduct of an adjourned poll as they apply in relation to the poll before it was so adjourned.

55. Fresh Poll in case of destruction of ballot boxes or Electronic Voting Machines:- If at any election any ballot box or Electronic Voting Machine used at a polling station is unlawfully taken out of custody of the Presiding Officer or Returning Officer or is accidentally or intentionally destroyed or lost or is damaged or is tampered with to such an extent that the result of the poll at that polling station cannot be ascertained or any such error or irregularity in procedure is likely to vitiate the poll is committed at the polling station, the procedure prescribed in Section 230 of the Act shall be followed.

56. Counting of votes:- (1) The counting of votes shall commence on the day and at the place and hour appointed in that behalf. Votes shall be counted by or under the supervision of the Returning Officer.

(2) The postal ballot papers shall be counted first.

(3) Each candidate, the election agent and the counting agent of each candidate shall have a right to be present at the time of counting. No other person shall be allowed to be present except such person as the Returning Officer may appoint to assist him in counting votes and no person shall be appointed to assist in counting votes who has been employed by or on behalf of any candidate for any purpose whatsoever connected with the election.

(4) The Returning Officer shall, before he commences to count the votes, read out the provisions of Section 217 of the Act to such person as may be present and shall then count and check all the ballot boxes placed for the counting of votes and satisfy himself that all such ballot boxes contain the ballot papers which are to be counted at such place have been received and accounted for.

(5) The Returning Officer shall allow, the candidates and their election agents and counting agents present at the counting, reasonable opportunities to inspect the ballot boxes and their seals for satisfying themselves that they are in order.

(6) If any ballot box is found by the Returning Officer to have been tampered or interfered with or destroyed or lost, or if at any time, before counting of votes is completed any ballot papers used at a polling station or at a place fixed for the poll are unlawfully taken out of the custody of the Returning Officer or are accidentally or intentionally, destroyed or lost or are damaged or tampered with to such an extent that the result of the poll at that polling station or place cannot be ascertained, the Returning Officer shall follow the procedure laid down in Section 231 of the Act.

(7) (a) Subject to such general or special directions, if any, as may be given by the State Election Commission in this behalf the ballot papers shall be counted after mixing the votes ward-wise/ Gram Panchayat wise/ Territorial Constituency-wise, as the case may be.

(b) The Returning Officer shall open, or cause to be opened, simultaneously the ballot box or boxes used at more than one polling station and shall have the total number of ballot papers found in such box or boxes counted and recorded in Part II of ballot paper account in **Form - XXV**.

(c) Discrepancy, if any, between the total number of such ballot papers recorded as aforesaid and the total number of ballot papers issued to voters as shown in Item 3 of Part I of the said Form - XXV minus the number of ballot papers cancelled as shown in item 4 thereof and the number of papers as shown in item 5 thereof, shall also be recorded in Part II of **Form - XXV**.

(8) The Returning Officer shall, as far as practicable, proceed continuously with the counting of the votes and shall, during any necessary intervals during which the counting has to be suspended, place the ballot papers, packets and other documents relating to the election under his own seal and the seals of such candidates or agents as may desire to affix them and shall cause adequate precautions to be taken for their custody.

57. Counting of Postal Ballot Papers:- (1) The Returning Officer shall first deal with the postal ballot papers in the manner hereinafter provided.

(2) No cover in **Form -XIX** received by the Returning Officer after the expiry of the time fixed in that behalf shall be opened and no vote contained in any such cover shall be counted.

(3) The other covers shall be opened one after another and as each cover is opened, the Returning Officer shall first scrutinise the declaration in **Form - XVII** contained therein.

(4) If the said declaration is not found, or has not been duly signed and attested, or is otherwise substantially defective, or if the serial number of the ballot paper as entered in it differs from the serial number endorsed on the cover in **Form -XVIII**, that cover shall not be opened, and after making an appropriate endorsement thereon, the Returning Officer shall reject the ballot paper therein contained.

(5) Each cover so endorsed and the declaration received with it shall be replaced in the cover in Form - XIX and all such covers in Form - XIX shall be kept in separate packet which shall be sealed and on which shall be recorded the details of the ward/constituency, the date of counting and a brief description of its content.

(6) The Returning Officer shall then place all the declarations in **Form - XVII** which he has found to be in order in a separate packet which shall be sealed before any cover in Form - XVIII is opened and on which shall be recorded the particulars referred to in sub-rule (5).

(7) The covers in **Form - XVIII** not already dealt with under the foregoing provisions of this rule shall then be opened one after another and the Returning Officer shall scrutinise each ballot paper and decide the validity of the vote recorded thereon.

(8) A postal ballot paper shall be rejected--

- (a) if it bears any mark (other than the mark to record the vote) or writing by which the elector can be identified; or
- (b) if no vote is recorded thereon; or
- (c) if the vote is given on it in favour of more candidates than one; 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 is not returned in the cover sent along with it to the elector by the Returning Officer.

(9) A vote recorded on a postal ballot paper shall be rejected if the mark indicating the vote is placed on the ballot paper in such manner as to make it doubtful to which candidate the vote has been given.

(10) A vote recorded on a postal 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 way the paper is marked.

(11) The Returning Officer shall count all the valid votes given by postal ballot in favour of each candidate, record the total thereof in the result sheet in **Form - XXVI** and announce the same.

(12) 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 seals of the Returning Officer and of such of the candidates, their election agent or counting agents as may desire to affix their seals thereon and on the packet so sealed shall be recorded the details of the ward/constituency, the date of counting and a brief description of its contents.

58. Grounds for rejection of ballot papers:- (1) The Returning Officer shall reject a ballot paper,-

- (a) if it bears any mark or writing by which the elector can be identified, or
- (b) if it bears no mark at all to indicate the vote, it bears a mark elsewhere than on or near the symbol of one of the candidates on the face of the ballot paper or, it 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 than one candidate, or
- (d) if the mark indicating the vote thereon is placed in such manner as to make it doubtful as to which candidate the vote has been given, or
- (e) if it is a spurious ballot paper, or
- (f) if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established, or
- (g) 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 polling station, or
- (h) if it does not bear both the distinguishing mark and the signature which it should have borne under the provisions of Rule 45.

Provided that where the Returning Officer is satisfied that any such defect as is mentioned in clause (g) or clause (h) has been caused by any mistake or failure on the part of a Presiding Officer or 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 way the paper is marked.

(2) Before rejecting any ballot paper under sub-rule (1), the Returning Officer shall allow candidates and their counting agents present a reasonable opportunity to inspect the ballot paper but shall not allow them to handle it or any other ballot paper.

(3) The Returning Officer shall endorse on every ballot paper which he rejects the word "rejected" and the grounds of rejection in abbreviated form either in his own hand or by means of a rubber stamp and shall initial such endorsement.

(4) All ballot papers rejected under this rule shall be bundled together.

(5) Every ballot paper which is not rejected under this rule shall be counted as one valid vote.

59. Preparation of Results Sheet: - After counting of all ballot papers contained in all the ballot boxes used in Ward/ Gram Panchayat/Territorial Constituency, as the case may be have been completed, the Returning Officer shall make the entries in a result sheet in **Form - XXVI** and announce the particulars.

60. Recount of Votes :- (1) After such announcement has been made under rule 59, a candidate or, in his absence, his election agent or any of his counting agents may apply in writing to the Returning Officer for recounting of the votes either wholly or in part stating the grounds on which, he demands such recount.

(2) On such an application being made the Returning Officer shall decide the matter and may allow the application in whole or in part or may reject it wholly if it appears to him to be frivolous or unreasonable.

(3) Every decision of the Returning Officer under sub--rule (2) shall be in writing and contain the reasons therefor.

(4) If the Returning Officer decides under sub-rule (2) to allow a recount of the votes either wholly or, in part he shall -

(a) do the recounting in accordance with rule 56.

(b) amend the result sheet in **Form - XXVI** to the extent necessary after such recount; and

(c) announce the amendments so made by him.

(5) After the total number of votes polled by each candidate has been announced under sub-rule (4), the Returning Officer shall complete and sign the result sheet in **Form - XXVI** and no application for a further or second recount shall be entertained thereafter.

61. Equality of Votes:- 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 lead to any of those candidates being declared elected, the Returning Officer shall forthwith decide between those candidates by lot, and proceed as if the candidate on whom the lot falls had received the additional vote.

62. Declaration of result of election and return of election:- (1) The Returning Officer shall subject to the provisions of rule 61 in so far as they apply to any particular case –

(a) declare in **Form XXVII** the candidate to whom the largest number of valid votes have been given to be elected for the seat and send signed copies thereof to the State Election Commission, Election Authority and District Election Authority.

(b) complete and certify the return of election in **Form XXVIII** and send copies thereof to the State Election Commission, Election Authority and District Election Authority.

(2) Any candidate or his agent shall, on application be permitted to take a copy of an extract of the return of election in **Form XXVIII**.

63. Grant of Election Certificate:- As soon as may be after a candidate has been declared by the Returning Officer under rule 15 or, as the case may be, under rule 62 to have been elected, the Returning Officer shall grant such candidate a certificate of election in **Form XXIX** and obtain from the candidate an acknowledgement of its receipt duly signed by him immediately.

64. Publication of Results:- The Returning Officer shall publish on the notice board in the Office of the Gram Panchayat/Mandal Praja Parishad/Zilla Praja Parishad concerned a notification signed by him, stating the names of the candidates duly elected.

65. Sealing of used ballot papers:- The valid ballot papers of each candidate and the rejected ballot papers shall thereafter be bundled separately and the several bundles made up into a separate packet which shall be sealed with the seals of the Returning Officer and of such of the candidates, their election agents or counting agents as may desire to affix their seals thereon, and on the packets to be sealed shall be recorded the following particulars, namely –

(a) number of ward/name of the Gram Panchayat or Territorial Constituency of the Mandal Praja Parishad, or the Zilla Praja Parishad, as the case may be; and

(b) the date of counting.

66. Disposal of Ballot Papers: - (1) The Returning Officer shall, after declaring the results, forward a copy of the return to the Executive Authority concerned and shall handover to the Officer authorised by the District Election Authority the packets of ballot papers, whether counted, rejected or tendered. These packets shall not be opened and their contents shall not be inspected or produced except under the orders of an authority competent to decide election disputes.

(2) The Officer so authorised shall retain packets and the marked copies of the electoral roll for a year and shall then, unless otherwise directed by the orders of an authority competent to decide election disputes, cause them to be destroyed.

CHAPTER – V

VOTING BY ELECTRONIC VOTING MACHINES

67. Design of Voting Machine:- Every Electronic Voting Machine (hereinafter referred to as the voting machine) shall have a control unit (without Detachable Memory Module/Secured Detachable Memory Module or with Detachable Memory Module/Secured Detachable Memory Module) with one or more balloting units and may also be attached to a printer with a drop box for printing a paper trail of the vote (Voter Verifiable Paper Audit Trail), in such constituency or constituencies or polling station or polling stations or parts thereof as the State Election Commission may direct basing on the availability. The number of balloting units shall depend on the number of contesting candidates and number of seats. The design and shape of control unit, balloting unit and printer shall be such, as may be approved by the State Election Commission.

Explanation:- Detachable Memory Module (DMM) / Secured Detachable Memory Module (SDMM) means such electronic memory device which is attached to the control unit of electronic voting machine and keeps the election data safely in secured manner. In all cases where the EVMs are to be reused before the counting process, the DMM/SDMM containing poll data shall be separated and stored securely as per the directions of SEC till they are taken up for counting.

Voter Verifiable Paper Audit Trail (VVPAT) or Verifiable Paper Record (VPR) is a method of providing feedback to voters using a ballotless voting system. A VVPAT is intended as an independent verification system for voting machines designed to allow voters to verify that their vote is recorded correctly, and to provide a means to audit the stored electronic results.

"A 'voter verified paper audit trail' (VVPAT) consists of physical paper records of voter ballots as voters have cast them on an electronic voting system. In the event that an election recount or audit is called for, the VVPAT provides a supporting record. The 'voter-verified' part of the VVPAT refers to the fact that the voter is given the opportunity to verify that the choices indicated on the paper record correspond to the choices that the voter has made in casting the ballot. Thus, the result of an election in an electronic form of the votes cast is tallied with the paper record of the individual votes that have been cast."

68. Preparation of Voting Machine by the Returning Officer:- (1) The Balloting Unit of the voting machine shall contain such particulars in such language or languages as the State Election Commission may specify.

(2) The names of the candidates or the symbols allotted to the candidates shall be arranged on the Balloting Unit in the same order in which they appear in the list of the contesting candidates.

(3) If two or more candidates bear the same name, they shall be distinguished by the addition of their occupation or residence or in some other manner.

(4) Subject to the foregoing provisions of this rule, the Returning Officer shall; -

(a) fix the 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.

(5) where the printer for paper trail is used under the proviso to rule 68, set the printer as per the number of contesting candidates set in the control unit by –

(a) Loading in the printer the serial numbers and names of candidates and symbols allotted to them as given on the balloting units under clause 4 (a);

(b) Loading paper in the printer; and

(c) Sealing the printer in such manner as may be directed by the Election Commission

69. Arrangements at the Polling Stations:- (1) Outside each polling station there shall be displayed prominently,-

(a) a notice specifying the polling area, the electors of which are entitled to vote at the polling station; and

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

(2) At each polling station there shall be set up one or more voting compartments in which the electors can record their votes free from observation.

(3) The Returning Officer shall provide at each polling station one or more voting machines and copies of relevant part of the electoral roll and such other election material as may be necessary for taking the poll.

70. Admission to Polling Station:- The provisions of Rule 37 shall apply to regulate the entry of electors and other persons inside the polling station.

71. Preparation of voting machine for poll:- (1) The Control Unit and Balloting Unit of every voting machine used at a polling station and the printer for paper trail where used shall bear a label marked with:-

(a) the details of Territorial Constituency;

(b) the serial number and the name of the polling station;

- (c) the serial number of the Balloting unit and Control Unit; and
- (d) the serial number of the detachable memory module (DMM) / Secured Detachable Memory Module (SDMM) wherever used;
- (e) the serial number of the printer wherever used; and
- (f) 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 already recorded in the voting machine and it bears the label referred to in sub-rule (1) and where the printer for paper trail is used that the drop box of the printer is empty.

(3) A paper seal shall be used for securing the Control Unit of the voting machine, 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 therefore in the Control Unit of the voting machine 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.

(7) Where the printer for paper trail is used, the printer shall also be kept along with the balloting unit in the voting compartment and shall be connected to the electronic voting machine in the manner as directed by the State Election Commission.

72. Marked copy of Electoral Roll:— Immediately before the commencement of the poll, the Presiding Officer shall also demonstrate to the polling agents and others present, that the marked copy of the electoral roll to be used during the poll does not contain any entry other than that made with regard to issue of postal ballot papers and election duty certificates.

73. Facilities for Women electors:— With regard to facilities to women electors, the provisions of rule 40 shall apply.

74. Identification of electors:— For the purpose of identification of electors, Rule 41 shall apply.

75. Facilities for public servants on election duty:— With regard to facilities for public servants on election duty provisions of Rule 42 shall apply.

76. Challenging of Identity:— Where the identity of an elector is challenged, the provisions of Rule 43 shall apply.

77. Safeguard against personation:— (1) Every elector 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 polling officer and an indelible ink mark to be put on it.

(2) If any elector; -

- (a) refuse to allow his left forefinger to be inspected or marked in accordance with sub-rule (1) or has already such a mark on his left forefinger or does any act with a view to removing the ink mark, or
- (b) fails or refuses to produce his identity card or such other document as specified by order of State Election Commission under sub-rule (3) of Rule 41, he shall not be allowed to vote.

(3) Any reference in this rule to the left forefinger of an elector shall, in the case where the elector has his left forefinger missing, be construed as a reference to any other finger to his left hand, and shall, in the case where all the fingers of his left hand are missing, be construed as a reference to the forefinger or any other finger of both the hands are missing be construed as a reference to such extremity of his left or right arm as he possesses.

78. Procedure for voting by voting machines:— (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 in a register of voters in **Form XXX**
- (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 affixed his signature or thumb impression on the register of voters.

(2) It shall not be necessary for any Presiding Officer or polling officer or any other officer to attest the thumb impression of the elector on the register of voters.

79. Maintenance of secrecy of voting by electors within the polling station and voting procedure:— (1) Every elector who has been permitted to vote under rule 78 shall maintain secrecy of voting within the polling station and for that purpose observe the voting procedure hereinafter laid down.

(2) Immediately on being permitted to vote the elector shall proceed to the Presiding Officer or the polling officer in-charge of the Control Unit of the voting machine who shall, by pressing the appropriate button on the Control Unit, activate the Balloting Unit, for recording of elector's vote.

- (3) The elector shall thereafter forthwith, -
- (a) proceed to the voting compartment;
 - (b) record his vote by pressing the button on the Balloting Unit against the name and symbol of the candidate for whom he intends to vote; and
 - (c) come out of the voting compartment and leave the polling station.

Provided that where printer for paper trail is used, upon casting the vote by pressing the button as referred to in clause (b), the elector shall be able to view through the transparent window of the printer, kept along with the balloting unit inside the voting compartment, the printed paper slip showing the serial number, name and the symbol of the candidate for whom he has cast his vote before such paper slip gets cut and drops in the drop box of the printer.

- (4) Every elector shall vote without undue delay.

(5) No elector shall be allowed to enter the voting compartment when another elector is inside it.

(6) If an elector who has been permitted to vote under rule 78 or rule 83 refuses after warning given by the Presiding Officer to observe the procedure laid down in sub-rule (3) of rule 79 or sub-rule (3) of rule 83, the Presiding Officer or a polling officer under the direction of the Presiding Officer shall not allow such elector to vote.

(7) Where an elector is not allowed to vote under sub-rule (6), a remark to the effect that voting procedure has been violated shall be made against the elector's name in the register of voters in **Form XXX** by the Presiding Officer under his signature.

80. Procedure in case of complaint about particulars printed on paper slips:- (1) Where printer for paper trail is used, if an elector after having recorded his vote under rule 79 alleges that the paper slip generated by the printer has shown the name or symbol of a candidate other than the one he voted for, the presiding officer shall obtain a written declaration from the elector as to the allegation, after warning the elector about consequence of making a false declaration.

(2) If the elector gives the written declaration referred to in sub-rule (1), the presiding officer shall make a second entry related to that elector in Register of Votes in Form XXX, and permit the elector to record a test vote in the voting machine in his presence and in the presence of the candidates or polling agents who may be present in the polling station, and observe the paper slip generated by the printer.

(3) If the allegation is found true, the Presiding Officer shall report the facts immediately to the Returning Officer, stop further recording of votes in that voting machine and act as per the direction that may be given by the Returning Officer.

(4) If, however, the allegation is found to be false and the paper slip so generated under sub-rule (1) matches with the test vote recorded by the elector under sub-rule(2), then, the Presiding Officer shall –

- (i) make a remark to that effect against the second entry relating to that elector in Register of Voters in Form XXX mentioning the serial number and name of the candidate for whom such test vote has been recorded;
- (ii) obtain the signature or thumb impression of that elector against such remarks; and
- (iii) make necessary entries regarding such test vote in item 5 in Part I of Accounts of Votes Recorded in Form XXXII.

81. Recording of votes of blind or infirm electors:– (1) If the Presiding Officer is satisfied that owing to blindness or other physical infirmities an elector is unable to read the names or recognise the symbols on the Balloting Unit of the voting machine or unable to record his vote by pressing the appropriate button thereon without assistance, the Presiding Officer shall permit the elector to take with him a companion of not less than eighteen years of age to the voting compartment for recording the vote on his behalf and in accordance with his wishes:

Provided that no person shall be permitted to act as the companion of more than one elector at any polling station on the same day:

Provided further that before any person is permitted to act as the companion of an elector on any day under this rule that person shall be required to declare in **Form XXII** that he will keep secret the vote recorded by him on behalf of the elector and that he has not already acted as the companion of any other elector at any other polling station on that day.

(2) The Presiding Officer shall keep a record of all cases under this rule in **Form – XXIII**.

82. Elector deciding not to vote:- If an elector, after his electoral roll number has been entered in the register of votes in Form XXX and has put his signature or thumb impression thereon decides not to record his vote, a remark to this effect shall be made against the said entry in Form XXX by the Presiding Officer and the signature or thumb impression of the elector shall be obtained against such remark.

83. Tendered Votes:– (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, instead of being allowed to vote through the Balloting Unit,

supplied with a tendered ballot paper which shall be of such design and the particulars of which shall be in such language or languages as the State Election Commission may specify.

(2) Every such elector shall before being supplied with tendered ballot paper affix his signature or thumb impression against the entry relating to him in a list in **Form – XXXI.**

(3) On receiving the ballot paper he shall forthwith –

- (a) proceed to the voting compartment;
- (b) record there his vote on the ballot paper by placing a cross mark "X" with instrument or article 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) give it to the Presiding Officer who shall place it in a cover specially kept for the purpose; and
- (e) leave the polling station.

(4) If owing to blindness or physical infirmities, such elector is unable to record his vote without assistance the Presiding Officer shall permit him to take with him a companion, subject to the same conditions and after following the same procedure as laid down in rule 81 for recording the vote in accordance with his wishes.

84. Presiding Officer's entry into the voting compartment during poll:– (1) The Presiding Officer may whenever he considers it necessary to do so, enter the voting compartment during poll and take such steps as may be necessary to ensure that the Balloting Unit is not tampered or interfered with in any way.

(2) If the Presiding Officer has reason to suspect that an elector who has entered the voting compartment is tampering or otherwise interfering with the Balloting Unit or has remained inside the voting compartment for unduly long period, he shall enter the voting compartment and take such steps as may be necessary to ensure the smooth and orderly progress of the poll.

(3) Whenever the Presiding Officer enters the voting compartment under this rule, he shall permit the polling agents present to accompany him if they so desire.

85. Closing of Poll:– (1) The Presiding Officer shall close a polling station at the hour fixed in that behalf:

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

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

86. Account of votes recorded:– (1) The Presiding Officer shall at the close of the poll prepare an account of votes recorded in **Form – XXXII** and put it 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, a true copy of the entries made in **Form – XXXII** after obtaining a receipt from the said polling agent therefor and shall attest it as a true copy.

87. Sealing of voting machine after poll:– (1) As soon as practicable after the closing of the poll, the Presiding Officer shall close the Control Unit to ensure that no further votes can be recorded and shall detach the Balloting Unit from Control Unit and from the printer, where printer is also used, so however, that the paper slips contained in the drop box of the printer shall remain intact.

(2) The Control Unit, the Balloting Unit and the printer, where it is used, shall thereafter be sealed, and secured separately in such manner as the State Election 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 polling agents present at the polling station, who desire to affix their seals, shall also be permitted to do so.

88. Sealing of other packets:– (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 – XXX**;
- (c) the cover containing the tendered ballot papers and the list in **Form – XXXI**;
- (d) the list of challenged votes; and
- (e) any other papers directed by the State Election 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.

89. Transmission of voting machines, etc., to the Returning Office:– (1) The Presiding Officer shall then deliver or cause to be delivered to the Returning Officer at such place as the Returning Officer may direct -

- (a) the voting machine;
- (b) the account of votes recorded in **Form – XXXII**;
- (c) the sealed packets referred to in rule 88; and
- (d) all other papers used at the poll.

(2) The Returning Officer shall make adequate arrangements for the safe transport of the voting machine, packets and other papers for their safe custody until the commencement of the counting of votes.

90. Procedure on adjournment of poll:– (1) If the poll at any polling stations is adjourned under Section 229 of the Act, the provisions of rules 85 to 88, shall, as far as practicable, apply as if the poll was closed at the hour fixed in that behalf.

(2) When an adjourned poll is recommended under sub-section (2) of section 229 of the Act, the electors who have already voted at the poll so adjourned shall not be allowed to vote again.

(3) The Returning Officer shall provide the Presiding Officer of the polling station at which such adjourned poll is held, with sealed packet containing the marked copy of the electoral roll, register of voters in **Form – XXX** and a new voting machine.

(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 provisions of Rules 67 to 88 shall apply in relation to the conduct of an adjourned poll before it was so adjourned.

91. Closing of voting machines in case of booth capturing:– Where the Presiding Officer is of opinion that booth capturing is taking place at a polling station or at a place fixed for the poll, he shall immediately close the Control Unit of voting machine to ensure that no further votes can be recorded and shall detach the Balloting Unit from the Control Unit and thereupon the provisions of Section 239 of the Act, in so far as they relate to booth-capturing at a polling station shall apply.

92. Scrutiny and inspection of voting machines:– (1) The Returning Officer may have the Control Units of the voting machines used at more than one polling station taken up for scrutiny and inspection and votes recorded in such units counted simultaneously.

(2) Before the votes recorded in any Control Unit of a voting machine 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 vital seals as might have been affixed on the unit and to satisfy themselves that the seals are intact.

(3) The Returning Officer shall satisfy himself that none of the voting machines has in fact been tampered with.

(4) If the Returning Officer is satisfied that any voting machine has in fact been tampered with, he shall not count the votes recorded in that machine and shall report the matter to the State Election Commission.

93. Counting of votes:- (1) After the Returning Officer is satisfied that a voting machine has in fact not been tampered with, he 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.

(2) As the votes polled by each candidate are displayed on the Control Unit, the Returning Officer shall have:-

- (a) number of such votes recorded separately in respect of each candidate in Part II of **Form – XXXII**;
- (b) part II of **Form – XXXII** completed in other respects and signed by the counting supervisor 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 XXVI and the particulars so entered in the result sheet announced.

(3) Provided that the test vote recorded, if any, for a candidate, as per item 4 in Part I of Accounts of Votes Recorded in Form XXXII, shall be subtracted from the number of votes recorded for such candidate as displayed on the control unit.

94. Scrutiny of Paper Trail:- (1) Where printer for paper trail is used, after the entries made in the result sheet are announced, any candidate, or in his absence, his election agent or any of his counting agents may apply in writing to the returning Officer to count the printed paper slips in the drop box of the printer in respect of any polling station or polling stations.

(2) On such application being made, the returning officer shall, subject to such general or special guidelines, as may be issued by the Election Commission, decide the matter and may allow the application in whole or in part or may reject in whole, if it appears to him to be frivolous or unreasonable.

(3) Every decision of the returning officer under sub-rule (2) shall be in writing and shall contain the reasons therefor.

(4) If the returning officer decides under sub-rule (2) to allow counting of the paper slips either wholly or in part or parts, he shall-

- (a) do the counting in the manner as may be directed by the State Election Commission;
- (b) if there is discrepancy between the votes displayed on the control unit and the counting of the paper slips, amend the result sheet in Form XXVI as per the paper slips count;
- (c) announce the amendments so made by him; and
- (d) complete and sign the result sheet.

95. Sealing of Voting Machines:- (1) After the result of voting recorded in Control Unit has been ascertained candidate-wise, and entered in **Form – XXXII** and in the form prescribed for this purpose, the Returning Officer shall reseal the unit with his seal and the seals of such of the candidates or their election agents present who may desire to affix their seals thereon, so however that the result of voting recorded in the unit is not obliterated and the unit retains the memory of such result and where printer for paper trail is used, the returning officer shall seal the paper slips in such manner, as may be directed by the State Election Commission.

(2) The Control Unit and the paper slips so sealed shall be kept in specially prepared boxes on which the Returning Officer shall record the following particulars, namely:-

- (a) the details of the territorial constituency;
- (b) the particulars of the polling station where the Control Unit has been used;
- (c) serial number of the Control Unit;
- (d) the serial number of the VVPAT printer, where it is used;
- (e) date of poll; and
- (f) date of counting.

96. Sealing of voting machine with DMM/SDMM Facility where CUs & BUs are reused:- (1) A part of the EVM i.e., Electronic Memory Device called as Detachable Memory Module (DMM) or Secured Detachable Memory Module (SDMM) only shall be sealed by separating it from Control Unit.

(2) After the result of voting is ascertained and recorded in the control unit and recorded candidate wise in Part-II of Form-XXXII mentioned in Rule 86, 88, 93 & 97, the Returning Officer shall separate DMM/SDMM from control unit and seal in the manner prescribed by the State Election Commission. During the sealing procedure the candidate or their election agents present may affix their seals and put signatures thereon.

Where printer for paper trail is used, the returning officer shall seal the paper slips in such manner, as may be directed by the State Election Commission.

(3) The DMM/SDMM so sealed shall be kept in specially prepared box on which the Returning officer shall record the following particulars:-

- (a) The details of the Territorial Constituency;
- (b) The Particulars of Polling Station or Stations where the control unit / DMM /SDMM has been used;
- (c) Serial Number of Control Unit and Printer wherever used;
- (d) Serial Number of DMM/SDMM used;
- (e) Date of Poll; and
- (f) Date of counting.

(4) The sealed DMM/SDMM may be used for judicial purpose and other necessary purposes. The control unit may be used for other phases of election.

97. Custody of Voting Machines or DMMs /SDMMs and papers relating to election:- (1) All voting machines where DMMs /SDMMs are not used and only DMMs /SDMMs where CUs & BUs are reused at an election shall be kept in the custody of the concerned Collector & District Election Authority or the Officer authorized by him.

(2) The Collector & District Election authority or the Officer authorized by him shall keep in the safe custody-

- (a) the packets of marked copy of the electoral roll;
- (b) the packets containing register of voters in **Form – XXX**;
- (c) the packets containing the number of votes recorded in respect of each candidate in **Form – XXXII**;
- (d) the printed paper slips sealed under the provisions of rule 95 or 96; and
- (e) all other papers relating to election.

98. Production and Inspection of Voting Machines or DMMs / SDMMs and election papers:- (1) While in the custody of the Collector & District Election Authority or the Officer authorized by him –

- (a) the packets of marked copy of electoral roll;
- (b) the packets containing registers of voters in **Form – XXX**;
- (c) the printed paper slips sealed under the provisions of rule 95 or 96; and

shall not be opened and their contents shall not be inspected by, or produced before any person or authority except under the order of the competent court.

(2) The Control Unit or DMM/SDMM sealed as per the provisions of Rule 95 or 96 kept in the custody of the Collector & District Election Authority or the Officer authorized by him shall be stored in Government Treasury or sub-Treasury and shall not be opened and inspected by, or produced before any person or authority except under the order of the competent court.

99. Safe custody of Voting Machines or DMMs / SDMMs and all other packets:- (1) The voting machines where DMMs/SDMMs are not used and the DMMs /SDMMs where they are used and kept in the custody of the Collector & District Election Authority or the Officer authorized by him shall be retained in tact for such period as the State Election Commission may direct and shall not be used at any subsequent election without the previous approval of the State Election Commission.

(2) All other packets relating to elections where there is no election petition, shall be destroyed as per the provisions of these rules.

100. Power of the State Election Commission to issue directions:- Subject to the other provisions of these rules, the State Election Commission may issue such directions as it may consider necessary to facilitate the proper use and operation of the voting machines and also as occasion requires to facilitate the holding of elections under these rules.

CHAPTER – VI

MISCELLANEOUS

101. Filling up of Casual Vacancies: - Any casual vacancy of Member and Sarpanch of Gram Panchayat and Members of Mandal Praja Parishad/Zilla Praja Parishad shall be filled up within a period of one hundred and twenty days from the date of occurrence of such vacancy in accordance with the provisions of these rules and orders made there under.

102. Interpretation of Rules:- (1) If any question arises on the interpretation of these Rules, otherwise than in connection with an enquiry held under the rules for the decision of disputes as to the validity of an election, the question shall be referred to the State Election Commission whose decision thereon shall be final:

Provided that, the State Election Commission shall not entertain any petition relating to elections that may arise from the time of calling for nomination till the declaration of results. Such cases shall be decided by a court of competent jurisdiction.

(2) If any difficulty arises as to the holding of an election under these rules, the State Election Commission may by order, do anything not inconsistent with these rules, which appear to them necessary for the proper holding of elections.

103. Particulars of Account of Election Expenses: - (1) The account of election expenses to be kept by a candidate or his election agent shall contain such particulars and shall be in such proforma as may be specified by the State Election Commission.

(2) The account of election expenses of Members of Gram Panchayat, Mandal Praja Parishad and Zilla Praja Parishad shall be submitted to the Mandal Parishad Development Officer (MPDO) concerned within forty-five days of the declaration of the result of the election.

(3) The Mandal Parishad Development Officer immediately on the expiry of forty five days from the date of declaration of the results of elections shall submit the copies of election expenditure statements in respect of the members of Zilla Praja Parishad to the Chief Executive Officer of Zilla Praja Parishad concerned for onward transmission to the State Election Commission.

104. Notice by Mandal Parishad Development Officer or Chief Executive Officer of Zilla Praja Parishad as the case may be for inspection of accounts:- The Mandal Parishad Development Officer or Chief Executive Officer of Zilla Praja Parishad as the case may be shall, within two days from the date on which account of election expenses has been received by him/her under Rule 103, cause a notice to be affixed on his notice board, specifying -

- (a) the name of the candidate;
- (b) the date on which the account has been lodged before the Mandal Parishad Development Officer
- (c) the amount reported as incurred and
- (d) the time and place at which such account can be inspected by any intending person.

105. Inspection of account and the obtaining of copies thereof:- Any person shall on payment of a fee of fifty rupees, be entitled to inspect any such account and on payment of Rs. 200/- or the actual cost of making copies whichever is lesser, be entitled to obtain attested copies of such account or any part thereof.

106. Report by Mandal Parishad Development Officer or Chief Executive Officer of Zilla Praja Parishad as the case may be as to the lodging of the account of election expenses and the decision of the State Election Commission thereon:- (1) As soon as may be, after the expiration of the time specified in Section 238 for the lodging of the accounts of election expenses at any election, the Mandal Parishad Development Officer or Chief Executive Officer of Zilla Praja Parishad as the case may be shall, report to the State Election Commission –

- (a) the name of each contesting candidate;
- (b) whether such candidate has lodged his account of election expenses, and if so, the date on which such account has been lodged; and
- (c) whether in his opinion such account has been lodged within the time and in the manner required by the Act and these rules.

He/she shall also publish the same information on the office notice board of the Mandal Praja Parishad or Zilla Praja Parishad as the case may be.

(2) Where the Mandal Parishad Development Officer or Chief Executive Officer of Zilla Praja Parishad as the case may be is of the opinion that the account of election expenses of any candidate has not been lodged within the due date or lodged but not in the manner required by the Act and these rules, he/she shall make a report to the State Election Commission and with every such report, forward the account of election expenses of that candidate and the vouchers lodged along with it, if any.

(3) As soon as may be, after the receipt of the report referred to in sub-rule (1), the State Election Commission shall, consider the same and decide whether any contesting candidate has failed to lodge the account of election expenses within the time and in the manner required by the Act and these rules.

(4) Where, the State Election commission decides that, a contesting candidate has failed to lodge his account of election expenses within the time and/or in the manner required by the Act and these rules, the Commission shall by notice in writing call upon the candidate to show cause why he/she should not be disqualified, and declared to have ceased to hold office under Section 23 of the Act for the failure in case he/she is elected.

(5) Any contesting candidate who has been called upon to show cause under sub-rule (4) may, within twenty days of the receipt of such notice, submit in respect of the matter a representation in writing to the State Election Commission, and shall at the same time send to Mandal Parishad Development Officer or Chief Executive Officer of Zilla Praja Parishad as the case may be a copy of his/her representation together with a complete account of his/her election expenses if he/she had not already furnished such an account.

(6) The Mandal Parishad Development Officer or Chief Executive Officer of Zilla Praja Parishad as the case may be, shall, within five days of the receipt thereof, forward to the State Election Commission, the copy of the representation and the account, if any, with such comments as he/she wishes to make thereon.

(7) If, after considering the representation submitted by the candidate and the comments made by the Mandal Parishad Development Officer or Chief Executive Officer of Zilla Praja Parishad as the case may be, and after such inquiry as it thinks fit, the State Election Commission is satisfied that the candidate has no good reason or justification for the failure, the Commission shall declare him/her by an order made under Section 23 of the Act to be ineligible for a period of three years, from the date of the said order, to contest any election held for any office under the Act and if he/she is an elected candidate declare him/her to have ceased to hold office with immediate effect and publish the order in the Official Gazette.

107. Maximum Election Expenses:- The total of the election expenses incurred or authorized to be incurred by each contesting candidate in connection with an election shall not exceed the amount specified for each office in the order made by the State Election Commission in this behalf.

VIKAS RAJ
PRINCIPAL SECRETARY TO GOVERNMENT

FORM - I
[See Rule 5]

NOTICE OF ELECTION

Notice is hereby given that:

- (1) (a) an election is to be held for the office(s) of Sarpanch / Member(s) in the Gram Panchayat in Mandal Praja Parishad.
- (b) Total number of members inclusive of Sarpanch in the Gram Panchayat are:
- (c) Reservation particulars for the office of Sarpanch:
.....
- (d) Reservation particulars for the offices of Ward Members:

Category	Ward Nos.
ST(Women)	
ST(General)	
SC (Women)	
SC (General)	
BC (Women)	
BC(General)	
General (Women)	
General (Unreserved)	

- (2) Nomination Papers may be delivered by a candidate or his proposer to the Returning Officer or to Assistant Returning Officer, at the office of (place) between **10.30 A.M.** and **5.00 P.M.** on the dates from to (whether or not it is a public holiday).
- (3) Forms of nomination papers may be obtained at the place and time aforesaid.
- (4) Nomination papers will be taken up for scrutiny at (time) ondate) at (place).
- (5) Notice of withdrawal of candidature may be delivered either by the candidate or by his proposer / election agent, who has been authorised in writing by the candidate to deliver it to either of the officers specified in paragraph (2) above at his office before 3.00 P.M. on (date) (Whether or not it is a Public holiday).

- (6) In the event of the election being contested, the poll will be taken on
(date) between the hours of and
- (7) Where the Poll is held, the counting of votes will be taken at(place) on (date) at (time) and the
results will be declared and published at (place) soon after
completion of counting.
- (8) A special meeting will be held for the election of Upa-Sarpanch at
.....(time) on(date) at(place).

Place :

Date :

RETURNING OFFICER

.....

.....

FORM - II
[See Rule 5]

**NOTICE OF ELECTION FOR THE OFFICE OF MEMBER, MANDAL PRAJA
PARISHAD / ZILLA PRAJA PARISHAD.....**

Notice is hereby given that:

- (1) An election is to be held for the office of the Members of Mandal Praja Parishad / Zilla Praja Parishad

(a) Total number of Members of Territorial constituencies:

(b) Reservation particulars:

Reservation Category	Name of the territorial constituency
ST(Women)	
ST(General)	
SC (Women)	
SC (General)	
BC (Women)	
BC(General)	
General (Women)	
General (Unreserved)	

- (2) Nomination papers may be delivered by a candidate or his proposer to the undersigned or to (person authorized) between **10.30 A.M.** and **5.00 P.M.** from date to (date) (whether or not it is a public holiday).
- (3) Forms of nomination papers may be obtained at the place and time aforesaid.
- (4) The nomination papers will be taken up for scrutiny at (time) on(date) at(place).
- (5) Notice of withdrawal of candidature may be delivered by a candidate or by his proposer / election agent, who has been authorised in writing to deliver it either of the officers specified in paragraph (2) above at his office before 3.00 P.M. on (date) (Whether or not it is a Public holiday).
- (6) In the event of the election being contested, the poll will be taken on (date) between the hours of and

Place :
Date :

RETURNING OFFICER

FORM – III
[See Rule 7(1)]

NOMINATION PAPER

Name of the Gram Panchayat
(Scheduled Area/ Non Scheduled Area)

Part-I

Election to the office of Sarpanch / Member..... Ward
..... Gram Panchayat.

Reservation status of the post.....

I nominate the following as a Candidate for election to the office of Sarpanch /
Member Ward, Gram Panchayat.

Full name of the candidate :
Age :
Father's /Mother's / Husband's Name :
Postal Address of the candidate :

Occupation :

His / Her name is entered at serial number of Gram
Panchayat / concerned ward electoral roll.

My name is and it is entered at serial number
..... of Gram Panchayat /ward electoral
roll.

Date:

Signature of the Proposer.

Part - II

(Candidates Declaration)

I, the candidate mentioned in Part – I assent to this nomination and hereby declare-

- (a) that I have completed years of age
- (b) that the code of conduct prescribed by the State Election Commission has been read by me /read over to me and I will abide by it.
- (c) that my name and my father's / mother's / husband's name have been correctly spelt out above in Telugu.
- (d) that to the best of my knowledge and belief, I am qualified and not disqualified for being chosen to fill the seat of Sarpanch/ Member of Ward No. ofGram Panchayat.

Signature of the candidate

Part – III

(Declaration in case of Scheduled Caste / Scheduled Tribe / Backward Class Candidate)

I hereby declare that I am a member of the Caste / Tribe/ Class which is a Scheduled Caste / Scheduled Tribe / Backward Class of the State of Telangana in relation to District or Area in the State.

Signature of Candidate

.....

The above declaration is solemnly affirmed before me..... (name of the officer in block letters) by Sri/Smt/Kum.....who is personally known to me / who has been identified to my satisfaction by Sri/Smt/Kum of (Village/Town)

Signature of the Gazetted Officer or any
officer of the Revenue Department
not below the rank of a Dy. Tahasildar.

(Seal of office)
Date

Full designation

Part – IV

(To be filled by the Returning Officer)

Serial Number of Nomination Paper

This nomination paper was delivered to me at my office at
(hour) on (date) by the candidate / proposer.

Date:

**Returning Officer or
other authorized person**

Part – V

(Decision of Returning Officer accepting or rejecting the Nomination Paper)

I have examined this nomination in accordance with Rule 11 of TPR (Conduct of Elections) Rules, 2018 and decide as follows

Accepted /Rejected

Reasons for Rejection

.....
.....
.....
.....

Date:

Returning Officer

Part – VI

(RECEIPT FOR NOMINATION PAPER AND NOTICE FOR SCRUTINY)

(To be handed over to the person presenting the nomination paper)

Serial Number of Nomination paper.....

The Nomination paper of Sri/Smt/Kum..... a candidate for election of Sarpanch/ Member of Ward No. ofGram Panchayat was delivered to me at (hour) on..... (date) by Sri/Smt/Kum the candidate / proposer.

All nomination papers will be taken up for scrutiny at..... (hour)..... on..... (date) at.....(place).

Date:

Returning Officer.

FORM – IV
[See Rule 7 (1)]

NOMINATION PAPER

Part - I

Name of the Mandal Praja Parishad / Zilla Praja Parishad
(Scheduled Area / Non scheduled Area)

Election to the Office of Member..... Territorial
Constituency Mandal Praja Parishad / Zilla Praja Parishad.

Reservation status of the post.....

I nominate the following as a candidate for election to the office of Member
.....Territorial Constituency Mandal Praja Parishad /
Zilla Praja Parishad

Full name of the candidate :

Age :

Father's /Mother's / Husband's Name :

Postal address of the candidate :

Occupation :

His / Her name is entered at Serial Number of the electoral roll for
..... Gram Panchayat comprised in Mandal
Praja Parishad.

My name is and it is entered at Serial Number
..... of the electoral roll for the Gram Panchayat
falling within the Territorial constituency of Mandal Praja Parishad /
Zilla Praja Parishad.

Date:

Signature of the Proposer.

Part - II

(Candidates Declaration)

I, the candidate mentioned in Part – I assent to this nomination and hereby declare-

- (a) that I have completed years of age
- (b) (i) that I am set up at this election by the party, which is recognized National Party / State Party / Registered political party with reserved symbol (strike out which is not applicable) and that the symbol reserved for the above party be allotted to me.
OR
(ii) that I am set up at this election by the party, which is registered political party without reserved symbol or

(iii) that I am contesting this election as an independent candidate. (Strike out which is not applicable) and that the symbols I have chosen, in order of preference, are:-

(i)..... (ii).....
(iii).....
- (c) that my name and my father's / mother's / husband's name have been correctly spelt out above in Telugu.
- (d) that to the best of my knowledge and belief, I am qualified and not disqualified for being chosen to fill the seat in the Mandal Praja Parishad / Zilla Praja Parishad.
- (e) that the code of conduct prescribed by the State Election Commission is read by me / is read over to me and I will abide by it.

Signature of the candidate

Part – III

(Declaration in case of Scheduled Caste / Scheduled Tribe / Backward Class Candidate)

I hereby declare that I am a member of the Caste / Tribe /Class which is a Scheduled Caste / Scheduled Tribe / Backward Class of the State of Telangana in relation to District or area in the State.

Date:

Signature of Candidate

The above declaration is solemnly affirmed before me..... (name of the officer in block letters) by Sri/Smt/Kum.....who is personally known to me / who has been identified to my satisfaction by Sri/Smt/Kum of (Village/Town)

Signature of the Gazetted Officer or any officer of the Revenue Department not below the rank of a Dy. Tahasildar.

(Seal of office)
Date

Full designation

Part – IV

(To be filled by the Returning Officer)

Serial Number of Nomination Paper

This nomination paper was delivered to me at my office at (hour) on (date) by the candidate / proposer.

Date:

Returning Officer

Part – V

(Decision of Returning Officer accepting or rejecting the Nomination Paper)

I have examined this nomination in accordance with Rule 11 of TPR (Conduct of Election) Rules, 2018 and decide as follows

Accepted / Rejected

Reasons for Rejection

.....

.....

.....

.....

Date :

Returning Officer

Part – VI

(Receipt for Nomination Paper and notice for Scrutiny)

(To be handed over to the person presenting the nomination paper)

Serial Number of Nomination paper.....

The Nomination paper of.....a candidate for election to the office of the Member..... Territorial Constituency..... Mandal Praja Parishad / Zilla Praja Parishad was delivered to me at(hour) on.....(date) by the candidate / proposer.

All nomination papers will be taken up for scrutiny at..... (hour)..... on..... (date) at.....(place).

Date:

Returning Officer.

FORM – V
[See rule 10]

LIST OF NOMINATIONS RECEIVED

* Election to Sarpanch / Member of Ward No. of Gram Panchayat /Member,
..... Territorial Constituency of..... Mandal Praja Parishad/ Zilla Praja Parishad.

S.No of Nomination Paper	Name of Candidate	Father's / Mother's / Husband's Name	Age of the candidate	Occupation & Address	Particulars of Caste or Tribes or Class for candidates belonging to SC or ST or BC	Gram Panchayat Electoral Roll serial number of Candidate	Name of the Proposer	Gram Panchayat Electoral Roll Serial No. of Proposer	** Name of the Political party (National/ State or Registered) by which the candidate claims to have been set up/ independent candidate	** Symbols chosen in order of preference by the candidate
1	2	3	4	5	6	7	8	9	10	11

The nomination papers will be taken up for scrutiny at A.M./ P.M. on (date) at
.....(place).

Place :

Date :

Signature of the Returning Officer or
other authorized person

*Strike of the inappropriate alternative.

**Applicable in case of election to Member, Mandal Praja Parishad / Zilla Praja Parishad.

FORM - VI
[See Rule 11 (4)]

LIST OF VALIDLY NOMINATED CANDIDATES

*Election to Sarpanch / Member of Ward No. of Gram
Panchayat / Member, Territorial Constituency of
..... Mandal Praja Parishad / Zilla Praja Parishad.

Sl. No.	Name of the Candidate	Name of the father/mother/husband	Address of the Candidate	** Party affiliation if any
(1)	(2)	(3)	(4)	(5)
1				
2				
3				
Etc.				

Place :
Date :

Returning Officer.

* Strike off the inappropriate alternative.

**Applicable in case of election to Member, Mandal Praja Parishad / Zilla Praja Parishad.

FORM - VII
[See Rule 13(1)]

NOTICE OF WITHDRAWAL OF CANDIDATURE

*Election to Sarpanch / Member of Ward No. of Gram Panchayat / Member, Territorial Constituency of Mandal Praja Parishad / Zilla Praja Parishad.

To

The Returning Officer,

I, a candidate validly nominated at the above election do hereby give notice that I withdraw my candidature.

Place :

Date :

Signature of Candidate.

This notice was delivered to me at my office at (hour) on(date) by (name) * the candidate / candidate's proposer / candidate's election agent who has been authorized in writing by the candidate to deliver it.

Date :

Returning Officer.

RECEIPT FOR NOTICE OF WITHDRAWAL
(To be handed over to the person delivering the notice)

The notice of withdrawal of candidature by a validly nominated candidate at the election to the office of the Sarpanch / Member of Ward No. of Gram Panchayat / Member, Territorial Constituency of Mandal Praja Parishad / Zilla Praja Parishad was delivered to me by the *candidate/candidates proposer / candidate's election agent who has been authorized in writing by the candidate to deliver it at my office at (hour) on (date).

Returning Officer.

* Strike off the inappropriate alternative.

FORM – VIII

[See Rule 13(2)]

PUBLICATION OF NOTICE OF WITHDRAWAL OF CANDIDATURE

*Election to Sarpanch / Member of Ward No. of Gram Panchayat / Member, Territorial Constituency of Mandal Praja Parishad / Zilla Praja Parishad.

Notice is hereby given that the following validly nominated candidate/ candidates at the above election withdraws / withdraw his/her candidature / their candidatures today.

Sl. No.	Name of Validly Nominated Candidate	Address of Validly Nominated Candidate	Remarks
(1)	(2)	(3)	(4)
1			
2			
3			
Etc.			

Date :

Returning Officer.

* Strike off the inappropriate alternative.

FORM - IX
[See Rule 14]

LIST OF CONTESTING CANDIDATES

*Election to Sarpanch / Member of Ward No. of Gram Panchayat / Member, Territorial Constituency of Mandal Praja Parishad / Zilla Praja Parishad.

Sl. No.	Name of the Candidate	Address of the Candidate	** Party affiliation if any	Symbol Allotted
(1)	(2)	(3)	(4)	(5)
1				
2				
3				
etc.				

Place :
Date :

Returning Officer.

* Strike off the inappropriate alternative.

** Applicable in case of election to Member, Mandal Praja Parishad/Zilla Praja Parishad.

Note:

1. In the election to member / Mandal Praja Parishad / Zilla Praja Parishad, for the purpose of listing, the names of candidates shall be placed in the following categories.
 - a) candidates of recognised political parties (National and State parties)
 - b) candidates of registered political parties with a reserved symbol.
 - c) candidates of registered political parties without a reserved symbol
 - d) independent candidates.

Under Col. No. 1 above, the serial numbers of candidates of all above four categories shall be given consecutively and not separately for each category in case of election to Member, Mandal Praja Parishad / Zilla Praja Parishad.

FORM – X
[See Rule 15]

DECLARATION OF THE RESULT OF UNCONTESTED ELECTION

In accordance with Rule 15 of the Telangana Panchayat Raj (Conduct of Elections) Rules 2018, I declare that the following candidate has been duly elected for the office of * Sarpanch / Member of Ward No. of Gram Panchayat / Member, Territorial Constituency of Mandal Praja Parishad / Zilla Praja Parishad.

Name:
Address:

** Party affiliation, if any:

Place:
Date :

Signature of the Returning Officer.

* Strike off the inappropriate alternative.

** Applicable in case of election to Member, Mandal Praja Parishad / Zilla Praja Parishad.

FORM – XI
[See Rule 17]

APPOINTMENT OF ELECTION AGENT

*Election to Sarpanch / Member of Ward No. of Gram Panchayat / Member, Territorial Constituency of Mandal Praja Parishad / Zilla Praja Parishad.

To
The Returning Officer,

I, R/o..... a candidate at the above election do hereby appoint Sri/Smt/Kum..... R/o..... as my election agent from this day at the above election.

Place :
Date :

Signature of Candidate.

I accept the above appointment.

Place :
Date :

Signature of Election Agent.

Approved

**Signature and seal of the
Returning Officer**

* Strike off the inappropriate alternative.

FORM – XI A
[See Rule 17 (3)]

REVOCATION OF APPOINTMENT OF ELECTION AGENT

*Election to Sarpanch / Member of Ward No. of Gram Panchayat / Member, Territorial Constituency of Mandal Praja Parishad / Zilla Praja Parishad.

To
The Returning Officer,

I, R/o..... a candidate at the above election do hereby revoke the appointment of Sri/Smt/Kum..... R/o..... as my election agent.

Place :
Date :

Signature of Candidate.

* Strike off the inappropriate alternative.

FORM - XII
[See Rule 18]

APPOINTMENT OF POLLING AGENT

*Election to Sarpanch / Member of Ward No. of Gram Panchayat / Member, Territorial Constituency of Mandal Praja Parishad / Zilla Praja Parishad.

I, a candidate / the election agent of Sri/Smt/Kum who is a candidate at the above election, do hereby appoint (name and address) as a polling agent to attend polling station No.fixed for the poll at

Place :

Date :

Signature of Candidate / Election Agent

I agree to act as such polling agent.

Signature of Polling Agent

Declaration of Polling Agent to be signed before Presiding Officer

I hereby declare that at above election I will not do anything forbidden by Section 217 of the Telangana Panchayat Raj Act, 2018, which I have read / has been read over to me.

Date:

Signature of Polling Agent.

Signed before me

Date:

Presiding Officer

Note: The appointment order shall be made in duplicate and one copy thereof shall be handed over to the polling agent for production at the polling station and the other copy to be sent to the Returning Officer.

* Strike off the inappropriate alternative.

FORM – XII A
[See Rule 18(5)]

REVOCATION OF APPOINTMENT OF POLLING AGENT

*Election to Sarpanch / Member of Ward No. of Gram Panchayat / Member, Territorial Constituency of Mandal Praja Parishad / Zilla Praja Parishad.

To

The Returning Officer,

I, a candidate / the election agent of Sri/Sri/Kum at the above election, do hereby revoke the appointment of Sri/Smt/Kum..... R/o..... as my/his/her polling agent at Polling Station No.....

Place :

Date :

**Signature of Person Revoking
(Candidate or his/her Election Agent)**

* Strike off the inappropriate alternative.

FORM - XIII
[See Rule 19]

APPOINTMENT OF COUNTING AGENT

*Election to Sarpanch / Member of Ward No. of Gram Panchayat / Member, Territorial Constituency of Mandal Praja Parishad / Zilla Praja Parishad.

To

The Returning Officer,

I, a candidate / the election agent of Sri/Smt/Kum who is a candidate at the above election, do hereby appoint the following persons as my counting agents to attend the counting of votes at

Name of the Counting Agent	Address of the Counting Agent.
1.	
2.	
3.	

Signature of Candidate / Election Agent

I/We agree to act as such counting agents.

1.
2.
3.

Place :

Date :

Signature of the Counting Agents

Declaration of counting agents

We hereby declare that at the above election we will not do anything forbidden by Section 217 of the Telangana Panchayat Raj Act, 2018 which we have read/ has been read over to us.

1
2
3

Signature of counting agent

Signed before me

Date

Returning Officer

* Strike off the inappropriate alternatives.

FORM – XIII A
[See Rule 19(4)]

REVOCATION OF APPOINTMENT OF COUNTING AGENT

*Election to Sarpanch / Member of Ward No. of Gram Panchayat / Member, Territorial Constituency of Mandal Praja Parishad / Zilla Praja Parishad.

To

The Returning Officer,

I, a candidate / the election agent of Sri/Sri/Kum at the above election do hereby revoke the appointment of Sri/Smt/Kum..... R/o..... as my/his/her counting agent.

Place :

Date :

**Signature of Person Revoking
(Candidate or his/her Election Agent)**

* Strike off the inappropriate alternative.

FORM - XIV
[See Rule 25 (1)]

APPLICATION FOR POSTAL BALLOT PAPER

To
The Returning Officer,
Gram Panchayat / Mandal Praja Parishad/Zilla Praja Parishad.....

I intend to cast my vote by post at the ensuing election to the office of the
*Sarpanch/Member of Ward No..... of Gram Panchayat/
Member, Territorial Constituency ofMandal Praja
Parishad/ Zilla Praja Parishad.

My name is entered at Sl. No. in Polling Station No:..... of the
electoral roll for.....Gram Panchayat in Mandal
Praja Parishad / Zilla Praja Parishad.

The Ballot paper may be sent to me at the following address:

Place :
Date :

Yours faithfully

(Signature of the Applicant)

* Strike off the inappropriate alternatives.

FORM - XV
[See Rule 25 (2)]

APPLICATION FOR ELECTION DUTY CERTIFICATE

To
The Returning Officer,
Gram Panchayat / Mandal Praja Parishad / Zilla Praja Parishad.....

Sir,

I intend to cast my vote in person at the ensuing election to the office of the
*Sarpanch / Member of Ward No. of Gram Panchayat
/ Member, Territorial Constituency of Mandal
Praja Parishad / Zilla Praja Parishad.

I have been posted on election duty elsewhere than the polling station at which I
am entitled to vote.

My name is entered at Sl. No. in Polling Station No:..... of the
electoral roll for Gram Panchayat in Mandal
Praja Parishad / Zilla Praja Parishad.

I request that an Election Duty Certificate in Form XVI may be issued to enable
me to vote at the polling station where I may be on duty on the polling day. It may be
sent to me at the following address.

Place :
Date :

Yours faithfully

(Signature of the Applicant)

* Strike off the inappropriate alternatives.

FORM - XVI
[See Rule 25 (2) (a)]

ELECTION DUTY CERTIFICATE

Certified that Sri/Smt/Kum is an elector in the
..... Gram PanchayatMandal Praja Parishad
..... Zilla Praja Parishad and his electoral roll number being
..... of Gram Panchayat that by reason of
his being on election duty he is unable to vote at the polling station where he is entitled
to vote and that he is therefore hereby authorized to vote at any polling station (in the
Ward No..... of Gram Panchayat / Territorial Constituency
of Mandal Praja Parishad / Zilla Praja Parishad, as the case may be) where he may be
on duty on the date of poll.

Place :

Date :

Signature

Returning Officer
(Seal)

FORM – XVII
[See Rules 27 (1) (a), 28(2), 29 (2) & 57]

DECLARATION BY ELECTOR

*Election to the Sarpanch/Member of Ward No..... of Gram Panchayat/ Member, Territorial Constituency of Mandal Praja Parishad/ Zilla Praja Parishad.

(This side is to be used only when the elector signs the declaration himself)

I hereby declare that I am the elector to whom the postal ballot paper bearing serial number has been issued at the above election.

Date.....

Signature of elector.

Address.....

-----X-----

Attestation of Signature

The above has been signed in my presence by Sri/Smt/Kum..... (elector) who is personally known to me/has been identified to my satisfaction by Sri/Smt/Kum (identifier) who is personally known to me.

Signature of identifier, if any
Address
.....

Signature of Attesting Officer,

Designation

Address

Date

(This side is to be used when the elector cannot sign himself)

I hereby declare that I am the elector to whom the postal ballot paper bearing serial number has been issued at the above election.

Signature of Attesting Officer on behalf of elector.

Date

Address of Elector

* Strike off the inappropriate alternatives.

CERTIFICATE

I hereby certify that –

1. the above named elector in Ward No. of Gram Panchayat/ Member, Territorial Constituency of Mandal Praja Parishad/ Zilla Praja Parishad is personally known to me/has been identified to my satisfaction by Sri/Smt/Kum..... (identifier) who is personally known to me;
2. I am satisfied that the elector in Ward No. of Gram Panchayat/ Member, Territorial Constituency of Mandal Praja Parishad/ Zilla Praja Parishad is illiterate/ suffers from (infirmity) and is unable to record his vote himself or sign his declaration:
3. I was requested by him to mark the ballot paper and to sign the above declaration on his behalf; and
4. The ballot paper was marked and the declaration signed by me on his behalf in his presence and in accordance with his wishes.

Signature of Attesting Officer

Signature of identifier, if any.....

Designation.....

Address

Address

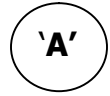
Date

FORM XVIII

[See Rules 27 (1) (b), 28(1) & 57]

COVER

NOT TO BE OPENED BEFORE COUNTING



*of the Election to the Sarpanch / Member of Ward No. of
..... Gram Panchayat / Member ofTerritorial
Constituency Mandal Praja Parishad/ Zilla Praja Parishad.

POSTAL BALLOT PAPER

Serial number of the Ballot Paper

* Strike off the inappropriate alternatives.

FORM XIX
[See Rules 27 (1) (c) & 57]

COVER	[Service Unpaid]
<div style="border: 1px solid black; border-radius: 50%; width: 40px; height: 40px; display: flex; align-items: center; justify-content: center; margin: 0 auto;">B'</div>	ELECTION – IMMEDIATE -----
POSTAL BALLOT PAPER	
<p>*For election to the Sarpanch / Member of Ward No. of Gram Panchayat / Member of Territorial Constituency Mandal Praja Parishad/ Zilla Praja Parishad</p> <p style="text-align: center;">(NOT TO BE OPENED BEFORE COUNTING)</p> <div style="display: flex; justify-content: space-between;"><div style="width: 60%;">Signature of sender</div><div style="width: 35%; text-align: right;">**To The Returning Officer,</div></div>	

*Returning Officer to insert here the name of the appropriate Constituency.

** Returning Officer to mention here his/her full postal address.

FORM XX
[See Rules 27 (1) (d), 28(1) & 31 (1)]

INSTRUCTIONS FOR GUIDANCE OF ELECTORS

*Election to the Sarpanch/Member of Ward No..... of Gram Panchayat/ Member, Territorial Constituency of Mandal Praja Parishad/ Zilla Praja Parishad.

Part – I

*The postal ballot paper for election to Sarpanch / ward member of Gram Panchayat contains only symbols. For the information of elector, the names of the contesting candidates and the symbols allotted to them in the election to the said office are listed below –

Sl.No.	Name of the Candidate	Symbol allotted

Record your vote in the postal ballot paper by placing clearly a mark on the symbol allotted to candidate you wish to vote

** The postal ballot paper for election to Member, ZPTC and Member, MPTC contains names of contesting candidates and their party affiliation if any. Record your vote by placing clearly a mark against the name of the candidate whom you wish to vote.

The mark should be so placed as to indicate clearly and beyond doubt to which candidate you are giving your vote. If the mark is so placed as to make it doubtful to which candidate you have given your vote, your vote will be invalid.

The number of members to be elected is one. Please remember that you have only one vote. Accordingly you should not vote for more than one candidate. If you do so, your ballot paper will be rejected.

Do, not put your signature or write any word or mark any mark, sign or writing whatsoever on the ballot paper other than the mark required to record your vote.

After you have recorded your vote on the ballot paper, place the ballot paper in the smaller cover marked 'A' sent herewith. Close the cover and secure it by seal or otherwise.

(1) You may then sign the declaration in Form **XVII** also sent herewith in the presence of a stipendiary magistrate and obtain the attestation of your signature by such stipendiary magistrate.

* applicable in case of Gram Panchayat Elections

** applicable in case of MPTC/ZTPC Elections

(2) If you are a member of the armed forces of the Union or of an armed police force of a State but is serving outside that State, the attestation may be obtained by such officer as may be appointed in this behalf by the Commanding Officer of the Unit, ship or establishment in which you or your husband, as the case may be, are employed.

(3) If you are employed under the Government of India in a post outside India the attestation may be obtained by such officer as may be appointed in this behalf by the diplomatic or consular representative of India in the country in which you are resident.

(4) If you hold an office like the office of the (i) President, (ii) Vice-President (iii) Governors of State, (iv) Cabinet Ministers of the Union or of any State, (v) The Deputy Chairman and Members of the Planning Commission, (vi) The Ministers of State of the Union or of any State, (vii) Deputy Minister of the Union or of any State, (viii) The Speaker of the House of the People or of any State Legislative Assembly, (ix) The Chairman of any State Legislative Council (x) Lieutenant Governor of Union Territories, (xi) The Deputy Speaker of the House of the People or of any State Legislative Assembly, (xii) The Deputy Chairman of the Council of States or of any State Legislative council, (xiii) Parliamentary Secretaries of the union or of any State, the attestation may be obtained by an officer not below the rank of a Deputy Secretary to the Government of the Union or the State, as the case may be.

(5) If you are on an election duty, attestation may be obtained by any gazetted officer or by the Presiding Officer of the polling station in which you are on election duty.

(6) If you are under preventive detention, the attestation may be obtained by the Superintendent of the jail or the Commandant of the detention camp in which you are under detention.

In all the above cases you may take the declaration to the authorised officer and sign it in his presence after he has satisfied himself about your identity. The officer will attest your signature and return the declaration to you. You must not show your ballot paper to the attesting officer nor tell him how you have voted.

If you are unable to mark the ballot paper and sign the declaration yourself in the manner indicated above by reason of illiteracy, blindness or other infirmity, you are entitled to have your vote marked and declaration signed on your behalf by any of the authorised officer mentioned above. Such an officer will, at your request mark the ballot paper in your presence and in accordance with your wishes. He will also complete the necessary certificate in this behalf.

Part – II

After your declaration has been signed and your signature has been attested, place the declaration in Form XVII as also the smaller cover marked 'A' containing the ballot paper in the larger cover marked 'B'. After closing the larger cover, send it to the returning officer by post or by messenger. You have to give full signature in the space provided on the cover marked 'B'.

No postage stamp need to affix by you, if the cover is posted in India. If, however, you are an elector employed under the Government of India in a post outside India, you should return the cover to the returning officer concerned direct by air mail service after the requisite postage stamp is duly affixed thereon by the office in which you are serving except where it is sent by diplomatic bag.

You must ensure that the cover reaches the Returning Officer before on

Please note that:-

- (i) if you fail to get your declaration attested or certified in the manner indicated above, your ballot paper will be rejected; and
- (ii) if the cover reaches the returning officer after..... on the your vote will not be counted.

FORM XXI
[See Rules 43 (2) (c)]

LIST OF CHALLENGED VOTES

*Election to the Sarpanch/Member of Ward No..... of Gram Panchayat/ Member,
..... Territorial Constituency of Mandal Praja Parishad/ Zilla Praja Parishad.

Name and Number of the Polling Station Ward No. Gram Panchayat

Sl. No.	Sl. No. of Elector in the Electoral Roll	Name of Elector	Signature or thumb impression of the person challenged and his address	Name of Challenger	Signatures or thumb impression and address of identifier, if any	Order of Presiding Officer	Signature of Challenger on receiving refund of deposit if the challenge is proved
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

Place :
Date :

Signature of Presiding Officer

* Strike off the inappropriate alternative.

FORM - XXII
[See Rules 48 (1), 81 (1)]

**DECLARATION BY THE COMPANION OF
BLIND OR INFIRM VOTER**

*Election to Sarpanch / Member of Ward No. of
Gram Panchayat/ Member, Territorial Constituency of
..... Mandal Praja Parishad/ Zilla Praja Parishad.

(Name and Number of the Polling Station..... in Ward No.....
of Gram panchayat)

I, son/daughter ofagedyears
resident of..... hereby
declare that

- (a) I have not acted as companion of any other elector at any polling station today
the; and
- (b) I will maintain secrecy of voting recorded by me on behalf of
.....

Signature of Companion

* Strike off the inappropriate alternative.

FORM - XXIII
[See Rules 48 (2), 81 (2)]

LIST OF BLIND OR INFIRM VOTERS

*Election to Sarpanch / Member of Ward No. of
Gram Panchayat/ Member, Territorial Constituency of
..... Mandal Praja Parishad/ Zilla Praja Parishad.

Name of Number of the Polling Station..... in Ward No..... of
..... Gram panchayat

Sl. No. in Electoral Roll	Full Name of Voter	Full Name of Companion	Address of Companion	Signature of Companion of Voter
(1)	(2)	(3)	(4)	(5)

Date :.....

Signature of Presiding Officer.

* Strike off the inappropriate alternative.

FORM - XXIV
[See Rules 50 (2)]

LIST OF TENDERED VOTES

* Election to the Sarpanch/ Member of Ward No. of
Gram Panchayat/ Member, Territorial Constituency of
..... Mandal Praja Parishad/ Zilla Praja Parishad.

Name and Number of the Polling Station in Ward No.
..... of Gram Panchayat.

Sl. No.	Name of the Elector	Sl. No. in Electoral Roll	Serial No. of Tendered Ballot paper issued	Signature / thumb impression of person tendering	Serial No. of Ballot Paper issued to the person who had already voted
(1)	(2)	(3)	(4)	(5)	(6)
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					

Place :

Date :

Signature of Presiding Officer.

* Strike off the inappropriate alternative.

FORM - XXV
[See Rules 52 & 56]

PART - I
BALLOT PAPER ACCOUNT

* Election to the Sarpanch/ Member of Ward No. of
Gram Panchayat/ Member, Territorial Constituency of
..... Mandal Praja Parishad/ Zilla Praja Parishad.

Ward No.....

Gram Panchayat.....

Name and No. of the Polling Station.....

Sl. No.	Details	Serial No (s)		Total No
		From	To	
(1)	(2)	(3)	(4)	(5)
1	Ballot Papers Received	xxx	xxx	xxx
2	**Ballot Papers unused (i.e. not issued to Voters)			
	(a) With the signature of Presiding Officer	xxx		
	(b) Without the Signature of Presiding Officer	xxx		
	(c) Total (a)+(b)			xxx
3	**Ballot Papers used at the Polling Station (1-2=3)			xxx
4	Ballot Papers used at the Polling Stations but not inserted into the Ballot Box			
	(a) Ballot Paper cancelled for violation of voting procedure under Rule 47(6)	xxx		
	(b) Ballot Papers cancelled for other reasons	xxx		
	(c) Ballot Papers used as Tendered Ballot Papers	xxx		
	Total (a) + (b) + (c)			xxx
5	** Ballot Papers to be found in the Ballot Box (3-4=5)			xxx

** Serial number need not be given

* Strike off inappropriate alternatives.

Date :

Signature of the Presiding Officer

Part – II (of Form XXV)

RESULT OF INITIAL COUNTING

(to be used when the counting of votes is done by mixing)

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 5 of Part-I.....
.....

Date.....

Signature of Counting Supervisor

Signature of the Returning Officer

FORM – XXVI
[See rules 57 (11), 59, 60 & 93]

FINAL RESULT SHEET

**(to be used for recording the result where counting is done
polling station wise)**

*Election to the Sarpanch/ Member of Ward no. of Gram
Panchayat/ Member, Territorial Constituency of
Mandal Praja Parishad/ Zilla Praja Parishad.

Serial No. of the Polling Station	Candidate-wise Polled Valid Votes			Total Valid Votes (A+B+C) = (I)	No. of reject ed votes (II)	NOTA (III)	Total Votes polled (I)+(II)+(III)	Total No. of Tendered Votes
	Candidate A	Candidate B	Candidate C					
(1)								
(2)								
etc								
(i) Total No. of Votes Recorded at Polling Stations								
(ii) No. of Valid Votes Recorded on Postal Ballot Papers for candidates and rejected postal ballot papers.								
Grand Total (i+ii)								

Place.....
Date

Returning Officer

* Strike off the inappropriate alternatives.

FORM – XXVI**[See rules 57 (11), 59, 60 & 93]****FINAL RESULT SHEET**
(to be used when the counting of votes is done by mixing)

*Election to the Sarpanch/ Member of Ward no. of Gram Panchayat / Member, Territorial Constituency ofMandal Praja Parishad / Zilla Praja Parishad.

Polling Station No.	Total votes found in the ballot box (es)	No. of tendered votes
(1)		
(2)		
(3)		
...		
Total		

1. Total No. of valid votes recorded for candidates and of rejected Ballot Papers	Candidate's wise polled valid votes				Total Valid Votes (A+B+C+D) = (I)	No. of rejected votes (II)	NOTA (III)	Total votes polled (I)+(II)+(III)
	A	B	C	D				
1 st Round								
2 nd Round								
3 rd Round								
4 th Round								
2. Total number of valid votes recorded on postal ballot papers for candidates and of rejected Postal ballot papers								
Grand Total								

Place.....
Date

Returning Officer

* Strike off the inappropriate alternatives.

FORM XXVII
[See Rule 62 (1) (a)]

(for use in election when the seat is contested)

DECLARATION OF RESULT OF ELECTION

In accordance with rule 62 (1) (a) of Telangana Panchayat Raj (Conduct of Election) Rules, 2018, I, declare that the following candidate has been elected to the office of * Sarpanch / Member of Ward No. of Gram Panchayat / Member, Territorial Constituency of Mandal Praja Parishad / Zilla Praja Parishad.

Name in Full :

Address :

** Party affiliation, if any;

Place :

Date:

Signature of Returning Officer

* Strike off the inappropriate alternatives.

** Applicable in case of election of Member, Mandal praja Parishad/ Zilla Praja Parishad.

FORM XXVIII
[See Rule 62 (1) (b)]

RETURN OF ELECTION

*Election to the Sarpanch/ Member of Ward no. of
Gram Panchayat / Member, Territorial Constituency of
..... Mandal Praja Parishad / Zilla Praja Parishad.

Serial No	Name of the Candidate	** Party Affiliation, if any	Number of Votes Polled

Total number of Electors.....

Total number of Valid Votes Polled.....

Total number of Rejected Votes.....

Total number of Tendered Votes.....

Total No. of votes polled for None of the Above (NOTA)

I declare that -

Sri/Smt/Kum.....(Name)

of(address)

has been duly elected to fill the seat.

Place.....

Dated.....

Returning Officer

* Strike off the inappropriate alternatives.

** applicable in case of election of member, Mandal Praja Parishad/ Zilla Praja Parishad

FORM XXIX
[See Rule 63]

CERTIFICATE OF ELECTION

I, Returning Officer for the election to the *Sarpanch/ Member of Ward no. of Gram Panchayat / Member, Territorial Constituency of Mandal Praja Parishad / Zilla Praja Parishad hereby certify that I have on the day of 20.... declare that Shri/Smt/ Kum **sponsored by Party (name of the recognized/registered political party) to have been duly elected to the said office in the ordinary / casual election and that in token thereof I have granted to him this Certificate of Election.

Place.....

Date.....

Returning Officer

Seal

* Strike off the inappropriate alternatives.

** Applicable in case of election of member, Mandal Praja Parishad/ Zilla Praja Parishad

FORM – XXX
[See Rules 78, 79, 82, 88, 90, 97 & 98]

REGISTER OF VOTERS

*Election to the Sarpanch/ Member of Ward no. of Gram
Panchayat / Member, Territorial Constituency of
.....Mandal Praja Parishad / Zilla Praja Parishad.

Name & No. of the Polling Station _____

Sl .No.	Sl. No. of elector in the electoral roll	Signature / Thumb impression of elector	Remarks
(1)	(2)	(3)	(4)
1			
2			
3			
4			
Etc			

Date

Signature of the Presiding Officer

* Strike off the inappropriate alternatives.

FORM – XXXI
[See Rules 83 (2) & 88]

LIST OF TENDERED VOTES

*Election to the Sarpanch/ Member of Ward no. of Gram Panchayat / Member, Territorial Constituency ofMandal Praja Parishad / Zilla Praja Parishad.

Name & No. of the Polling Station _____

Sl. No.	Name of Elector	Sl. No. of Elector in Electoral Roll	Sl. No. in Register of Voters (Form XXX) of the person who has already voted in place of elector	Signature / Thumb impression of elector
(1)	(2)	(3)	(4)	(5)
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				

Date:

Signature of the Presiding Officer

* Strike off the inappropriate alternatives.

FORM – XXXII
[See Rules 86, 89, 93, 95, 96 & 97]

PART – I – ACCOUNT OF VOTES RECORDED

* Election to the Sarpanch / Member of Ward No. of
..... Gram Panchayat / Member,Territorial
Constituency of Mandal Praja Parishad/Zilla Praja Parishad.

No. & Name of the Polling Station :
Serial No. of Control Unit of EVM used at Polling :
Station
Serial No. of Balloting Unit of EVM used at :
Polling Station
Serial No. of DMM/SDMM if used :

1. Total No. of electors assigned to the :
Polling Station.

2. Total No. of voters as entered in the :
Register of voters(Form-XXX)

3. No. of voters decided not to record votes :
Under Rule 82

4. No. of voters not allowed to vote under :
Rule 79(6).

5. Total No. of votes recorded as per Voting :
machine.

6. Whether the total No. of votes as shown :
against item 5 tallies with the total No. of
voters as shown against item 2 minus
total No. of voters as against item 3 & 4
i.e. $[2-(3+4) = 5]$ or any discrepancies
noticed.

7. No. of voters to whom tendered ballot :
papers were issued under Rule 83.

8. No. of tendered ballot papers. :

From Sl. Nos To

- (a) received for use
- (b) issued to electors
- (c) not used and returned

9.	Account of paper seals	:		<u>Sl. Nos</u>	
			From		To
	a) Serial number of paper seal	:			
	b) Total number supplied	:			
	c) Number of paper seals used	:			
	d) Number of unused paper seals returned to Returning Officer (Deduct item c from item b)	:			
	e) Serial number of damaged paper seals, if any	:			

Signature of Polling Agents.

1. Smt/Sri/Kum
- 2.Smt/Sri/Kum
- 3.Smt/Sri/Kum
- 4.Smt/Sri/Kum
- 5.Smt/Sri/Kum
- 6.Smt/Sri/Kum

Date :
Place:

Signature of Presiding Officer
Polling Station No.

* Strike off the inappropriate alternative

Part – II
Result of Counting

Sl. No.	Name of the Candidate	No. of Votes recorded on control unit
(1)	(2)	(3)
1		
2		
3		
4		
5		
6		
7		
8		
9	None of the above (NOTA)	
	Total :	

Whether, the total Nos., of votes shown above tallies with the total No. of votes shown against item 5 of Part – I or any discrepancy noticed between the two totals. If any discrepancy noticed, the reasons for discrepancy are

Place:

Date:

Signature of Counting Supervisor

Sl. No.	Name of the Candidate/Election Agent/Counting Agent	Full signature
1		
2		
3		
4		
5		
6		
7		
8		

Signature of Returning Officer

FORM – XXXII
[See Rules 86, 89, 93, 95, 96 & 97]

PART – I – ACCOUNT OF VOTES RECORDED
(Where VVPATs are used)

* Election to the Sarpanch / Member of Ward No. of
..... Gram Panchayat / Member,Territorial Constituency
of Mandal Praja Parishad/Zilla Praja Parishad.

No. & Name of the Polling Station :
Serial No. of Control Unit of EVM used at Polling :
Station

Serial No. of Balloting Unit of EVM used at Polling :
Station

Serial No. of DMM/SDMM if used :

Serial No. of Printer used :

1. Total No. of electors assigned to the :
Polling Station.

2. Total No. of voters as entered in the :
Register of voters(Form-XXX)

3. No. of voters decided not to record votes :
Under Rule 82

4. No. of voters not allowed to vote under :
Rule 79(6).

5. Total votes recorded under rule 80(4) :
required to be deducted

a) Total No of test votes to be deducted
Total No. Sl.No.(s) of :
elector(s) in Form XXX

b) Candidate(s) for whom test vote(s) cast:
Sl.No Name of the candidate

No. of Votes

6. Total No. of votes recorded as per Voting :
machine.

7. Whether the total No. of votes as shown :
against item 6 tallies with the total No. of
voters as shown against item 2 minus Total
No. of voters as against item 3 & 4 i.e.
[2-(3+4) = 6] or any discrepancies
noticed.
8. No. of voters to whom tendered ballot :
papers were issued under Rule 83.
9. No. of tendered ballot papers. :
From Sl. Nos To
(a) received for use
(b) issued to electors
(c) not used and returned
10. Account of paper seals :
From Sl. Nos To
a) Serial number of paper seal :
b) Total number supplied :
c) Number of paper seals used :
d) Number of unused paper seals :
returned to Returning Officer
(Deduct item c from item b)
e) Serial number of damaged paper :
seals, if any

Signature of Polling Agents.

1. Smt/Sri/Kum
- 2.Smt/Sri/Kum
- 3.Smt/Sri/Kum
- 4.Smt/Sri/Kum
- 5.Smt/Sri/Kum
- 6.Smt/Sri/Kum

Date :
Place:

Signature of Presiding Officer
Polling Station No.

* Strike off the inappropriate alternative

Part – II
Result of Counting (Where VVPATS are used)

Sl. No.	Name of the Candidate	No. of Votes as displayed on control unit	No. of test votes to be deducted as for item 5 of Part-I	No. of valid votes (3-4)
1	2	3	4	5
1				
2				
3				
4				
5				
6				
7				
8				
9	None of the above (NOTA)			
	Total:			

Whether, the total Nos., of votes shown above tallies with the total No. of votes shown against item 6 of Part – I or any discrepancy noticed between the two totals. If any discrepancy noticed, the reasons for discrepancy are

Place:

Date:

Signature of Counting Supervisor

Sl. No.	Name of the Candidate/Election Agent/Counting Agent	Full signature
1		
2		
3		
4		
5		
6		
7		
8		

Signature of Returning Officer

PART – II

SL. No. 3: Rules Relating to conduct of Election of Member (Co-opted) and President / Vice-President of Mandal Parishad and Member (Co-opted) and Chairperson and Vice-Chairperson of Zilla Praja Parishad – Issued

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Rules Relating to conduct of Election of Member (Co-opted) and President / Vice-President of Mandal Parishad and Member (Co-opted) and Chairperson and Vice-Chairperson of Zilla Praja Parishad – Issued

**[G.O.Ms.No. 27, Panchayt Raj & Rural Development (PTS.III) Department,
Dated: 19.05.2018.]**

NOTIFICATION

In exercise of the powers conferred by Section 286 read with clause (vi) of sub-section (1) of Section 143, Section 147, clause (vi) of sub-section (3) of Section 172 and Section 176 of the Telangana Panchayat Raj Act, 2018 (Act 5 of 2018), the Governor of Telangana hereby makes the following Rules relating to Conduct of Election of Members (Co-opted), President and Vice-President of Mandal Praja Parishad and Member (Co-opted), Chairperson and Vice-Chairperson of Zilla Praja Parishad.

**PART I
PRELIMINARY**

- 1. Short title:-** These Rules may be called the Telangana Conduct of Election of Member (Co-opted), President and Vice-President of Mandal Praja Parishad and Members (Co-opted), Chairperson and Vice-Chairperson of Zilla Praja Parishad Rules, 2018.
- 2. Definitions:-** In these Rules, unless the context otherwise requires, -
 - (i) "Act" means the Telangana Panchayat Raj Act, 2018 (Act No. 5 of 2018);
 - (ii) 'Form' means the form appended to these rules;
 - (iii) 'section' means a section of the Act; and
 - (iv) the words and expressions used but not defined in these rules shall have the meanings respectively assigned to them in the Act.

PART II

ELECTION OF MEMBER (CO-OPTED) OF MANDAL PRAJA PARISHAD

- 3. Convening of special meeting for election of Member (Co-opted), Mandal Praja Parishad:-** (1) The election of the member specified in clause (vi) of sub-section (1) of Section 143 (hereinafter in this part referred as the "Member (Co-opted) shall be held in the office of the Mandal Praja Parishad at a special meeting of the members of the Mandal Praja Parishad specified in clauses (i) to (v) thereof, convened and presided over by any Gazetted Officer of the Government authorised by the District Collector in Form – I in this behalf.

(2) The Notice of the date and hour of such meetings shall be given in Form-II in Telugu language to the members of the Mandal Praja Parishad specified in clauses (i) to (v) of sub-section (1) of Section 143, of the meeting by the Gazetted officer of the Government authorized by the District Collector under sub-rule (1).

4. Quorum for election of Member (Co-opted), Mandal Praja Parishad:- No meeting for the conduct of election of member (Co-opted) shall be held unless there be present at the meeting atleast one-half of the number of members then on the Mandal Praja Parishad who are entitled to vote at the election, that is, members specified in clause (i) of sub-section (1) of section 143, within one hour from the time appointed for the meeting.

Explanation:- For the purpose of this rule, in the determination of one-half of the members any fraction below 0.5 shall be ignored and any fraction of 0.5 or above shall be taken as one.

5. Manner of Election of Member (Co-opted), Mandal Praja Parishad:- (1) A candidate for election of Member (co-opted) shall be nominated by means of a nomination paper in Form-III duly proposed by one elected member and seconded by another elected member. On the nomination paper the candidate shall also sign the declaration therein expressing his/her willingness to stand for election. The nomination shall be filed before the presiding Officer at the office of the Mandal Praja Parishad before 10.00 AM on the date fixed for the meeting. No member shall propose or second more than one candidate. Nominations shall not be received after the appointed time.

(2) The Presiding Officer shall scrutinise the nomination papers at the Mandal Praja Parishad office after 10.00 A.M on the date of the meeting and his/her decision as to the validity or otherwise of the nomination shall be final.

(3) The Presiding Officer shall publish the list of valid nominations on the notice board of the Mandal Praja Parishad on the same day atleast one hour before the time appointed for the meeting.

(4) Any candidate wishing to withdraw his/her nomination may do so by delivering a letter to that effect to the Presiding Officer before the commencement of the meeting.

(5) If only one candidate is duly proposed, he/she shall be declared to have been elected.

(6) If the number of candidates exceeds more than one for the said seat, the election shall be held by show of hands. The Presiding Officer shall then read out the names of contesting candidates. He/she shall thereafter record the number of votes

polled for each such candidates as ascertained by show of hands. He/she shall announce the number of votes secured by each candidate and shall declare the candidate who secures the highest number of votes, as elected.

(7) In the event of there being an equality of votes between the two candidates the Presiding Officer shall draw lots in the presence of the members and the candidate whose name is first drawn shall be declared to have been duly elected.

(8) If, for any reason, the election of Member (Co-opted) is not held on the date fixed as aforesaid, the meeting for the election of the President or Vice-President shall not be held and the matter shall be reported to the State Election Commission for fixing another date for holding election of Member (Co-opted), President and Vice-President of Mandal Praja Parishad.

(9) The Presiding Officer shall, immediately after declaring the candidate as elected, inform him/her that there will be held another meeting that day or the next day for the election of President and Vice-President of Mandal Praja Parishad and that a notice announcing the time, date, venue, etc. will shortly be placed on the notice board of the Mandal Praja Parishad in Form-IV and he/she shall also request them to read it after the conclusion of the meeting.

6. Record of proceedings (Member (Co-opted), Mandal Praja Parishad):- Immediately after the declaration of the result of the election, the Presiding Officer shall-

(a) prepare a record of the proceedings of the meeting and sign it attesting with his/her initials every correction made therein and shall also permit any members present at the meeting to affix their signatures to such record, if they so desire.

(b) publish on the notice board of the Mandal Praja Parishad, a notice signed by him/her, stating the name of the person elected as Member (Co-opted) of the Mandal Praja Parishad and send a copy of such notice to the State Election Commission, the Commissioner, Panchayat Raj and the District Collector. A copy of this notice shall also be given to the candidate who is declared elected.

7. Filling up of Casual Vacancies of Member (Co-opted), Mandal Praja Parishad:- A casual vacancy occurring in the office of a Member (Co-opted) of a Mandal Praja Parishad, shall be filled in an ordinary meeting of the Mandal Praja Parishad within a period of eight weeks from the date of occurrence of such vacancy and the procedure laid down in this part shall apply in all other respects.

PART III

ELECTION OF PRESIDENT AND VICE-PRESIDENT OF MANDAL PRAJA PARISHAD

8. Convening of special meeting for election of President and Vice President:- (1) On the same day on which the special meeting for election of a member (Co-opted) of Mandal Praja Parishad is held and soon after the election of the member is over, a special meeting shall also be held by the Gazetted Officer authorised by the District Collector under sub-rule (1) of rule 3 in the office of the Mandal Praja Parishad at the hour to be announced under sub-rule (8) of Rule 5, for the election of President and Vice-President in the manner hereafter laid down.

(2) Notice of the date and hour of such meeting shall be given in Form - II to the members specified in clauses (i) to (v) of sub-section (1) Section 143 for the election of the President and Vice-President, Mandal Praja Parishad by the Gazetted Officer authorised by the District Collector under sub-rule (1) of Rule 3. In respect of Member (Co-opted), the notice in Form -IV shall be affixed on the notice board of the Mandal Praja Parishad.

(3) If, for any reason, the election of the President or Vice-President is not held on the date fixed as aforesaid, the meeting for the election of the President or Vice-President shall be held on the next day, whether or not it is a holiday observed by the Mandal Praja Parishad and whether the President or Vice-President could not be elected on the next day also, the matter shall be reported to the State Election Commission for fixing another date for holding election.

9. Quorum for election of President and Vice-President:- (1) No meeting for the conduct of election of President and Vice-President of a Mandal Praja Parishad shall be held unless there be present at the meeting atleast one half of the number of members then on the Mandal Praja Parishad who are entitled to vote at the election, that is, members specified in clause (i) of sub-section (1) of Section 143, within one hour from the time appointed for the meeting.

Explanation:- For the purpose of this rule, in the determination of one-half of the members, any fraction below 0.5 shall be ignored and any fraction of 0.5 or above shall be taken as one.

(2) Where the Election of President or Vice-President could not be conducted in the first two special meetings convened for the purpose, for want of quorum, the President or Vice-President shall be elected in the subsequent meeting or meetings convened for the purpose from among the members present without insisting for quorum.

10. Manner of Election (President and Vice-President, Mandal Praja Parishad):-

(1) A candidate for the office of the President or Vice-President of a Mandal Praja Parishad, shall be proposed by one member and seconded by another. If any candidate claims to be contesting on behalf of a recognised political party, he shall produce an authorisation from the president of the party in the State or a person duly authorized by the State President under his office seal and such authorisation shall be produced before the Presiding Officer before 10.00 AM on the day of the election. The names of all candidates validly proposed and seconded shall be read out along with the name of the Political Party which has set him/her up, by the Presiding Officer in the meeting.

(2) If only one candidate is duly proposed, he/she shall be declared to have been elected.

(3) If there are two or more candidates, an election shall be held by show of hands and votes taken of the members present at the meeting.

(4) When an election notice is issued for conducting election to both the offices of President and Vice- President, no election to the office of the Vice-President shall be conducted, unless the office of the President is filled up. Only after the completion of election of President, the Presiding Officer shall conduct election to the office of Vice-President.

(5) The Presiding Officer shall thereafter record the number of votes polled, for each such candidates ascertained by show of hands. He/she shall announce the number of votes secured by each candidate and shall declare the candidate who secures the highest number of votes, as elected.

(6) In the event of there being an equality of votes between two candidates, the Presiding Officer shall draw lots in the presence of the members and the candidate whose name is first drawn shall be declared to have been duly elected.

11. Disqualification for disobedience of party whip (Mandal Praja Parishad):- (1) Every recognized political party may appoint on behalf of that political party a whip and intimation of such appointment shall be sent by the State President or a person authorized by him/her under his/her signature and seal and such intimation shall be sent to the Presiding Officer so as to reach him on or before 11.00 A.M. on the day preceding the day of election to the office of the President and Vice-President of the Mandal Praja Parishad .

(2) The person appointed as whip by the recognized political party shall furnish a copy of the contents of the whip issued by him/her to the Presiding Officer at least an hour before the commencement of special meeting.

(3) The person appointed as whip by a recognized political party shall, in addition to a copy of the contents of the whip issued by him/her, also furnish a copy of the acknowledgement obtained from the members belonging to the party on the service of the whip to them, to the Presiding Officer before the commencement of the meeting. If any member elected on behalf of the recognized political party refuses to receive the whip issued by him/her, he/she shall record the same and furnish a copy of it to the Presiding Officer.

(4) Any member of the Mandal Praja Parishad elected, on behalf of a recognized political party shall cease to be a Member of the Mandal Praja Parishad for disobeying the directions of the party whip so issued, in the manner hereinafter provided.

(5) The Presiding Officer shall, on receipt of a written report from the party whip within three days of the election that a member belonging to his/her party has disobeyed the whip issued in connection with the election, give a show-cause notice to the member concerned as to why he/she should not be declared to have ceased to hold office and that he/she should make any representation within seven days from the date of the notice. The Presiding Officer shall consider any explanation given within seven days and pass a speaking order in the matter of cessation for disobedience of the whip within two days of receipt of explanation. If no explanation is received, within seven days, the Presiding Officer shall pass an order on the basis of the material available with him within two days after expiry of seven days period.

12. Record of Proceedings (Election of President and Vice-President):- Immediately after the declaration of the result of the election, the Presiding Officer shall, -

(a) prepare a record of the proceedings of the meeting and sign it attesting with his initials every correction made therein and shall also permit any members present at the meeting to affix their signatures to such record, if they so desire.

(b) publish on the notice board of the Mandal Praja Parishad a notice signed by him/her stating the name of the person elected as President or Vice-President, as the case may be of the Mandal Praja Parishad and send a copy of such notice to the State Election Commission, Commissioner of Panchayat Raj and the District Collector. A copy of the notice shall also be given to the candidate who is declared to have been elected.

13. Filling up of casual vacancies (President and Vice-President, Mandal Praja Parishad):- (1) Every casual vacancy in the office of President or Vice-President of Mandal Praja Parishad shall be filled up within a period of six months from the date of occurrence of such vacancy in accordance with the rules in this part.

Provided that, before a casual election of President or Vice-President is held, every casual vacancy in the office of an elected member of a Mandal Praja Parishad shall be filled.

However, in the event of a vacancy in the office of an elected member of Mandal Praja Parishad occurs for any reason after the issue of President or Vice-President casual election notification by the State Election Commission, the election to the office of President or Vice-President shall not be stalled and shall be conducted as per the schedule.

(2) The notice of date and hour of the meeting in which the election to fill up a casual vacancy in the office of President or Vice-President of Mandal Praja Parishad is to be held shall be given in Form-V to members of such meeting. The meeting shall be presided over by a gazetted officer of the Government authorised by the District Collector in this behalf.

PART IV

ELECTION OF MEMBERS (CO-OPTED) OF ZILLA PRAJA PARISHAD

14. Convening of special meeting for election of Members (Co-opted), Zilla Praja Parishad:- (1) The election of the members specified in clause (vi) of sub-section (3) of Section 172 (hereinafter in this part referred as the "Members (Co-opted)) shall be held in the office of the Zilla Praja Parishad at a special meeting of the members of the Zilla Praja Parishad specified in clauses (i) to (v) thereof, convened and presided over by the District Collector.

(2) The Notice of the date and hour of such meetings shall be given in Form-VI in Telugu language to the members of the Zilla Praja Parishad specified in clauses (i) to (v) of sub-section (3) of Section 172, of the meeting by the District Collector.

15. Quorum for election of Members (Co-opted), Zilla Praja Parishad:- No meeting for the conduct of election of members (Co-opted) shall be held unless there be present at the meeting atleast one-half of the number of members then on the Zilla Praja Parishad who are entitled to vote at the election, that is, members specified in clause (i) of sub-section (3) of Section 172 within one hour from the time appointed for the meeting.

Explanation:- For the purpose of this rule, in the determination of one-half of the members, any fraction below 0.5 shall be ignored and any fraction of 0.5 or above shall be taken as one.

16. Manner of Election of Members (Co-opted), Zilla Praja Parishad:- (1) A candidate for election of Member (co-opted) shall be nominated by means of a nomination paper in Form-VII duly proposed by one elected member and seconded by another elected member. On the nomination paper the candidate shall also sign the declaration therein expressing his/her willingness to stand for election. The nomination

shall be filed before the presiding Officer at the office of the Zilla Praja Parishad before 10.00 AM on the date fixed for the meeting. No member shall propose or second more than one candidate. Nominations shall not be received after the appointed time.

(2) The Presiding Officer shall scrutinise the nomination papers at the Zilla Praja Parishad office after 10.A.M on the date of the meeting and his/her decision as to the validity or otherwise of the nomination shall be final.

(3) The Presiding Officer shall publish the list of valid nominations on the notice board of the Zilla Praja Parishad on the same day atleast one hour before the time appointed for the meeting.

(4) Any candidate wishing to withdraw his/her nomination may do so by delivering a letter to that effect to the Presiding Officer before the commencement of the meeting.

(5) If only one candidate is duly proposed, he/she shall be declared to have been elected.

(6) If the number of candidates exceeds more than one for the said seat, the election shall be held by show of hands. The Presiding Officer shall then read out the names of contesting candidates. He/she shall thereafter record the number of votes polled for each such candidate as ascertained by show of hands. He/she shall announce the number of votes secured by each candidate and shall declare the candidate who secures the highest number of votes as elected.

(7) In the event of there being an equality of votes between the two candidates the Presiding Officer shall draw lots in the presence of the members and the candidate whose name is first drawn shall be declared to have been duly elected.

(8) If, for any reason, the election of Member (Co-opted) is not held on the date fixed as aforesaid, the meeting for the election of the Chairperson or Vice-Chairperson shall not be held and the matter shall be reported to the State Election Commission for fixing another date for holding election of Member (Co-opted), Chairperson and Vice-Chairperson of the Zilla Praja Parishad.

(9) The Presiding Officer shall, immediately after declaring the candidate as elected, inform them that there will be held another meeting that day or the next day for the election of Chairperson and Vice-Chairperson of Zilla Praja Parishad and that a notice announcing the time, date, venue, etc. will shortly be placed on the notice board of the Zilla Praja Parishad in Form-VIII and he shall also request them to read it after the conclusion of the meeting.

17. Record of proceedings (Members (Co-opted)), Zilla Praja Parishad) :- Immediately after the declaration of the result of the election, the Presiding Officer shall-

(a) prepare a record of the proceedings of the meeting and sign it attesting with his/her initials every correction made therein and shall also permit any members present at the meeting to affix their signatures to such record, if they so desire.

(b) publish on the notice board of the Zilla Praja Parishad a notice signed by him/her, stating the name of the person elected as Member (Co-opted) of the Zilla Praja Parishad and send a copy of such notice to the State Election Commission, the Commissioner, Panchayat Raj and the District Collector. A copy of this notice shall also be given to the candidate who is declared elected.

18. Filling up of Casual Vacancies of Members (Co-opted), Zilla Praja Parishad:- A casual vacancy occurring in the office of a Member (Co-opted) of a Zilla Praja Parishad shall be filled in an ordinary meeting of the Zilla Praja Parishad within a period of eight weeks from the date of occurrence of such vacancy and the procedure laid down in this part shall apply in all other respects.

PART V

ELECTION OF CHAIRPERSON AND VICE-CHAIRPERSON OF ZILLA PRAJA PARISHAD

19. Convening of special meeting for election of Chairperson and Vice-Chairperson:- (1) On the same day on which the special meeting for election of members (Co-opted) of Zilla Praja Parishad is held and soon after the election of the members is over, a special meeting shall also be held by the District Collector in the office of the Zilla Praja Parishad at the hour to be announced under sub rule (9) of Rule 16, for the election of Chairperson and Vice-Chairperson in the manner hereafter laid down.

(2) Notice of the date and hour of such meeting shall be given in Form - VI to the members specified in clauses (i) to (v) of sub-section (3) of section 172 for the election of the Chairperson and Vice-Chairperson, Zilla Praja Parishad by the District Collector. In respect of Members (Co-opted), the notice in Form -VIII shall be affixed on the notice board of the Zilla Praja Parishad.

(3) If, for any reason, the election of the Chairperson or Vice-Chairperson is not held on the date fixed as aforesaid, the meeting for the election of the Chairperson or Vice-Chairperson shall be held on the next day, whether or not it is a holiday observed by the Zilla Praja Parishad and whether the Chairperson or Vice-Chairperson could not be elected on the next day also, the matter shall be reported to the State Election Commission for fixing another date for holding election.

20. Quorum for election of Chairperson or Vice-Chairperson:- (1) No meeting for the conduct of election of Chairperson and Vice-Chairperson of a Zilla Praja Parishad shall be held unless there be present at the meeting atleast one half of the number of members then on the Zilla Praja Parishad who are entitled to vote at the election, that is, members specified in clause (i) of sub-section (3) of Section 172, within one hour from the time appointed for the meeting.

Explanation:- For the purpose of this rule, in the determination of one-half of the members, any fraction below 0.5 shall be ignored and any fraction of 0.5 or above shall be taken as one.

(2) Where the Election of Chairperson or Vice-Chairperson could not be conducted in the first two special meetings convened for the purpose for want of quorum, the Chairperson or Vice-Chairperson shall be elected in the subsequent meeting or meetings convened for the purpose from among the members present without insisting for quorum.

21. Manner of Election (Chairperson and Vice-Chairperson, Zilla Praja Parishad):- 1) A candidate for the office of the Chairperson or Vice-Chairperson of a Zilla Praja Parishad shall be proposed by one member and seconded by another. If any candidate claims to be contesting on behalf of a recognized political party, he/she shall produce an authorisation from the president of the party in the State or a person duly authorized by the State President under his office seal and such authorisation shall be produced before the Presiding Officer before 10.00 AM. on the day of the election. The names of all candidates, validly proposed and seconded, shall be read out along with the name of the Political Party which has set him/her up, by the Presiding Officer in the meeting.

(2) If only one candidate is duly proposed, he/she shall be declared to have been elected.

(3) If there are two or more candidates an election shall be held by show of hands and votes taken of the members present at the meeting.

(4) When an election notice is issued for conducting election to both the offices of Chairperson and Vice-Chairperson, no election to the office of the Vice-Chairperson shall be conducted, unless the office of the Chairperson is filled up. Only after the completion of election of Chairperson, the Presiding Officer shall conduct election to the office of Vice-Chairperson.

(5) The Presiding Officer shall thereafter record the number of votes polled, for each such candidates ascertained by show of hands. He/she shall announce the number of votes secured by each candidate and shall declare the candidate who secures the highest number of votes, as elected.

(6) In the event of there being an equality of votes between two candidates, the Presiding Officer shall draw lots in the presence of the members and the candidate whose name is first drawn shall be declared to have been duly elected.

22. Disqualification for disobedience of party whip (Zilla Praja Parishad) :-

(1) Every recognised political party may appoint on behalf of that political party a whip and intimation of such appointment shall be sent by the State President or a person authorised by him under his signature and seal and such intimation shall be sent to the Presiding Officer so as to reach him on or before 11.00 A.M. on the day preceding the day of election to the office of the Chairperson and Vice-Chairperson of the Zilla Praja Parishad .

(2) The person appointed as whip by the recognized political party shall furnish a copy of the contents of the whip issued by him/her to the Presiding Officer at least an hour before the commencement of special meeting.

(3) The person appointed as whip by a recognized political party shall, in addition to a copy of the contents of the whip issued by him/her, also furnish a copy of the acknowledgement obtained from the members belonging to the party on the service of the whip to them, to the Presiding Officer before the commencement of the meeting. If any member elected on behalf of the recognized political party refuses to receive the whip issued by him/her, he/she shall record the same and furnish a copy of it to the Presiding Officer.

(4) Any member of the Zilla Praja Parishad elected, on behalf of a recognized political party shall cease to be a Member of the Zilla Praja Parishad for disobeying the directions of the party whip so issued, in the manner hereinafter provided.

(5) The Presiding Officer shall, on receipt of a written report from the party whip within three days of the election that a member belonging to his/her party has disobeyed the whip issued in connection with the election, give a show-cause notice to the member concerned as to why he/she should not be declared to have ceased to hold office and that he/she should make any representation within seven days from the date of the notice. The Presiding Officer shall consider any explanation given within seven days and pass a speaking order in the matter of cessation for disobedience of the whip within two days of receipt of explanation. If no explanation is received within seven days, the Presiding Officer shall pass an order on the basis of the material available with him/her within two days after expiry of seven days period.

23. Record of Proceedings (Election of Chairperson and Vice-Chairperson):- Immediately after the declaration of the result of the election, the Presiding Officer shall, -

(a) prepare a record of the proceedings of the meeting and sign it attesting with his/her initials every correction made therein and shall also permit any members present at the meeting to affix their signatures to such record, if they so desire.

(b) publish on the notice board of the Zilla Praja Parishad a notice signed by him/her stating the name of the person elected as Chairperson or Vice-Chairperson, as the case may be, of the Zilla Praja Parishad and send a copy of such notice to the State Election Commission, Commissioner of Panchayat Raj and the District Collector. A copy of the notice shall also be given to the candidate who is declared to have been elected.

24. Filling up of casual vacancies (Chairperson and Vice-Chairperson, Zilla Praja Parishad):- (1) Every casual vacancy in the office of Chairperson or Vice-Chairperson of Zilla Praja Parishad shall be filled up within a period of six months from the date of occurrence of such vacancy in accordance with the rules in this part.

Provided that, before a casual election of Chairperson or Vice-Chairperson is held, every casual vacancy in the office of an elected member of a Zilla Praja Parishad shall be filled.

However, in the event of a vacancy in the office of an elected member of Zilla Praja Parishad occurs for any reason after the issue of Chairperson or Vice-Chairperson casual election notification by the State Election Commission, the election to the office of Chairperson or Vice-Chairperson shall not be stalled and shall be conducted as per the schedule.

(2) The notice of date and hour of the meeting in which the election to fill up a casual vacancy in the office of Chairperson or Vice-Chairperson of Zilla Praja Parishad is to be held shall be given in Form-IX to members of such meeting. The meeting shall be presided over by the District Collector.

PART – VI

MISCELLANEOUS

25. Postponement of Meeting:- Notwithstanding anything contained in these rules, the State Election Commission may, for sufficient reasons to be recorded in writing, direct, from time to time, the postponement or alteration of the date of any meeting convened under these rules and the Presiding Officer concerned, shall give effect to the directions, issued.

FORM – I

[See Rule 3(1)]

I (name), District Collector
hereby authorize Sri/Smt./Kum. (Designation) to convene the special
meeting of the members of Mandala Praja Parishad for the election of
member (Co-opted) / President / Vice-President of the said Mandal Praja Parishad.

Place:

Date:

District Collector
(Signature) & Seal

FORM – II
[See Rules 3(2) and 8(2)]

NOTICE OF ELECTION

Notice is hereby given to Sri/Smt./Kum. Member of the Mandal Praja Parishad that a special meeting of the members of the Mandal Praja Parishad will be held at (time) on (date) at its Office for the election of the Member specified in clause (vi) of sub-section (1) of Section 143 of the Telangana Panchayat Raj Act, 2018. The member is requested to make it convenient to attend the meeting.

(2) The following details regarding nominations are also furnished to the members for information:

(i) Nomination papers which shall be in Form-III appended to the Telangana Panchayat Raj (Conduct of election of Member (co-opted), President and Vice-President of Mandal Praja Parishad and members (co-opted), Chairperson and Vice-Chairperson of Zilla Praja Parishad) Rules, 2018, may be delivered to the Presiding Officer by the candidate or his proposer at the office of the Mandal Praja Parishad before 10.00 A.M on (date)

(ii) The nomination papers will be taken up for scrutiny by the Presiding Officer at the office of the Mandal Praja Parishad on (date) between the hours of and

(iii) The name of the persons whose nominations are valid will be published on the notice board of the Office of Mandala Praja Parishad on (date)at

(iv) Notice of withdrawal of any candidate from election may be delivered to the Presiding Officer by the candidate or his/her proposer at the Mandal Praja Parishad Office on (date) before (hour)

* (3) On the same day, soon after the election of the member (Co-opted) specified above, another meeting in which they will participate will be held in the office of Mandal Praja Parishad for the election of the President / Vice-President of the Mandal Praja Parishad soon after completion of election to (co-opted) Member. If for any reason such an election is not held on that day, it will be held on the next day whether or not it is a holiday observed by the Mandal Praja Parishad.

The Member is requested to make it convenient to attend that meeting also.

Place :

(Signature)

Date :

Designation

* **Strike off this para while issuing this form for casual election to only Member (Co-opted) Election.**

FORM – III
(See Rule 5(1))

NOMINATION PAPER

Election of the Member (Co-opted) forMandal Praja Parishad

I hereby nominate Sri/Smt/Kum..... as a candidate for election as a member (Co-opted) specified under clause (vi) of sub-section (1) of Section 143 of the Telangana Panchayat Raj Act, 2018.

1. Name of candidate's father / husband:
2. Full postal address of candidate:

My name is and I am the member of the Mandal Praja Parishad.

Signature of Proposer.

Signature and name of the Secunder...

(To be filled by the Candidate)

I, the above mentioned candidate assent to this nomination. I am registered voter in this Mandal. My name is entered at Sl.No..... of the electoral roll forGram Panchayat.

I am not less than twenty one years of age.

I belong to Community which is a religious / linguistic minority. Certificate is enclosed /furnished below:

Date:

Signature of the Candidate.

MINORITY COMMUNITY CERTIFICATE

Certified that Sri/Smt.Kum son/daughter of Sri residing at belongs to community, which is a religious / linguistic minority community in this State.

Place:

Signature of the Tahasildar/ Gazetted Officer
(with seal)

Date:

FORM – IV
[See Rule 5(9) & 8(2)]

**Notice of the Meeting for the Election of President/
Vice-President, Mandal Praja Parishad**

Notice is hereby given to Sri/Smt./Kum Member (Co-opted) of Mandal Praja Parishad who has been declared as such at the special meeting held today at (time) that another special meeting of the members of Mandal Praja Parishad will be held today i.e., on (date) at (time) in the office of the Mandal Praja Parishad for the election of the President /Vice-President of the Mandal Praja Parishad.

If for any reason, election is not held on the aforesaid date, it shall be held at the same time on the next day whether or not is a holiday observed by the Mandal Praja Parishad.

The member is requested to make it convenient to attend the meeting.

Place:
Date:

Signature
Designation.

To
Sri / Smt/ Kum.....
Member (Co-opted)
..... Mandal Praja Parishad.

FORM – V
[See Rule 13 (2)]

**NOTICE OF MEETING FOR CASUAL ELECTION OF PRESIDENT /
VICE-PRESIDENT OF MANDAL PRAJA PARISHAD**

Notice is hereby given to Sri/Smt./Kum Member of
..... Mandal Praja Parishad, that a meeting of the members of
Mandal Praja Parishad will be held at (time) on (date) at its office for
the Election of President / Vice-President, Mandal Praja Parishad in the existing
vacancy.

If for any reason, election is not held on the aforesaid date, it shall be held at
the same time on the next day whether or not it is a holiday observed by the Mandal
Praja Parishad.

The member is requested to make it convenient to attend the meeting.

Place:

Signature.

Date:

Designation

To

Sri / Smt./ Kum.....
Member of Mandal Praja Parishad.
.....

FORM – VI
[See Rule 14(2) and 19(2)]

NOTICE OF ELECTION

Notice is hereby given to Sri/Smt./Kum member of the Zilla Praja Parishad that a special meeting of the members of the Zilla Praja Parishad will be held at (time) on (date) at its office for the election of the Member specified in clause (vi) of sub-section (3) of Section 172 of the Telangana Panchayat Raj Act, 2018. The member is requested to make it convenient to attend the meeting.

(2) The following details regarding nominations are also furnished to the members for information:

(i) Nomination papers which shall be in Form VII appended to the Telangana Panchayat Raj (Conduct of Election of Member (Co-opted), President and Vice-President of Mandal Praja Parishad and Members (Co-opted), Chairperson / Vice-Chairperson of Zilla Praja Parishad) Rules, 2018 may be delivered to the Presiding Officer by the candidate or his proposer at the office of the Zilla Praja Parishad before 10.00 A.M on (date)

(ii) The nomination papers will be taken up for scrutiny by the Presiding Officer at the Zilla Praja Parishad on the date between the hours of and

(iii) The names of the persons whose nominations are valid will be affixed on the notice board of the office of Zilla Praja Parishad on dateat (hour).....

(iv) Notice of withdrawal of any candidate from election may be delivered to the Presiding Officer by the candidate or his/her proposer at the Zilla Praja Parishad Office on (date) before (hour).....

* (3) On the same day soon after the election of the member (co-opted) specified above, another meeting in which they will participate will be held in the office of the Zilla Praja Parishad for the election of the Chairperson and Vice-Chairperson of the Zilla Praja Parishad soon after completion of election for (Co-opted) Member. If for any reason such an election is not held on that day, it will be held on the next day whether or not it is a holiday observed by the Zilla Praja Parishad.

The member is requested to make it convenient to attend the meeting also.

Place:
Date:

Signature:
Designation.

* **Strike off this para while issuing this form for casual election to only Member (Co-opted) Election.**

FORM – VII
[See Rule 16(1)]

NOMINATION PAPER

Election of the Member (Co-opted) forZilla Praja Parishad.

I hereby nominate Sri/Smt/Kum as a candidate for election as a member (Co-opted) specified under clause (vi) of sub-section (3) of Section 172 of the Telangana Panchayat Raj Act, 2018.

1. Name of candidate's father/husband:
2. Full postal address of candidate:

My name is and I am the member of this Zilla Praja Parishad.

Date:

Signature of the proposer

Signature and name of the Secunder.

[To be filled by the Candidate]

I, the above mentioned candidate asset to this nomination. I am a registered voter in the district. My name is entered at Sl.No. in the electoral roll ofGram Panchayat.

I am not less than twenty one years of age.

I belong to community which is a religious / linguistic minority. Certificate is enclosed/ furnished below:

Date:

Signature of the Candidate.

MINORITY COMMUNITY CERTIFICATE

Certified that Sri/Smt.Kum son/daughter of Sri residing at belongs to community, which is a religious / linguistic minority community in the State.

Place:
Date:

Signature of the Tahsildar / Gazetted Officer
(with seal)

FORM - VIII
[See Rule 16(9) & 19(2)]

**Notice of the Meeting for the Election of Chairperson / Vice-Chairperson,
Zilla Praja Parishad**

Notice is hereby given to Sri/Smt./Kum member (Co-opted) of Zilla Praja Parishad who has been declared as such at the special meeting held today at (time)..... that another special meeting of the members of Zilla Praja Parishad will be held today i.e, on (date) at (time) in the office of Zilla Praja Parishad for the Election of Chairperson / Vice-Chairperson of the Zilla Praja Parishad.

If for any reason the election is not held on the foresaid date, it shall be held at the same time on the next day whether or not it is a holiday observed by the Zilla Praja Parishad.

The member is requested to make it convenient to attend the meeting.

Place:

Signature

Date:

Designation.

To Sri/ Smt/ Kum
Member (Co-opted)
..... Zilla Praja Parishad

FORM -IX
[See Rule 24 (2)]

**NOTICE OF MEETING FOR CASUAL ELECTION OF CHAIRMAN /
VICE-CHAIRMAN, ZILLA PRAJA PARISHAD**

Notice is hereby given to Sri/Smt./Kum. Member of
.....Zilla Praja Parishad that a meeting of the members of Zilla Praja
Parishad will be held at (time)..... on (date)..... at its office for the election of
Chairman / Vice-Chairman, Zilla Praja Parishad in the existing vacancy.

If for any reason, election is not held on the aforesaid date, it shall be held at
the same time on the next day whether or not it is a holiday observed by the Zilla Praja
Parishad.

The member is requested to make it convenient to attend the meeting.

Place:

Signature

Date:

Designation.

To
Sri/ Smt/Kum.....
Member of Zilla Praja Parishad.
.....

PART – II

Sl. No. 4: Rules relating to Telangana Panchayat Raj (Conduct of Elections of Upa-Sarpanch of Gram Panchayat) Rules, 2018 - Issued

I N D E X

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Rules relating to Telangana Panchayat Raj (Conduct of Elections of Upa-Sarpanch of Gram Panchayat) Rules, 2018 - Issued

**(G.O.Ms.No.25, Panchayat Raj & Rural Development (PTS.III) Department,
dated 19.05.2018.**

NOTIFICATION

In exercise of the powers conferred by clause (i) of sub-section (2) of section 286 read with sub-sections (9) and (10) of Section 15 of the Telangana Panchayat Raj Act, 2018 (Act No.5 of 2018) the Governor of Telangana hereby makes the following Rules relating to conduct of election of Upa-Sarpanch of Gram Panchayat.

RULES

1. Short title:- These rules may be called the Telangana Panchayat Raj (Election of Upa-Sarpanch of a Gram Panchayat) Rules, 2018.

2. Definitions :- (1) In these rules unless the context otherwise requires,

- (a) "Act" means the Telangana Panchayat Raj Act, 2018;
- (b) "Form" means a Form appended to these rules;

(2) The words and expressions used but not defined in these rules shall have the meanings respectively assigned to them in the Act.

3. Convening of Special Meeting:- (1) The election of the Upa-Sarpanch of a Gram Panchayat shall be held in the Office of the Gram Panchayat on the same date on which the results of the ordinary election of the Gram Panchayat are published at a meeting of the Members specially convened for the purpose notice for which shall be given in Form – I:

Provided that the District Panchayat Officer or any person authorised by him may direct that the meeting for the election of the Upa-Sarpanch shall be held at such place as may be specified by him, other than the office of the Gram Panchayat if its office is located in the house of any Member of the Gram Panchayat or if it is not convenient to hold the meeting in the office of the Gram Panchayat:

Provided further that if for any reason the election of the Upa-Sarpanch is not held on the date aforesaid the special meeting for the election of Upa-Sarpanch shall be held on the next day whether or not it is a holiday observed by the Gram Panchayat:

Provided also that the State Election Commissioner may from time to time, for the reasons to be recorded in writing, direct or permit the holding of the election of the Upa-Sarpanch on any other day.

(2) The meeting referred to in sub-rule (1) shall be presided over by the Returning Officer appointed for conducting ordinary election to the office of Sarpanch and Ward Members of the Gram Panchayat.

4. Quorum:- The first and second meetings specially convened for the election of Upa-Sarpanch, shall not be held, unless there be present within one hour from the time appointed for the meeting not less than one-half of the total number of members of the Gram Panchayat inclusive of its Sarpanch. However, the subsequent Meeting or Meetings convened for this purpose, shall be conducted, even if there is no quorum.

Explanation (i):- In determining 'one-half of the total number of Members' under this sub-rule, any fraction arrived at, shall be construed as one.

(ii) Where a Gram Panchayat situated in a scheduled area, no nominations were filed for the offices of Ward members reserved for ST categories due to non-availability of ST voters in the wards in accordance with Section 255 read with sub-section (2) of Section 9 of the Telangana Panchayat Raj Act, 2018, and only nominations were received for remaining wards which were un-reserved, the persons so elected shall elect one among themselves as Upa-Sarpanch in accordance with these rules. (Vide G.O. Ms.No. 55 PR&RD(PTS.III) Dept, dated 22.10.2019).

5. Manner of Election:- (1) Any Member may propose only one of the Members for election as Upa-Sarpanch duly seconded by another. The names of all the candidates duly proposed and seconded shall be read out by the Presiding Officer of the meeting. The contesting candidates shall be given thirty minutes time for withdrawal.

(2) If there is only one validly nominated candidate she/he shall be declared to have been elected.

(3) If there are two or more candidates, an election shall be held by show of hands and votes of the members present at the meeting shall be taken.

(4) The Presiding Officer shall, thereafter, record the number of votes polled, for each such candidates ascertained by show of hands. He shall then announce the number of votes secured by each candidate and shall declare the candidate who secured the highest number of votes, as elected.

(5) In the event of there being an equality of votes among the candidates, the Presiding Officer shall draw lots in the presence of the members and the candidate whose name is first drawn shall be declared to have been duly elected.

(6) The candidate as also the Sarpanch shall also be entitled to vote at the election.

6. Record of Proceedings: - Immediately after the meeting, the Presiding Officer shall -

(a) prepare a record of the proceedings at the meeting and sign it, attesting with his initials every correction made therein and also permit any member present at the meeting to affix her/his signature to such record if she/he expresses her/his desire to do so; and

(b) publish a notice signed by self stating, the name of the person elected as Upa-Sarpanch on the notice board of the Gram Panchayat if there is one or in a conspicuous place in the village and send a copy of such notice to the District Panchayat Officer, District Collector, Commissioner of Panchayat Raj and State Election Commission. A copy of such notice shall also be given to the candidate who is declared elected as Upa-Sarpanch.

7. Filling up of casual vacancy:- (1) A casual vacancy in the Office of Upa-Sarpanch shall be filled within a period of six months from the date of occurrence of such vacancy:

Provided that, before a casual election of Upa-Sarpanch is held, every casual vacancy in the office of an elected member of a gram Panchayat shall be filled.

However, in the event of a vacancy in the office of an elected member of Gram Panchayat occurs for any reason after the issue of Upa-Sarpanch casual election notification by the State Election Commission, the election to the office of Upa-Sarpanch shall not be stalled and shall be conducted as per the schedule.

(2) A meeting of the Gram Panchayat for the purpose shall be convened by a person authorised by the District Panchayat Officer who shall be not below the rank of Revenue Inspector. Notice of the day and hour of meeting shall be given at least three clear days prior to the day of meeting in Form – II.

(3) Rules 4, 5 and 6 shall apply for filling up of a casual vacancy also in all other respects.

FORM – I
[See Rule 3(1)]

**NOTICE OF THE MEETING FOR THE ELECTION OF UPA-SARPANCH,
GRAM PANCHAYAT**

Notice is hereby given to Sri/Smt/Kum Sarpanch / Member of the Gram Panchayatwho has been declared as such in the ordinary election held today that a special meeting of the Sarpanch and Members of the Gram Panchayat will also be held today i.e., on (date) at (time) at (place)..... for the election of the Upa-Sarpanch, Gram Panchayat.

If for any reason, election is not held on the aforesaid date, it shall be held at (time)..... on the next day i.e, on (date).....whether or not it is a holiday observed by the Gram Panchayat.

The Sarpanch / Member is requested to make it convenient to attend the meeting.

Place:

Signature of Returning Officer

Date:

Designation.

To
Sri / Smt/ Kum.....
Sarpanch / Member of Gram Panchayat.
.....

FORM – II

[See Rule 7 (2)]

**NOTICE OF THE MEETING FOR CASUAL ELECTION OF UPA-SARPANCH,
GRAM PANCHAYAT**

Notice is hereby given to Sri/Smt/Kum Sarpanch / Member of Gram Panchayat..... that a meeting of the Sarpanch / Members of Gram Panchayat will be held at (time) on (date) at (place)..... for the election of Upa-Sarpanch to fill up the casual vacancy.

If for any reason, election is not held on the aforesaid date, it shall be held at the same time on the next day whether or not it is a holiday observed by the Gram Panchayat.

The Sarpanch / Member is requested to make it convenient to attend the meeting.

Place:

Signature.

Date:

Designation

To

Sri / Smt./ Kum.....
Sarpanch / Member of Gram Panchayat.

.....

Sl. No. 5: Rules relating to Telangana Panchayat Raj (Authority and Manner to dispose election petitions in respect of Gram Panchayats, Mandal Praja Parishads and Zilla Praja Parishads) Rules, 2018.

(Issued in G.O.Ms.No.4, Panchayat Raj and Rural Development (Pts.III) Department, dated: 29.01.2019 & G.O.Ms.No.40, Panchayat Raj and Rural Development (PTS.III) Department, dated: 25.06.2019)

**PART I
Preliminary**

1.(1) These rules may be called Telangana Panchayat Raj (Authority to dispose petitions in respect of Gram Panchayats, Mandal Praja Parishads and Zilla Praja Parishads) Rules, 2018.

(2) These rules shall apply to all Gram Panchayats, Mandal Praja Parishads and Zilla Praja Parishads in the State.

(3) In these rules, unless the context otherwise requires:

- (i) **"Act"** means the Telangana Panchayat Raj Act, 2018 (Act 5 of 2018).
- (ii) **"Election Authority"** means such authority not being a member or office bearer of any local authority as may by notification be appointed by the State Election Commission.
- (iii) **"Junior Civil Judge"** means the Junior Civil Judge appointed under the Telangana Civil Courts Act, 1972.
- (iv) The words and expressions used but not defined in these rules shall have the respective meaning assigned to them in the Act.

PART – II

2. (1) Save as otherwise provided no election held under the Act, whether of a member, Sarpanch or Upa-Sarpanch of Gram Panchayat, President, [and VicePresident] of Mandal Praja Parishad and Member of Mandal Praja Parishad Territorial Constituencies and Chairman, [Vice-Chairman] of Zilla Praja Parishad and Member of Zilla Praja Parishad Territorial Constituency thereof, shall be called in question except by an election petition presented in accordance with these Rules to the Election Tribunal as defined in rule (2) of the act by any candidate or elector against the candidate who has been declared to have been duly elected (hereinafter called the returned candidate) or if there are two or more returned candidates against all or any such candidates

(2) The Election Tribunal shall be, -

(i) except in cases falling under clause (ii),

(a) the **Junior Civil Judge**, if there are more than one Junior Civil Judge, the **Principal Junior Civil Judge** having Territorial Jurisdiction over the place in which the office of Gram Panchayat is located, in respect of the election of members, Sarpanchas and Upa-Sarpanchas of Gram Panchayat.

(b) the **Senior Civil Judge** or if there are more than one Senior Civil Judge at the Head Quarters, the **Principal Senior Civil Judge** having Territorial Jurisdiction over the place in which the office of Mandal Praja Parishad or Zilla Praja Parishad as the case may be, is located, in respect of the election disputes and matters pertaining to the election of President, Vice-President and members of Mandal Praja Parishad Territorial Constituencies of Mandal Praja Parishad and Chairman, Vice-Chairman and Members of Zilla Praja Parishad Territorial Constituencies of Zilla Praja Parishad.

Explanation:- For purposes of these Rules, the expressions "Senior Civil Judge" and "Junior Civil Judge" shall in relation to the Scheduled Areas mean the Agency Divisional Officer.

(ii) Where the Government so directs, whether in respect of Gram Panchayats generally or in respect of any class of Gram Panchayats, Mandal Praja Parishads and Zilla Praja Parishads such officer or officers of the Government as may be designated by the Government in this behalf by name or by virtue of Office:

Provided that an election petition may, on application, be transferred:

(a) If presented to a Senior Civil Judge or the Junior Civil Judge as the case may be, under clause (i) by the District Judge concerned to another Senior Civil Judge or Junior Civil Judge cum Magistrate as the case may be within his jurisdiction;

(b) If presented to an officer of the Government under clause (ii) by the Government to another officer of the Government.

Where an election petition is so transferred, the authority to which it is transferred shall be deemed to be the Election Tribunal.

(3) An election Tribunal exercising jurisdiction under these Rules shall be deemed to exercise such jurisdiction as a person designate and not in his capacity as a Judge or other Officer of the Government, as the case may be.

3. (i) The election petition shall be presented within thirty days from the date of the declaration of the result of the election.

Explanation:- If the Court of the Senior Civil Judge or the Junior Civil Judge as the case may be, or the Office of the Officer of the Government who is the Election Tribunal is closed on the last day of the thirty days aforesaid, the petition may be presented to the Election Tribunal on the next day afterwards on which such Court or Tribunal is open.

(ii) The petition shall contain a statement in concise form, the material facts on which the petitioner relies and the particulars of any corrupt practices which he alleges and shall, where necessary, be divided into paragraphs numbered consecutively. It shall be signed by the petitioner and verified in the manner prescribed for the verification of pleadings in the Code of Civil Procedure, 1908.

4. (i) If the irregularities alleged in the petition are likely to affect the validity of the election of more than one returned candidate, the petitioner shall join as respondents to his petition all such returned candidates.

(ii) The petitioner may, if he so desires, in addition to calling in question the election of the returned candidates or of all or any of the returned candidates, as the case may be, claim a declaration that he himself or any other candidate has been duly elected, in which case he shall join as respondents to his petition all other candidates who were nominated for the election but who had not withdrawn before the polling.

5. (i) At the time of presentation of the petition, the petitioner shall deposit with it in cash Rs.1000/- (Rupees one thousand only) as security for the costs of the same.

Explanation:- Where the election of more than one returned candidate is called in question a separate deposit shall be made in respect of each such returned candidate.

(ii) If the provisions of these rules are not complied with, the Election Tribunal shall dismiss the petition.

(iii) Upon compliance with the provisions of sub rule (1), the Election Tribunal shall proceed to enquire into the petition.

6. The Election Tribunal shall, as soon as may be, cause a copy of the petition to be served on each respondent and on the Executive Authority of the Gram Panchayat, Mandal Praja Parishad or Zilla Praja Parishad concerned and the Election Authority. Copies shall also be affixed to the notice board of the Court of Tribunal as the case may be, of the Election Tribunal and of the Office of the Gram Panchayat, Mandal

Praja Parishad or Zilla Praja Parishad concerned. The Election Tribunal may also call on the petitioner to execute a bond for such amount and with such sureties as he may require for the payment of any further costs. At any time within fourteen days after such publication, any other candidate shall be entitled to be joined as a respondent on furnishing such similar security as may be demanded by the Election Tribunal.

Explanation: - For the purpose of these Rules the expression "Election Authority" shall mean,

(i) in respect of the election of the Upa-Sarpanch, the Returning Officer appointed for conducting ordinary elections to the office of Sarpanch and Ward Members of the Gram Panchayat who presides over the meeting convened for the election of Upa-Sarpanch;

(ii) in respect of the election of the President and Vice-President of Mandal Praja Parishad the **gazetted officer** authorized by the District Collector under Rule 3 and 8 of the Rules relating to conduct of Election of Member (Co-opted) and President/Vice-President of Mandal Parishad and Member (Co-opted) and Chairperson and Vice-Chairperson of Zilla Praja Parishad;

(iii) in respect of the election of the Chairperson and Vice-Chairperson of Zilla Praja Parishad, the District Collector as per Rule 14 and 19 of the rules relating to conduct of Election of Member (Co-opted) and President/Vice-President of Mandal Parishad and Member (Co-opted) and Chairperson and Vice-Chairperson of Zilla Praja Parishad.

7. (i) Every election petition shall be enquired into by the Election Tribunal, as early as may be, in accordance with the procedure applicable under the Code of Civil Procedure, 1908 (Central Act V of 1908) for the trial of suits:

Provided that it shall only be necessary for the Election Tribunal to make a memorandum of the substance of evidence of any witness examined by him.

(ii) The Election Tribunal shall have the powers which are vested in a Court under the Code of Civil Procedure, 1908, when trying a suit, in respect of the following matters:

- (a) discovery and inspection;
- (b) enforcing the attendance of witness and requiring the deposit of their expenses;
- (c) compelling the production of documents;
- (d) examining witnesses on;
- (e) reception of evidence taken on affidavit; and
- (f) issuing commissions for examination of witnesses, and may summon and examine sue motu any person whose evidence appears to him to be material.

(iii) 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.

(iv) No witness or other person shall be required to state for whom he has voted at an election.

(v). (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:

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 Tribunal.

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

(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 (Act 45 of 1860) or under section 211 to 228 (both inclusive) and 233 and 234 of the Act arising out of the matter to which such certificate relates but it shall not be deemed to relieve him from any disqualification in connection with an election imposed by the Act or any other law.

8. (i) No election petition shall be withdrawn without the leave of the Election Tribunal.

(ii) If there are more petitioners than one, no application to withdraw a petition shall be made except with the consent of all the petitioners.

(iii) When an application for withdrawal is made, notice thereof fixing a date for the hearing of the application shall be given to all other parties to the petition and shall be published in the manner specified in Rule 5.

(iv) No application for withdrawal shall be granted if the Election Tribunal is of the opinion that such application has been induced by any bargain or consideration which, they consider, ought not to be allowed.

(v) If the application is granted.

(a) the petitioner shall be ordered to pay the costs of the respondents therefore incurred or such portion thereof as the Election Tribunal may think fit; and

(b) Such withdrawal shall be communicated to the Executive Authority of the Gram Panchayat, Mandal Praja Parishad and Zilla Praja Parishad concerned and the Election Authority by the Election Tribunal.

9. Any order made by the Election Tribunal as to the costs of the enquiry may be executed in the same manner as if it was land revenue due and be recovered as per the provisions of the Telangana Revenue Recovery Act, 1864 and be remitted to the party in whose favour it is ordered by the Election Tribunal.

10. An election petition shall abate on the death of a sole petitioner or of the survivor of several petitioners, and such abatement shall be communicated to the Executive Authority of Gram Panchayat, Mandal Praja Parishad and Zilla Praja Parishad, as the case may be, and the Election Authority by the Election Tribunal.

11. Where at, an enquiry into an election petition any candidate, other than a returned candidate, claims the seat for himself, the returned candidate or candidates or any other party to the proceedings may give evidence to prove that the election of such candidate would have been void if he had been a returned candidate and a petition had been presented complaining of his election.

12. If in the opinion to the

(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 the Act, or

(b) that any corrupt practice as laid down under Section 211 of the Act has been committed by a Returned Candidate or his election agent or by any other person with consent of the 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) (ii) by any corrupt practice, committed in the interest of the Returned Candidate by an Agent other than his election agent, with the connivance of the Returned Candidate, or

- (iii) (iii) by the improper reception, refusal or rejection of any vote, or the reception of any vote which is void,
- (iv) (iv) by any non compliance with the provisions of the Act, or any Rules or Orders made under the Act.

(A) The Election Tribunal shall declare the election of the Returned Candidate to be void.

(B) If the Election Tribunal holds the Returned Candidate guilty under Clause (b) and Clause (d) (ii) of this rule, the Election Tribunal shall in addition to declare the election of the Returned Candidate as void, shall also declare that the returned candidate shall be disqualified to contest in any elections under this Act, for a period of six years from the date of the order.

13. If any person who has lodged a petition, as 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 tribunal is of the opinion.

(a) that in fact, the petitioner or such other candidate, received the 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 election tribunal shall after declaring the elections of the Returned Candidate to be void, declare the petitioner or such other candidate, as the case may be to have been duly elected.

14. Any person disqualified by decision of the Election Tribunal under Rule 12(B) for any period shall be disqualified for the same period for voting at any elections under the Act.

15. (i) At the conclusion of the inquiry, the Election Tribunal shall declare whether the election of the Returned Candidate or Candidates is void under Rule 12 and 13.

(ii) if he declares the election of the Returned Candidate or Candidates void, he shall further pass an order either;

(a) declaring that any other party to the petition who has under these Rules claimed the seat has been duly elected; or

(b) order a fresh election

(iii) The order of the Election Tribunal under sub-rules (i) and (ii) shall be final.

(iv) A copy of every order under sub-rule (i), or sub-rule (ii) shall be communicated to the Executive Authority of the Gram Panchayat, Mandal Praja Parishad and Zilla Praja Parishad, as the case may be, and the Election Authority.

PART – III

Sl. No. 1 : Form - A in respect of Elections to MPTCs / ZPTCs.

FORM – A

Intimation by Political Party about the person authorized to issue notice in Form - B
to the candidates in respect of Elections to Mandal Praja Parishad /
Zilla Praja Parishad

From	To
The State President/State General Secretary,	1) The Collector and District Election Authority District
.....	2) The Returning Officer
(Name of Recognised/Registered political party with or without reserved symbol) Mandal Praja Parishad/Zilla Praja Parishad,

No. _____

Date: _____

Sub:- Elections to the office of MPTC/ZPTC of Mandal Praja
Parishad/Zilla Praja Parishad District –
Allotment of Symbols – Intimation about Person(s) authorized to issue
notice in Form-B – Reg.

Ref:- TSEC Election Notification No. _____
Dated _____.

Sir/Madam,

I hereby communicate that, the following person (s) has / have been
authorized by the _____ party, which is a National
Party / State Party / Registered Political Party with or without reserved symbol to
issue notice in Form-B to the candidates proposed to be set up by the Party in the
elections mentioned above.

Name of the persons authorized to issue notice in Form-B	Position or designation in the party	Districts/areas/Constituency / Constituencies in respect of which he/she has been authorized
1		
2		
3		

The specimen signatures of the above authorized persons are given below :

1. Specimen signatures of Shri /Smt / Kum.....
(a)..... (b) (c).....
2. Specimen signatures of Shri / Smt / Kum.....
(a)..... (b) (c).....
3. Specimen signatures of Shri /Smt / Kum.....
(a)..... (b) (c).....

Place:
Date :

Yours faithfully,

(President/General Secretary)
Seal of the Party

Note:

1. The **signed Form – A** by the President or the General Secretary of any recognized and registered political party with the State Election Commission shall be delivered to the Collectors and District Election Authorities or directly to the Returning Officers concerned **on or before 5.00 PM on the last day of filing of Nominations.**
2. On receipt of **notice in Form – A** about the names and specimen signatures of the party functionaries authorized to issue Form – B, **the Collector & District Election Authority shall make Xerox copies of these forms and send them with his/her endorsement to all the Returning Officers of Mandal Praja Parishad/ Zilla Praja Parishad concerned before 3.00 PM** on the last date of withdrawal.

Sl. No.2: Form - B in respect of Elections to MPTCs / ZPTCs.

FORM – B

NOTICE AS TO NAME OF CANDIDATE SET UP BY THE POLITICAL PARTY

No.....

Date:.....

From
The State President/
State General Secretary
.....

To
The Returning Officer,
Mandal Praja Parishad/Zilla Praja
ParishadDistrict.....

(Recognized party) or
..... Person
Authorized in Form – A.

Sir,

Sub: Elections to the office of MPTC/ZPTC of..... Mandal Praja
Parishad/Zilla Praja Parishad District – Setting up of
candidate(s).

I hereby give notice on behalf of _____ (party) that,

OR

In pursuance of the authorization received by me in Form – A vide No.
_____, dated _____, I hereby give notice on behalf of
_____ (party) that,

- (i) the person whose particulars are furnished in columns (2) to (4) below is the approved candidate of the party above named, and
- (ii) The person whose particulars are mentioned in columns (5) to (7) below is the substitute candidate of the party, who will step-in on the approved candidate's nomination being rejected on scrutiny or on his withdrawing from the contest, if the substitute candidate is still a contesting candidate, at the ensuing Election the office of MPTC/ZPTC of..... Mandal Praja Parishad/Zilla Praja Parishad..... District

Name of the office of MPTC/ZPTC and name of the Mandal Praja Parishad/ Zilla Praja Parishad & District	Name of the approved candidate	Father's/ Mother's/ Husband's name of approved candidate	Postal address of approved candidate	Name of the Substitute candidate who will step-in on the approved candidate's nomination being rejected on scrutiny, or on his (approved candidate) withdrawing from the contest if, however, the substitute candidate is still a contesting candidate	Father's/ Mother's/ Husband's name of the substitute candidate	Postal address of substitute candidate
1	2	3	4	5	6	7

*2. The notice in Form 'B' given earlier in favour of Sri/Smt..... as party's approved candidate Sri/Smt..... as Party's substitute candidate is hereby rescinded.

3. It is certified that, each of the candidates whose name is mentioned above is a member of this political party and his name is duly borne on the rolls of members of this party.

Yours faithfully,

(Name and Signature of the Officer bearer/
Authorized person of the Party)

(Seal of the Party)

Place:

Date:

**Score off, if not applicable.*

Note:

1. This must be delivered to the Returning Officer not later than 3.00 PM on the last date for withdrawal of candidature.
2. This Form must be signed in ink by the Office bearer/Authorized person mentioned above. No facsimile signature or signature by means of rubber stamp, etc., of any office bearer shall be accepted.
3. No form transmitted by fax shall be accepted.
4. Para 2 of the Form must be scored off, if not applicable, or must be properly filed, if applicable.
5. If the Party President/General Secretary is issuing the Form – B directly to the Returning Officer of Mandal Praja Parishad/Zilla Praja Parishad concerned, in such case there is no need to issue Form – A separately.

Sl. No. 3: Form A in respect of Indirect Elections to MPPs/ZPPs

FORM – A

**Intimation by Recognized Political Party about the person authorized to
issue Form – B to the candidates in respect of Indirect Elections to
MPPs/ZPPs**

No.....

Date:.....

From
The State President/
State General Secretary,
.....
(Recognized party)

To
The Presiding Officer,
.....Mandal Praja
Parishad/Zilla Praja Parishad.
..... District.

Sir,

Sub:- Elections to Chairperson/Vice-Chairperson of Zilla Praja Parishad or
President/Vice-President of Mandal Praja Parishad - Intimation about
person authorized to sign 'B' Form – Reg.

Ref:- TSEC Election Notification No. -----
Dated -----

I wish to inform that our Party, hereby, **authorizes the following persons
to issue Form – B** to the candidates set up by our party in the elections mentioned
above.

Name of the persons authorized	Position or designation in the party	Areas in which he is authorized
1.		
2.		
3.		

The specimen signatures of the authorized persons are given below:

1. Specimen signatures of Shri /Smt / Kum.....

(a)..... (b) (c).....

2. Specimen signatures of Shri /Smt / Kum.....

(a)..... (b) (c).....

3. Specimen signatures of Shri /Smt / Kum.....

(a)..... (b) (c).....

Yours faithfully,

Place:

Date :

(President/General Secretary)

Seal of the Party

Note:

1. This should be sent to the Presiding Officer of MPP/ZPP concerned so as to reach him on or before 11:00 AM on the day preceding the day of election of the President/Vice-President of MPP or Chairperson/Vice-Chairperson of ZPP, as the case may be.
2. This Form must be signed in ink by the office bearer mentioned above. No facsimile signature or signature by means of rubber stamp etc., of any office bearer shall be accepted.
3. No Form transmitted by fax shall be accepted.

Sl. No. 4: Form B in respect of Indirect Elections to MPPs/ZPPs

FORM – B

Notice as to names of the candidates set up by the Recognized Political Party

No.....

Date:.....

From
The State President/
State General Secretary
.....

To
The Presiding Officer,
Mandal Praja Parishad/Zilla Praja
Parishad
.....District.....

(Recognized party) or
..... Person
Authorized in Form – A.

Sir,

Sub:- Elections to Chairperson/Vice-Chairperson of Zilla Praja Parishad or President/Vice-President of Mandal Praja Parishad – Setting up of candidates by our party – Intimation – Reg.

Ref:- TSEC Election Notification No. -----, Dated -----

I, hereby give notice that the following persons have been set up by _____ Party as its candidates at the ensuing elections referred above;

OR

In pursuance of the authorization received by me in Form – A vide No. _____, dated _____, I hereby give notice that the following persons have been set up by _____ Party as its candidates at the ensuing elections referred to above.

1	Name of the Mandal Praja Parishad/Zilla Praja Parishad	
2	Name of the District	
3	Name of the Office	

4	Name of the party's approved candidate along with father's / husband's name	
5	Postal address of the approved candidate	
6	Name of the substitute candidate along with father's / husband's name	
7	Postal address of the substitute candidate	

* The notice in Form – B given earlier in favour of Sri/Smt/Kum..... as party's approved candidate and Sri/Smt/Kum..... as party's substitute candidate, is hereby, rescinded.

Yours faithfully,

(Name and Signature of the Officer bearer/
Authorized person of the Party)

Place:

Date:

Seal of the Party

* This portion must be scored off, if not applicable, or must be properly filled, if applicable.

Note:

1. This should be sent to the Presiding Officer of MPP/ZPP concerned so as to reach him before 10:00 AM on the day of election of the President/Vice-President of MPP or Chairperson/Vice-Chairperson of ZPP, as the case may be.
2. This form must be signed in ink by the office bearer/Authorized Person mentioned above. No facsimile signature or signature by means of rubber stamp etc., of any office bearer shall be accepted.
3. No form transmitted by fax shall be accepted.
4. If the Party President/General Secretary is issuing the Form – B directly to the Presiding Officer of the MPP/ZPP concerned, in such case there is no need to issue Form – A separately.

Sl. No. 5: Whip Format (1) in respect of Indirect Elections to MPPs/ZPPs

ANNEXURE – I

**INTIMATION BY RECOGNISED POLITICAL PARTY ABOUT THE PERSON
AUTHORISED TO APPOINT WHIP**

No.....

Date:.....

From

The State President/
State General Secretary,
.....
(Recognized party)
.....

To

The Presiding Officer
.....
Mandal Praja Parishad / Zilla
Praja Parishad.
..... District.

Sir,

Sub:- Elections to Chairperson/Vice-Chairperson of Zilla Praja Parishad or
President/Vice-President of Mandal Praja Parishad – Intimation about
person authorized to appoint Whip – Reg.

Ref:- TSEC Notification No. _____, Dated _____

I wish to inform that our Party, hereby, authorizes the following persons to appoint
Whip on behalf of our party in the elections mentioned above:

Name of the persons authorized	Position or designation in the party	Mandal Praja Parishads/ Zilla Praja Parishads for which he/she is authorized to appoint Whip
1.		
2.		
3.		

The specimen signatures of the authorized persons are given below –

- Specimen signatures of Shri / Smt / Kum
(a)..... (b) (c).....
- Specimen signatures of Shri / Smt / Kum
(a)..... (b) (c).....
- Specimen signatures of Shri / Smt / Kum
(a)..... (b) (c).....

Yours faithfully,

Place:

Date :

(State President/Person authorized
by the State President)
Seal of the party

Note:

1. This should be sent to the Presiding Officer of MPP/ZPP concerned so as to reach him on or before 11:00 AM on the day preceding the day of election of the President/Vice-President of MPP or Chairperson/Vice-Chairperson of ZPP, as the case may be.
2. This form must be signed in ink by the office bearer mentioned above. No facsimile signature or signature by means of rubber stamp etc., of any office bearer shall be accepted.
3. No form transmitted by fax shall be accepted.

Sl. No. 6: Whip Format (2) in respect of Indirect Elections to MPPs/ZPPs

ANNEXURE- II

**INTIMATION BY RECOGNISED POLITICAL PARTY ABOUT THE PERSONS
APPOINTED AS WHIP**

No.....

Date:.....

From

To

The State President/
State General Secretary,
.....

The Presiding Officer

.....

(Recognized party) OR
Person Authorized to appoint Whip
for MPP/ZPP.

Mandal Praja Parishad / Zilla
Praja Parishad.

..... District.

Sir,

Sub:- Elections to Chairperson/Vice-Chairperson of Zilla Praja Parishad or
President/Vice-President of Mandal Praja Parishad – Intimation about
person to appointed as Whip – Reg.

Ref:- TSEC Notification No. , Dated

I wish to inform that our Party, hereby, appoints the following person as Whip for the
elections mentioned above.

1	Name of the Mandal Praja Parishad/Zilla Praja Parrishad	
2	Name of the person appointed as Whip	
3	Position or designation in the Party	
4	Specimen signature of the person appointed as Whip	

* This notice in annexure – II given earlier appointing Sri/Smt/Kum..... as
Whip is, hereby, rescinded.

Yours faithfully,

Place:

Date :

(State President/Person authorized
by the State President)
Seal of the party

Note:

1. This should be sent to the Presiding Officer of MPP/ZPP concerned so as to reach him on or before 11:00 AM on the day preceding the day of election of the President/Vice-President of MPP or Chairperson/Vice-Chairperson of ZPP, as the case may be.
2. This form must be signed in ink by the office bearer mentioned above. No facsimile signature or signature by means of rubber stamp etc., of any office bearer shall be accepted.
3. No form transmitted by fax shall be accepted.

*** This portion must be scored off, if not applicable, or must be properly filled, if applicable.**

Sl. No. 7: Whip Format (3) in respect of Indirect Elections to MPPs/ZPPs

ANNEXURE – III

PARTY WHIP

I, ----- appointed as Whip of -----
----- party for elections to Chairperson/Vice-Chairperson
(or) President/Vice- President of ----- Zilla Praja Parishad /
Mandal Praja Parishad ----- District, hereby, direct
that the elected members of the Zilla Praja Parishad / Mandal Praja Parishad
belonging to ----- party shall be present in the
Special Meeting to be held on ----- and vote in
favour of Sri/Smt/Kum-----.

Seal of the Party

Date :

Place:

Signature & Name

Authorized Party Whip

To

Sri.-----

Member,----- Zilla Praja Parishad / Mandal Praja Parishad

Copy to the Presiding Officer,-----

----- Zilla Praja Parishad / Mandal Praja Parishad Special Meeting.

Note:

1. Person appointed as Whip by a Recognized Political Party has to furnish a copy of the contents of the Whip issued by him in Annexure-III to the Presiding Officer at least one hour before the commencement of Special Meeting for election of President/Vice-President of MPP or Chairperson Person/Vice-Chairperson of ZPP.
2. The person appointed as Whip by a Recognized Political Party shall also furnish a copy of the acknowledgement obtained from the Members belonging to the party on the service of the whip to them to the Presiding Officer before the commencement of the Special Meeting for election of President/ Vice-President of MPP or Chairperson Person/Vice-Chairperson of ZPP.

Sl. No. 8: Model Code of Conduct (MCC)

MODEL CODE OF CONDUCT FOR LOCAL BODY ELECTIONS:

Under Articles 243-K and 243 ZA of the Constitution of India and all other powers hereunto enabling, the State Election Commission, hereby, issues the following code of conduct to be followed in order to ensure free, fair and peaceful elections to Gram Panchayats, Mandal Praja Parishads, Zilla Praja Parishads, Municipalities and Municipal Corporations in the state of Telangana.

Applicability and area of enforcement:

1. (a) The Code shall be known as the Code of Conduct for local body elections.
(b) It shall apply to political parties, contesting candidates, Ministers, employees of the State Government and local bodies and other public servants connected with local body elections.
2. This Code shall come into force from the time of announcement of Election Schedule by the State Election Commission and shall remain in force till the completion of the election process.
3. The words and expression used in this Code shall have the same meaning as assigned to them under Telangana Panchayat Raj Act, 2018, Telangana Municipalities Act, 2019 and Greater Hyderabad Municipal Corporation Act, 1955, and the rules framed thereunder.
- 3(A) When the schedule for ordinary elections is notified either for the Rural Local Bodies or for the Urban Local Bodies located in the entire State, the Model Code of Conduct is applicable to the respective areas in the entire State.
- 3 (B) When the schedule for elections is notified to a limited number of casual or ordinary vacancies in the Local Bodies, otherwise than State-wide ordinary elections, the area of applicability or enforcement of Model Code of Conduct shall be as follows:-

ZPTC Member: When the schedule for elections is notified to a ZPTC, the Model Code of Conduct shall be applicable for the **entire area of that Mandal Praja Parishad** in which the ZPTC is located.

MPTC Member: When the schedule for elections is notified for an MPTC, the Model Code of Conduct shall be applicable for the **entire area of the Mandal Praja Parishad** in which the MPTC is located.

Sarpanch or Ward Member(s) of a Gram Panchayat or for both: When the schedule for elections is notified for the office of Sarpanch or Ward Member(s) of a Gram Panchayat or for both, the Model Code of Conduct shall be applicable for the **entire area of that Gram Panchayat**.

Member of a Municipality: When the schedule for elections is notified to the office of Member of a Municipality, the Model Code of Conduct shall be applicable for the **entire area of that Municipality.**

Member of a Municipal Corporation: When the schedule for elections is notified to the office of Member of a Municipal Corporation, the Model Code of Conduct shall be applicable for the **entire area of that Municipal Corporation.**

I. General Conduct

1. No party or candidate shall indulge in any activity which may aggravate existing differences or create mutual hatred or cause tension between different castes and communities, religions or languages.
2. There shall be no appeal to Religion, Communal or Caste feelings for securing votes.
3. Places of worship such as Temples, Mosques, Churches, etc., shall not be used as forum for election propaganda.
4. No criticism of any aspect of candidates private life which is not connected with his public life shall be made nor any allegation be made which are based on unverified facts or incidents.
5. Criticism of a political party, when made, shall be confined to its policies and programmes, past record and works and shall not be based on unverified allegations.
6. Organising demonstration or picketings before the houses of individuals by way of protesting against their opinion or activity shall not be resorted to under any circumstances.
7. No party or candidate shall permit their followers for using any private property / public property for erecting flag staffs, pasting notices, posters or slogans etc., or suspending banners without written permission from the owner / competent authority of the property concerned. Further, a copy of such written permission shall forthwith be sent to the Returning Officer / District Election Authority.
8. No candidate or his workers shall remove or deface the flag erected or posters pasted by another candidate or political party.
9. All parties and candidates shall scrupulously avoid all activities which are corrupt practices and offences under the Election Law such as:
 - (i) To appeal for vote or not to vote on the basis of religion, caste or community and to use any religious symbol for soliciting votes.
 - (ii) To print or publish any poster, pamphlet, leaf-let, circular or advertisement without mentioning the name and address of the printer and the publisher.

- (iii) To publish a statement or news item which is false or not believed to be true with respect to a candidate's personal conduct or character with a view to adversely affect the prospect of his or her election.
 - (iv) To obstruct or disturb any election meeting organised by another political party or candidate.
 - (v) To take out processions or hold public meetings during the period of:-
 - (a) forty-eight hours ending with the hours fixed for the close of the poll in the case of Municipal Corporations, Municipalities.
 - (b) Forty-eight hours prior to the hour fixed for the conclusion of poll in the case of elections to Zilla Praja Parishads and Mandal Praja Parishads.
 - (c) Forty-four hours prior to the hour fixed for the conclusion of poll in the case of elections to Gram Panchayats.
 - (vi) To bribe or offer reward in any form to voters.
 - (vii) To canvas or to appeal for votes within hundred meters of a polling station.
 - (viii) To use any conveyance or means of transport for the voters to or from the polling station.
 - (ix) To behave in an unruly manner within or near about the polling station or to obstruct a polling officer in the discharge of his duty.
 - (x) To impersonate a voter or attempt to cast vote under the false name of voter.
10. The carrying of effigies purporting to represent members of other political parties or their leaders, burning such effigies in public and such other forms of demonstration shall not be countenanced by any political party or candidate.

II. Meetings

1. No party or candidate shall hold public meetings or processions without obtaining necessary permission from the competent Local Authorities.
2. Use of loud speakers: No party or candidate shall use loudspeakers without obtaining necessary permission from the Competent Authority and shall not use the loud speaker for purposes other than transmitting speeches, live or recorded. The loudspeakers shall not be used to transmit music or songs. The use of loudspeakers, at public meetings and Road Shows shall be permitted only between 6.00 a.m. to 10.00 p.m. In all other cases, the use of loudspeakers shall be permitted only between 10.00 AM to 6.00 PM. The Police are authorised to seize the offending equipment if anybody violates the same. The political parties and candidates shall endeavour to see that no disturbance is caused in the vicinity of hospitals due to electioneering to avoid inconvenience to the patients.
3. While granting permission for organising an Election Meeting at a Public place, no distinction should be made between the candidates or the political

parties. In case more than one candidate or party requests for holding meeting at the same place and the same date and time, the permission should be granted to such candidate or party who applies first.

III. Processions

1. A party or candidate organizing a procession shall decide before hand the time and place of the starting of the procession, the route to be followed and the time and place at which the procession will terminate. There shall ordinarily be no deviation from the programme.
2. The organizers of the procession shall give advance intimation to the local police authorities of the programme so as to enable the latter to make necessary arrangements.
3. The organizers shall ascertain if any restrictive orders are in-force in the localities through which the procession has to pass and shall comply with the restrictions unless exempted specially by competent authority. Any traffic regulations or restrictions shall also be carefully adhered to.
4. The organizers shall take steps in advance to arrange for passage of the procession so that there is no block or hindrance to traffic. If the procession is very long, it shall be organized in segments of suitable lengths, so that at convenient intervals, especially at points where the procession has to pass road junctions, the passage of held up traffic could be allowed by stages thus avoiding heavy traffic congestion.
5. Processions shall be so regulated as to keep as much to the right of the road as possible and the direction and advice of the police on duty shall be strictly complied with.
6. If two or more political parties or candidates propose to take processions over the same route or parts thereof at about the same time, the organizers shall establish contact well in advance and decide upon the measures to be taken to see that the processions do not clash or cause hindrance to traffic. The assistance of the local police shall be availed of for arriving at a satisfactory arrangement. For this purpose, the parties shall contact the police at the earliest opportunity.
7. The political parties or candidates shall exercise control to the maximum extent possible in the matter of processionists carrying article which may be put to misuse by undesirable elements, especially in moments of excitement.

IV. Polling Day

1. On the polling day, all political parties and candidates shall :-

- (a) Supply to their authorized workers suitable badges or Identity cards
 - (b) Refrain from serving or distributing liquor within the polling area during the period of
 - (1). forty-eight hours prior to the hour fixed for conclusion of the poll and also on the counting day in the case of elections to Zilla Praja Parishads and Mandal Praja Parishads;
 - (2). forty-four hours prior to the hour fixed for conclusion of the poll and also on the counting day in the case of elections to Gram Panchayats; and
 - (3). forty-eight hours prior to the hour fixed for conclusion of the poll and also on the counting day in the case of elections to Municipal Corporations and Municipalities.
 - (c) Not allow unnecessary crowds to be collected near the camps set by the political parties and candidates near the polling stations so as to avoid confrontation and tension among workers and sympathizers of the parties and candidates.
 - (d) Co-operate with the authorities in complying with the restrictions to be imposed on the plying of vehicles on the polling day and obtained permits for them which should be displayed prominently on those vehicles.
2. The identity slips given to voters shall be on plain (white) papers and shall not contain any symbol or name of the candidate. The name of the voter, his father's/husband's name, ward number, polling booth number and the serial number of the voter in the electoral roll shall only be written on the identity slip.
 3. Every candidate and the political party shall co-operate with the Officers on Election Duty to ensure peaceful and orderly polling.

V. Polling Booth

Excepting the voters, no one without a valid pass from the State Election Commission shall enter the polling booths.

VI. Observers

The State Election Commission is appointing Observers. If the candidates or their agents have any specific complaint or problem regarding the conduct of elections they may bring the same to the notice of the Observer.

VII. Expenditure

1. No contesting candidate shall incur the election expenditure in excess of the expenditure fixed by the State Election Commission, by notification
2. The contesting candidate shall maintain day-to-day expenditure record in the prescribed proforma which will be supplied to him free of cost on the date of acceptance of his candidature.
3. Every contesting candidate shall, within 45 days from the date of declaration of results, submit the election expenditure account in the prescribed proforma to the Mandal Parishad Development Officer in case of elections to Panchayat Raj Bodies and in case of Urban Local Bodies to the District Election Authority.

VIII. Party in Power

1. A Public Servant shall remain absolutely impartial during the elections and he shall not indulge in any campaigning activity for or against any contesting candidate or political party.
2. A Public Servant shall not participate or accompany the Minister in any programme, organised at an individual's house for which the Minister has accepted the invitation during his election tour.
3. Public places such as maidans etc. for holding election meetings and use of helipads for air flights in connection with elections shall not be monopolized by party in power. Other parties and candidates shall be allowed to use such places and facilities on the same terms and conditions on which they are used by the party in power.
4. Use of rest houses, circuit houses and other Government accommodation should be permitted to all the candidates and the political parties on the same terms and conditions on which it is permissible for party in power. However, no candidate or party should be allowed to use such building or its campus for the purpose of election propaganda.
5. No contesting candidate, who is in-charge of, or is in any manner connected with, the management of an aided educational institution, or any other institution receiving aid from the State or Central Government, shall, misuse the buildings, infrastructure, staff, funds or vehicles belonging to such institution for furthering his/her electoral prospects.
6. Ordinarily, all meetings organised during election should be treated as election meetings and no Government money should be spent on them. No Government servant should attend any such meeting except those who are incharge of maintenance of law and order or those deployed for security duties.

- (i) If a Minister undertakes a tour of any area of a District where elections are taking place, such tour shall be deemed to be an election tour and no Government servant, except those who are deployed for security purposes, shall accompany the Minister. No Government vehicles or any other facility shall be made available for such tour.
 - (ii) No vehicles belonging to Government or local bodies or public undertakings or co-operative institutions or any other institutions receiving Government grants shall be provided to any Minister, Member of the Parliament or the Legislative Assembly or a candidate for canvassing in election in any manner from the date of notification of election to the date of announcement of the results.
- 7. The Ministers shall not combine their official visit with electioneering work and shall not make use of official machinery and personnel or other Government resources including Government vehicle for furtherance of interests of any candidate.
- 8. From the time elections are announced by the Commission, Ministers and other authorities –
 - (a) shall not sanction grants/payments out of State funds or discretionary funds;
 - (b) shall not announce any financial grants or new schemes or projects in any form or promises thereof;
 - (c) shall not sanction any new scheme or project or works.
 - (d) shall not lay foundation stones etc., of projects or schemes of any kind;
- 9. From the time the elections are announced by the State Election Commission Ministers and other authorities shall not :-
 - (a) Make any ad-hoc appointments in Government, Public undertakings etc. which may have the effect of influencing voters in favour of the party in power.
 - (b) Make any promise of laying of roads, provision of drinking water facilities etc.
- 10. In order to ensure maintenance of a level playing field and prevent undue influence on the election process the following persons irrespective of whether he/she is provided with security or not or anything else shall not be appointed as Election/Polling/Counting Agent of a candidate during an election:
 - (i) Any sitting Minister of Union and State Government;

- (ii) Sitting Member of Parliament;
 - (iii) Sitting Member of Legislative Assembly/Legislative Council;
 - (iv) Mayor/Dy. Mayor of a Municipal Corporation, Chairperson/Vice-Chairperson of Municipality; Sitting Member of any ULBs;
 - (v) Chairperson of Zilla Praja Parishad and President of Mandal Praja Parishad, Sarpanch of a Gram Panchayat or any sitting Member of any Mandal Praja Parishad or Zilla Praja Parishad;
 - (vi) Elected Chairperson of National/State/District co-operative Institution;
 - (vii) Political functionaries appointed as Chairpersons of Central PSUs/State PSUs, Chairpersons of Government Bodies, Government Pleader/Additional Government Pleader;
 - (viii) Any Government Servant.
11. Issue of advertisement at the cost of public exchequer in the news paper and other media during the election period for partisan coverage intended to furthering the prospects of the party in power shall be scrupulously avoided.

IX. Guidelines on Election Manifestos:-

1. The Constitution under Article 243K and 243 ZA mandates the Election Commission, to conduct elections to the Local Bodies in the State. Having due regard to the directions of the Hon'ble Supreme Court in Judgment dated 5.7.2013 in SLP (C) No. 21455 of 2008 and TC No. 112 of 2011 - S.Subramaniam Balaji Vs. Govt. of TN & Others, on the lines of guidelines issued by the Election Commission of India after consultation with the Political Parties, the Commission, in the interest of free and fair elections, hereby directs that Political Parties and Candidates while releasing election manifestos for any election to the Local Bodies in the State, shall adhere to the following guidelines:-
 - (i) The election manifesto shall not contain anything repugnant to the ideals and principles enshrined in the Constitution and further that it shall be consistent with the letter and spirit of other provisions of Model Code of Conduct.
 - (ii) The Directive Principles of State Policy enshrined in the Constitution enjoin upon the State to frame various welfare measures for the citizens and therefore there can be no objection to the promise of such welfare measures in election manifestos. However, political parties should avoid making those promises which are likely to vitiate the purity of the election process or exert undue influence on the voters in exercising their franchise.

- (iii) In the interest of transparency, level playing field and credibility of promises, it is expected that manifestos also reflect the rationale for the promises and broadly indicate the ways and means to meet the financial requirements for it. Trust of voters should be sought only on those promises which are possible to be fulfilled.

2. Prohibitory period of Release of Manifesto during election(s):-

- (i) In case of single phase election, manifesto shall not be released during the prohibitory period, as prescribed under Section 214 of Telangana Panchayat Raj Act, 2018 in case of elections to Panchayat Raj Bodies, Section 209 of Telangana Municipalities Act, 2019 in case of elections to Municipalities and Municipal Corporations other than GHMC and Section 600 of GHMC Act, 1955 in case of elections to GHMC.
- (ii) In case of multi-phase elections, manifesto shall not be released during the prohibitory periods, as prescribed under Section 214 of Telangana Panchayat Raj Act, 2018 in case of elections to Panchayat Raj Bodies, Section 209 of Telangana Municipalities Act, 2019 in case of elections to Municipalities and Municipal Corporations other than GHMC and Section 600 of GHMC Act, 1955 in case of elections to GHMC, of all the phases of those elections.

X. Model Code of Conduct in Elections to Indirectly Elected Offices of Mandal Praja Parishads, Zilla Praja Parishads and Urban Local Bodies

Articles 243K and 243 ZA of the Constitution provide for setting up of State Election Commission (SEC) for conduct of free and fair elections to local bodies.

The Chapter I of part V of the Telangana Panchayat Raj Act, 2018, the Chapter VI of Telangana Municipalities Act, 2019 and Chapter II of GHMC Act, 1955 make detailed provisions for ensuring free and fair elections to the local bodies. Chapter II of Part V of TPR Act, 2018 enumerates various electoral offences. Similar provisions are also made in Chapter VI of Municipalities Act, 2019 and in Chapters II & XVII of GHMC Act, 1955. The Indian Penal Code also provides for strong protections against electoral offences through Sections 171A, 171B & 171C.

Considering the letter and spirit of the Constitutional and statutory provisions and also considering the ground realities, the State Election Commission has notified the Model Code of Conduct with the object of providing level playing field to all the candidates and political parties. However, the provisions of this MCoC address mostly the concerns associated with the direct elections and it does not afford similar protection against the malpractices encountered during the indirect elections.

During the past indirect elections, it was often noticed that various political parties and other influential candidates organise “camps” by confining the elected representatives for extended periods of time ostensibly to protect them from being won over by the opponents. Camps typically involve housing in secret or unknown locations usually in luxurious settings. Organisation of such camps involve incurring of considerable expenditure and also employment of extra ordinary influence. Thus the indirect elections tend to afford undue opportunities to be monopolised by the rich and influential parties and persons. Party in power tends to enjoy additional advantage because of its overt and covert influence over the Government machinery for doling out explicit and implicit favours/ disfavours through various departments and agencies.

Employment of all such illegal measures tend to distort healthy democratic functioning besides breaching the trust reposed by the voters in their representatives. It is not rare to see instances where newly elected representatives yield to such measures by voting against the whips issued by their respective parties, thereby foregoing their hard earned membership in the First meeting itself necessitating conduct of casual elections at great cost to the public exchequer.

Hence, with a view to rein in the illegal practices of bribing, exertion of undue influence etc., on the elected representatives, it is proposed to add a special section in the MCoC with the following specific measures.

1. The MCoC for indirect elections shall commence from the date of declaration of result of directly elected posts (Ordinary Elections) and shall extend till the completion of indirect election of the concerned local bodies.
2. Bribery as defined in TPR Act and Indian Penal Code is not to be resorted by any of the political parties, the elected members seeking offices such as President, Vice-President, MPPs, Chairperson, Vice-Chairperson, ZPPs, Chairperson/Vice-Chairperson, Municipalities, Mayor/Dy. Mayor of Municipal Corporations either directly or indirectly.
3. Ban on exertion of undue influence on the elected representatives for voting against the whips issued by their respective political parties during the indirect elections. Neither the political parties, nor any of their candidates involved in the indirect elections shall exert or attempt to exert any undue influence against any of the electors while exercising their electoral rights.
4. No political party nor any of the contesting candidates shall offer any post to the electors as an incentive for defying their party whip while exercising their voting rights.
5. The party in power or any of the functionaries of Government should not misuse or attempt to misuse their power covertly or overtly for extending incentives or disincentives while granting certificates, licences, work contracts or in disposal of pending cases, payment of pending bills, revision of contracts etc. Similarly the investigating agencies shall not resort to any

partiality in registration of offences or framing charge sheets, enforcement of arrests, NBWs etc.

6. No political party or any candidate shall organise any camps with elected representatives either directly or indirectly.
7. There shall not be any canvassing, campaigning activity pertaining to the indirect elections to local bodies from 48 hours prior to the hour fixed for the conduct of such indirect elections to MPPs, ZPPs, Municipalities or Municipal Corporations. Such ban on canvassing, campaigning etc shall continue till the completion of the indirect elections to the concerned bodies.

Any violation of the above provisions of the MCoC shall invite suitable prosecution or / and action under relevant provisions of the Acts/rules concerned. Sections 234 of TPR Act, 2018 or Section 226 of Municipalities Act, 2019 or Section 612 of GHMC Act, 1955 shall be invoked in appropriate cases.

XI. Prosecution

1. The violation of these provisions is punishable under various laws.
2. The Election Authority, GHMC, District Election Authority, Deputy District Election Authority, Additional District Election Authority and the Police are authorized to initiate prosecution against violators of this Code before the Competent Criminal Courts under intimation to the State Election Commissioner.

**SD/- C. PARTHA SARATHI
STATE ELECTION COMMISSIONER
TELANGANA**

Sl. No. 9: Authorizing the District Collectors to declare local holidays in the areas notified for election and other related issues whenever the Notification issued by the State Election Commission.

**GOVERNMENT OF TELANGANA
ABSTRACT**

Panchayat Raj & Rural Development Department - Elections – Ordinary and casual election to vacancies in Panchayat Raj Bodies – General orders authorizing the District Collectors to declare local holidays in the areas notified for election and other related issues whenever the Notification issued by the State Election Commission– Orders –Issued.

PANCHAYAT RAJ & RURAL DEVELOPMENT (PTS.III) DEPARTMENT

G.O.MS.No. 54

**Dated:03.07.2015
Read:-**

From the Secretary, Telangana State Election Commission, Hyderabad
Lr.No.333/TSEC-PR/2015, Dated: 16.06.2015.

* * *

In the circumstances stated by the Secretary, State Election Commission in the reference read above and keeping in view of the circumstances explained therein and after careful examination of the matter, Government hereby authorise the Collector and District Election Authorities in the State (except Hyderabad) to take necessary action on the following items whenever the Notification is issued by the State Election Commission.

i) to declare Public Holiday for the Government offices, Local bodies and Government institutions situated in the areas of poll on the day of poll and to permit the Central Government employees, who are bonafide voters and desire to exercise to franchise to avail the facility subject to normal exigency of service either by way of coming late to the office or by leaving the office early or a short absence on the polling day.

ii) to declare local holiday in the areas notified for election on the day preceding the day of poll, on the day of poll and on the day of counting in respect of public buildings, educational institution buildings, other buildings, etc., to be used for election related activities.

iii) to declare local holiday or time off to facilitate employees of public and private undertakings/firm in the areas notified for election to exercise their franchise.

iv) Declaration of day of poll as a public holiday in the areas notified for elections under the Negotiable Instruments Act / Shops and Establishments Act.

2. The Collectors & District Election Authorities shall take necessary action accordingly

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

**J.RAYMOND PETER
PRINCIPAL SECRETARY TO GOVERNMENT**

To
All Collectors & District Election Authorities
in Telangana State(except Hyderabad)

Copy to:
The Secretary, Telangana State Election Commission, Hyderabad.
The Director, Panchayat Raj & Rural Employment, Hyderabad.
SF/SC.

//FORWARDED::BY ORDER//

SECTION OFFICER

**GOVERNMENT OF TELANGANA
ABSTRACT**

Acts - The Telangana Panchayat Raj Act, 2018 (Act No.5 Of 2018) - Commencement of the Act- Notification -Issued.

**PANCHAYAT RAJ AND RURAL DEVELOPMENT (PTS.III) DEPARTMENT
G.O.Ms.No.22**

Dated: 18.04.2018.

Read:

The Telangana Panchayat Act, 2018. (Act.No.5 of 2018)

ORDER:

The following notification shall be published in the Extraordinary issue of the Telangana Gazette, Dated the 18.04.2018.

NOTIFICATION

In exercise of the powers conferred by sub-section (4) of section 1 of the Telangana Panchayat Raj Act, 2018 (Act No.5 of 2018), the Governor of Telangana hereby appoints the 18th April, 2018 as the date on which all the provisions of the said Act, except Sections 6(10),34,37(6),43(10),47(4),70(4), 113(4),114(2) and 141 shall come into force in the whole of the State of Telangana.

(BY ORDER AND IN THE NAME OF GOVERNOR OF TELANGANA)

SUNIL SHARMA

PRINCIPAL SECRETARY TO GOVERNMENT (FAC)

To

The Commissioner, Printing Stationery & Stores Purchase (Printing wing), Chanchalguda, Hyderabad for publication in the Telangana Gazette and he is requested to send 100 copies of the notification to Government.

Copy to:

The Commissioner of Panchayat Raj and Rural Employment, Hyderabad.

All Heads of Departments.

All District Collectors.

The Director, Information & Public Relations, Hyderabad. The Spl.Chief Secretary to Governor, Raj Bhavan, Hyderabad. P.S to Prl.Secretary to Hon'ble Chief Minister.

P.S to Hon'ble Minister (PR&RD)

P.S to Chief Secretary to Government.

P.S to Prl.Secretary to Government (PR&RD) .,

Officer and Sections in PR&RD Dept .,

// FORWARDED BY ORDER/ /

SECTION OFFICER