

## THE ODISHA GRAMA PANCHAYAT ELECTION RULES,1965

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## **THE ODISHA GRAMA PANCHAYAT ELECTION RULES 1965\***

**1.** Short title—These rules may be called “The Odisha Grama Panchayat Election Rules, 1965”.

**2.** Definitions—In these rules, unless the context otherwise requires—

- (a) “Act” means Odisha Grama Panchayat Act, 1964
- (b) “Ballot Box” means any box, bag or any other receptacle of such design and specification as the Commissioner may decide, used for receiving ballot papers in the course of polling at a polling station and be so constructed that ballot papers can be inserted through an opening without affecting the secrecy of voting but the ballot papers cannot be removed without opening, breaking or otherwise tampering the ballot box.
- (c) “Block Development Officer” means an officer appointed for the Block under Section 15 (A) of the Odisha Panchayat Samiti Act, 1959.
- (c-1) “Commissioner” means the State Election Commissioner appointed under Article 243-K of the Constitution.
- (d) “Election Officer” means unless the Commissioner otherwise directs, the Collector of the district or any other officer or person authorised by the Collector by general or special order to exercise all or any of the powers and perform all or any of the duties of the Election Officer under these rules.
- (d-1) “Electoral Registration Officer” means unless the Commissioner otherwise directs, the Collector of the district or any other officer or person authorised by the Collector in that behalf; and
- (d-2) “Forms” means a form appended to these rules
- (d-3) “List” means the list of Wards as referred to in clause (b) of sub-section (4) of Section 10.
- (e) “Local area” means the village or group of villages notified as a Grama under Section 3 of the Act.
- (f) “Polling Agent” means a person duly authorised by a contesting candidate for whom votes are polled during the election in respect of one or more polling stations or places specified for counting of votes.
- (g) “Polling Officer” means the person appointed by the Election Officer to assist him or the Presiding Officer for conducting the elections of one or more polling stations within the local area of one or more Grama Panchayats.

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\*As amended up to November 2001. There might be omissions and commissions : for authenticity reference must be made to the published Rules in the official Gazette.

- (h) "Polling Stations" means the place fixed by the Election Officer for conduct of the poll in respect of Members, Sarpanch or Naib-Sarpanch of the Grama Panchayat as the case may be.
- (i) "Presiding Officer" means any person appointed by the Election Officer to preside over the conduct of Elections at one or more polling stations within the local area of one or more Grama Panchayats.
- (j) "Section" means a Section of the Act
- (k) Words and expressions used herein but not defined shall have the same meaning as assigned to them respectively in the Act.

## DIVISION OF WARDS

### **Preparation of Electoral Rolls and Reservation of seats**

**3.** (1) The list of Wards shall be serially numbered beginning with North-West to South-East direction.

(2) (a) Subject to the directions issued by the Governor of Odisha under paragraph 5 of the Fifth Schedule of the Constitution of India, out of the Wards left in the list for candidates other than Scheduled Caste, and the Scheduled Tribe, reservation of Wards for the members of backward class of citizens, shall begin from the Ward which appears first and continue one by one until the required quota is completed.

[(b) "In the list of the Wards reserved for the backward class of citizens under clause (a), the Ward which appears first and, thereafter, every second Ward shall be reserved for women belonging to such backward class until the required quota is completed".]

(3) The statement in Form No. 13 showing the total number of Wards in the Grama including those reserved for the members of the Scheduled Caste, the Scheduled Tribe, the Backward classes of citizens and Women and the extent of each Ward shall be published at any conspicuous place of the Grama together with a notice in Form No. 12 stating the date by which objection may be received.

(4) Seven days notice may be given for inviting objections

(5) Objections or suggestions may be filed with or sent to the Collector so as to reach him within the period specified in sub-rule (4).

**3-A.** (1) The procedure prescribed in Rule 3 relating to reservation of Wards for members shall *mutatis mutandis* apply in respect of reservation of offices of Sarpanches in a Block.

(2) For the purpose of sub-rule(1), notice inviting objections and suggestions shall be issued in Form No. 12 and the statement showing the offices of Sarpanches reserved for the Scheduled Caste, the Scheduled Tribe, Backward Class of citizens and Women shall be notified in Form No. 15.

**[3-B.]** (1) On receipt of the report from the Election Officer under Rule 30 regarding failure of election for second time on the ground that no person belonging to any particular

category, for which the seat of the member of or the office of the Sarpanch has been reserved is available in the voter list of the concerned Ward or, as the case may be, of the Grama, even for nomination under sub-section (1) of Section 13, the Sub-Collector shall send his recommendation as required under sub-section (2) of the said section to the Collector for dereservation of such seat or office, as the case may be.

(2) The recommendation of the Sub-Collector shall comprise the followings, namely:—

- (i) working copy of the voter list of the Ward or, as the case may be, of the Grama;
- (ii) copy of Form No. 13 or Form No. 15 showing the reservation status of the membership or of the office of the Sarpanch, as the case may be; and
- (iii) a certificate to be signed jointly by the Election Officer and the Sub-Collector in the following Form:—

‘Certified that we have carefully verified the voter list of the Ward/Grama and found that no person belonging to the reserved category is available in the said voter list for nomination under sub-section (1) of Section 13.

We, therefore, recommended that the office of the Sarpanch/the seat of Ward Member of Ward No. \_\_\_\_\_ of \_\_\_\_\_ Grama Panchayat now reserved for \_\_\_\_\_ be dereserved under sub-section (2) of the said section.

Election Officer

Sub-Collector’

(3) The recommendation made under sub-rule (1) shall be addressed to the Collector.

(4) On receipt of the recommendation from the Sub-Collector under sub-rule (1), the Collector shall verify the voter list and after having been satisfied on the correctness of the recommendation of the Sub-Collector, shall dereserve such seat or office, as the case may be, by publishing a notification in his noticeboard.

(5) Copy of the notification published under sub-rule (4) shall forthwith be communicated to the Commissioner for filling up of the seat or office as the case may be, by fresh election and a copy of such notification shall also be forwarded to the Director, Sub-Collector, Election Officer and the concerned Grama Panchayat.

**3-C.** The statements in Form No. 13 and Form No. 15 referred to in Rule 3 and 3-A respectively, as finally published after consideration of the objections and suggestions invited therefore, shall be submitted to the Commissioner by such date as the Commissioner may fix which shall not, unless the Commissioner otherwise directs, be less than six weeks before the date fixed for issue of the order under Rule 13”.]

**4.** (1) Where the Commissioner otherwise directs under sub-section (2) of Section 9 to have a separate electoral roll for every Ward, he may by order, direct for the preparation of such electoral roll and in such case he may prescribe, in the order, the procedure thereof including the procedure of its revision, addition or alteration to be followed.

(2) So much of the electoral roll of the Assembly Constituency, for the time being in force as it relates to the Ward shall be the electoral roll in respect of the Ward and for the purpose of its preparation, final publication including revision, addition or alteration, the procedure hereinafter prescribed shall apply.

(3) Every order passed under sub-rule (1) shall be published in the Official Gazette.

**5.** (1) The Electoral Registration Officer shall split up or cause to be split up the electoral roll of the Assembly Constituency into separate electoral rolls for every Ward in a Grama and the electoral roll so prepared shall be the preliminary electoral roll for the Ward.

(2) The list of voters for each Ward shall be prepared in the order and in the language they occur in the electoral roll for the Assembly Constituency.

(3) The preliminary electoral roll of the Ward so prepared under sub-rule (1) shall be published by the Electoral Registration Officer at a conspicuous place at the headquarters of the Grama Sasan together with a notice in Form No. 2 at least three weeks before the date of issue of notice under Rule 24, stating the date by which objections or claims may be received and the place and date on which enquiries shall be taken up.

(4) The notice in Form No. 2 issued under sub-rule (3) shall also be affixed in the noticeboard of the office of the concerned Panchayat Samiti, Sub-Collector and Collector.

(5) A period of seven days from the date of publication of the notice under sub-rule (3) shall be allowed for filing of objections or claims, if any.

**6.** (1) No person shall be eligible to be registered in the electoral roll for more than one Ward in any Grama.

(2) Any person who is qualified under the provisions of the Representation of the People Act, 1950 or the Odisha Grama Panchayats Act, 1964 to be registered as a voter in any Grama, shall be eligible to be registered in the electoral roll of a Ward and the name of a person who is disqualified under the provisions of the said Acts shall be liable for removal from the electoral roll of the said Ward.

(3) Any person who claims to be entitled to be registered as an elector and whose name is not entered in or entered in an incorrect place or manner or with incorrect particulars in the preliminary electoral roll and any person whose name is on the roll and objects to the inclusion of his name or the name of any other person in the electoral roll may prefer a claim in Form No. 16 or an objection in Form No. 17 to the Electoral Registration Officer for consideration and necessary corrections.

(4) Claims or objections, if any, shall be presented either in person or be sent by post.

(5) Claims and objections received after the date specified in sub-rule (5) of Rule 5 shall not be considered.

**7.** (1) The Electoral Registration Officer shall sit at the place and on the date fixed under sub-rule (3) of Rule 5 and shall hold a summary inquiry of all the claims and objections.

(2) The Electoral Registration Officer may make such further inquiry as he may deem fit with regard to a claim or an objection.

(3) The Election Registration Officer may *suo motu* remove the names of persons from the Electoral Roll whom he knows or has reason to believe to be dead and may also correct such entries in the electoral roll concerning clerical mistakes.

(4) The Electoral Registration Officer shall, after considering the objections or claims, prepare the final electoral roll of the Ward in a register in Form No. 1.

**8.** (1) The final Electoral Roll, as published by the Electoral Registration Officer, shall be the conclusive proof of the right of every person included therein to vote.

(2) Two copies of the final electoral roll for each Ward shall, after duly authenticated by the Electoral Registration Officer, be kept in his office and two copies thereof shall be sent to the Commission.

(3) The Commissioner, on receipt of copies of the final electoral roll from the Electoral Registration Officer under sub-rule (2) shall cause to be prepared such number of copies thereof as may be required for conducting elections to the Gram Panchayats and shall supply to the Election Officer at the time of the election.

**9.** The final electoral rolls of all the Wards in a Grama shall together form the complete and final electoral roll of that Grama and shall be divided into parts for each polling station before the poll.

#### **10.** Omitted

**11.** The procedure laid down in Rules 4 to 10 shall be applicable, if a General Election is held either by efflux of time or for any other reason to even a single Grama Panchayat. Such rules shall not, however, be applicable to by-elections held to fill up casual vacancies in any office either due to death, resignation or otherwise.

#### **12.** Omitted

#### **12-A.** Omitted

**13.** The order under Section 12 shall be issued on such date as may be recommended by the Commissioner and immediately after it is issued, the Commissioner shall draw up & notify the programme of Election in such manner that, as far as practicable, the Election in all the Wards in the Grama including the election for the office of the Sarpanch be conducted on one and the same day and communicate the programme to all Election Officers.

**14.** The Election Officer shall provide a ballot box which shall have arrangements so that ballot papers can be inserted through an opening without affecting the secrecy of voting and also cannot be removed without opening, breaking or otherwise tampering with the arrangements of the receptacle.

**15.** Inside a polling station, there shall be an enclosure which will be used by voters for marking the ballot paper secretly.

**16.** The ballot boxes shall be placed in the view of the Presiding Officer

**17.** There shall be ballot papers in two different colours or printed in different ink one for the Election of the Sarpanch and the other for Election of the Ward Member in Form No. 6. The ballot paper for Election of the Sarpanch shall bear the following six symbols in the same order in which they are shown herein:—

1. Book (open)
2. Fish
3. Sun
4. Umbrella
5. Plough
6. Ladder

The ballot paper for the election of Ward Member shall bear the following six symbols in the same order in which they are shown herein:—

1. Bullock Cart
2. Scales
3. Pen
4. Coconut Tree
5. A child planting a sapling
6. Cycle

It shall not be necessary to show the names of the contesting candidates in the ballot papers.

The ballot papers shall be serially numbered by the Election Officer or the Presiding Officer and shall contain the seal and signature of the Presiding Officer before they are issued to the Voters.

**18.** The polling shall take place at the polling station during such hours as may be fixed by the Commissioner.

**19.** The polling station for a Ward shall be located within the area of the Ward provided that the Election Officer may, if necessary, have a single polling station for group of Wards in which case there shall be separate compartments for each Ward at the polling station.

**20.** (1) The marking system of voting shall be followed and for that purpose the symbols specified in Rule 17 shall be adopted.

(2) The list of duly nominated candidates shall be arranged in Odia alphabetical order and symbols shall be assigned to each of them in the corresponding order in which the symbols appear in Rule 17.

(3) In case the number of contesting candidates exceeds the number of symbols prescribed under Rule 17, the Commissioner may, by order, prescribe additional symbols to be used for the purpose :

Provided that the Commissioner shall not prescribe such symbols as are allotted to political parties by the Election Commission of India.

(4) Every order passed under sub-rule (3) shall be published in Official Gazette.

**21.** The ballot papers shall be marked by voters either by means of a rubber stamp or in any other suitable manner as may be decided by the Election Officer.

**22.** There shall be a Presiding Officer at each polling station who shall be responsible for proper conduct of polling and he shall exercise such powers of the Election Officer as may be delegated to him. There may also be Polling Officers for each polling station according to requirement to assist the Presiding Officer as may be appointed by the Election Officer.

**23.** Each contesting candidate shall be allowed to appoint not more than one Polling Agent to remain present at the polling station during the poll as well as counting.

### **FILING AND SCRUTINY OF NOMINATIONS**

**24.** The Election Officer shall at least four weeks before the date fixed for election issue separate notices in Form No. 3 calling for names of candidate for the office of Sarpanch of each Grama Panchayat and member for each Ward of such Grama Panchayat. Such notice shall be published in every Ward.

**25.** The Election Officer shall arrange for supply of nomination forms at the Block concerned.

**26.** A nomination can be presented to the Election Officer at the appointed date, time and place specified in the notice either by candidate himself or his proposer or seconder.

**26-A.** On the date fixed for presentation of nomination papers, each candidate intending to stand for the election as a Ward Member or for the office of Sarpanch, as the case may be, shall deposit or cause to be deposited a sum of rupees fifty and hundred respectively other than the Scheduled Castes and Scheduled Tribes with the Election Officer. In case of candidates belonging to Scheduled Tribes and Scheduled Castes, the amount of deposit to be made with the Election Officer shall be rupees twenty-five and fifty respectively. The candidate shall be given a receipt in Form. No. 5 prescribed under the Orissa Grama Panchayat Rules, 1968 for the amount so deposited. No candidate shall be allowed to contest or deemed to be duly nominated for election to the said office unless proper receipt in support of such deposit is annexed to the nomination paper.

**26-B.** If a candidate by whom or on whose behalf the deposit referred to in sub-rule (A) has been made is not elected and the number of votes polled by him does not exceed one-sixth of the total number of valid votes polled, the deposit shall be forfeited and credited to the Panchayat Fund.

**26-C.** If the nomination in respect of a candidate by whom or on whose behalf the deposit referred to in sub-rule (A) has been made is rejected or declared invalid, or if he withdraws his candidature in the manner and within the time specified in Rule 34, or if he dies before the commencement of the poll or if he, though not elected, does not forfeit his deposit under sub-rule (B), or if he is elected the deposit shall be returned to the candidate or to the person by whom the deposit was made on his behalf or in the event of the death of the candidate to his legal heir.

**26-D.** Notwithstanding anything contained in this rule, a deposit made under sub-rule (A), shall not be returned unless a claim is preferred by the person who made the deposit or by his legal heir, as the case may be, to the Grama Panchayat concerned as soon as may be after the publication of the result of the election.

**26-E.** After the publication under Section 15 of the Act, or the names of members elected, the Election Officer shall send a list to the Grama Panchayat concerned showing separately the names of candidates to whom the deposit made by them under sub-rule (A) shall be returned and of those the deposit made shall be forfeited to the Grama Panchayat.

**27.** No person shall be eligible to be a candidate for election as a Ward Member unless his name finds place in the electoral roll for the Ward. No person shall also be eligible either to be a proposer or a seconder in respect of a candidate for Ward Membership unless his name also finds place in the electoral roll for the Ward.

**28.** No person shall be eligible to stand as a candidate for the office of Sarpanch unless his name finds place in the electoral roll of the Grama. No person shall similarly be eligible to be either the proposer or seconder of a candidate for the office of Sarpanch unless his name finds place in the electoral roll of the Grama.

**29.** (a) The Election Officer shall at the appointed time, date and place receive nomination papers separately for the office of Members and Sarpanch in Form No. 4 and scrutinise them in the presence of the candidates, their proposers and seconders, if any, who may be present. If he finds that the candidates are duly qualified in accordance with the provisions of Section 11 and not disqualified under any of the clauses of Section 25 of the Act, he shall approve their candidature. Objections, if any, filed in the course of scrutiny shall be enquired into summarily by the Election Officer and his decision accepting or rejecting the nomination papers shall be endorsed on the body of the nomination papers with reasons for the decision.

(b) The Election Officer shall not reject a nomination paper merely on account of some discrepancy between the age, name or other particulars of a candidate or his proposer or seconder as given in the nomination paper and in the Electoral Roll, provided that the Election Officer is otherwise satisfied that the identity of candidate is not in doubt and the question of eligibility is not involved.

**30.** If no nomination is filed or if all nominations are rejected for the office of Sarpanch of the Grama Panchayat or for the membership of any Ward, a notice for fresh election shall be issued as laid down in Rule 24. If there is a failure of the election so held for the second time, the Election Officer shall forthwith report the matter to the Subdivisional Officer for nomination of a person under Section 13 to fill up the vacancy. The provisions of this rule

shall be applicable for election to the office of any member of the Grama Panchayat, Sarpanch or Naib-Sarpanch.

**31.** If after scrutiny under Rule 29, the Election Officer finds that there is only one candidate each duly nominated for the office of Sarpanch of a Grama Panchayat and for the office of member from each Ward of a Grama Panchayat, there shall be no poll and the Election Officer shall immediately declare the person so nominated to have been duly elected.

**32.** (1) The Election Officer shall, immediately after the scrutiny, prepare a list of the nominated candidates in Form No. 5 and arrange the names in Odia alphabetical order.

(2) Omitted

(3) A copy of the list of the validly nominated candidates shall be published in the Noticeboard of the Grama in Form. No. 5 at least three weeks before the date fixed for election.

(4) A validly nominated candidate for any Ward or for the office of Sarpanch may withdraw candidature by presenting an application in Form No. 9 personally to the Election Officer within forty-eight hours after the list of validly nominated candidates has been published under sub-rule (3) :

Provided that the Election Officer shall verify the signature of the candidate before allowing the candidature to be withdrawn;

(5) Immediately after the withdrawal of nomination under sub-rule (4), the Election Officer shall publish the final list of contesting candidates and allot symbols to each of them in Form No. 5 at least two weeks before the date of Poll.

(6) If there were only two contesting candidates including the person withdrawing his candidature under sub-rule (4), the other candidates shall be declared duly elected uncontested.

(7) The Election Officer shall proceed with election if, upon withdrawal of candidature under sub-rule (4), the number of validly nominated candidates exceeds one.

**33.** (a) If a validly nominated candidate who has not withdrawn his candidature under sub-rule (4) of Rule 32 dies and a report of his death is received by the Election Officer before publication of the final list of contesting candidates; or

(b) A candidate dies after the publication of the final list of contesting candidates under sub-rule (4) of Rule 32 and before the commencement of poll, the Election Officer shall, upon being satisfied of the fact of the death of the candidate, countermand the poll and report the fact to the Commissioner.

**34.** If at an election, a candidate dies at any time on or after the date of the poll but before publication of the result under Section 15, there shall be no countermanding and the result shall be declared as if the candidate has not died.

**35.** In case upon declaration of result of the election, the deceased candidate as referred to in Rule 34 is declared to have been duly elected, the Election Officer shall forthwith issue a notification to the effect that casual vacancy has occurred and the provisions of these rules for conducting by-election to fill up the casual vacancy shall be applicable in such cases.

### **CONDUCT OF POLLING**

**36.** After the procedure for acceptance of nominations is completed, the Election Officer shall supply to the Presiding Officer appointed for each polling station the following papers :—

- (a) A list of validly nominated candidates in Form No. 5 separately for offices of Sarpanch and Ward Members concerned.
- (b) A working copy of the electoral roll for the Ward for use of the Presiding Officer.
- (c) Another copy of the electoral roll of the Ward to be exhibited at the polling station.
- (d) Required number of ballot papers for the office of Sarpanch and also Ward Members in Form No. 6.
- (e) Form No. 7 for ballot paper account

**37.** It shall be the responsibility of the Presiding Officer to proceed to the polling station well in advance of the time fixed for the poll and make the required arrangement so as to ensure that polling commences exactly at the time notified.

**38.** Shortly before the commencement of the poll, a copy of the list of contesting candidates for each office arranged in alphabetical order together with a description of the symbol assigned to each shall be exhibited prominently at the polling station. A copy of the electoral roll, a notice specifying the polling station area and the date and time of poll shall also be exhibited.

**39.** The Presiding Officer shall examine the authority of the polling agents authorised by the candidates and decide the admissibility according to rules. He may also fix up one or two local persons who may be of assistance in identifying voters.

**40.** Immediately before the commencement of the poll, the Presiding Officer shall demonstrate to the candidates and the voters present that the ballot box is empty and is either locked up or so secured by any device that ballot papers can be inserted therein but cannot be withdrawn except by breaking or otherwise tampering with the box.

**41. (a)** Polling shall then commence at the appointed hour

- (b) As each voter approaches the Presiding Officer, he shall check up the eligibility with reference to the working copy of the electoral roll and issue a ballot paper to the voter for the office of Sarpanch after putting an indelible ink mark on his left forefinger. The Presiding Officer shall clearly explain to each voter the procedure to be followed in putting his mark. The voter shall then proceed along with the ballot paper to the enclosure and affix a cross mark secretly

against the candidate whom he wishes to vote either with the stamp provided for the purpose or by any other method as may be decided by the Presiding Officer. After affixing the mark, the voter should fold the ballot paper on the inner side so as to maintain secrecy of the vote and then will insert the folded ballot paper into the box specified for the purpose.

- (c) The Presiding Officer shall then issue another ballot paper for the office of Ward Member (At the time of issuing such ballot paper, the voter shall on being asked allow his left forefinger to be marked with indelible ink, if no such marking is already made as per the foregoing sub-rule). The voter shall then proceed along with ballot paper to the enclosure and affix a mark secretly against the candidate whom he wishes to vote either with the stamp provided for the purpose or by any other method as may be decided by the Presiding Officer. After affixing the mark, the voter should fold the ballot paper on the inner side so as to maintain secrecy of the vote and then will insert the folded ballot paper into the box specified for the purpose.
- (d) Any reference in this rule to the left forefinger of a voter shall, in the case where the voter has his left forefinger missing, be construed as a reference to any other finger of his left hand and shall in the case where all the fingers of his left hand are missing, be construed as a reference to the forefinger or, as the case may be, any other finger of his right hand and shall in the case where all his fingers of both the hands are missing, be construed as a reference to such extremity of his left or right arm as he possesses.

**42.** In case of a voter who is physically incapacitated or is blind the Presiding Officer shall, at the request of such voter, allow him to take a companion to the place set apart for voting.

**43.** After the issue of the ballot papers, the Presiding Officer shall tick-mark the name of the voter in the working copy of the electoral roll.

**44.** (1) Any contesting candidate or his authorised polling agent may object to the identity of a voter on the only ground that he is not the person he claims to be as per entry in the electoral roll. For every objection a fee of Rs. 2 shall be deposited with the Presiding Officer. The Presiding Officer shall decide the objection summarily and the decision shall be final. If the objection is rejected the deposit shall be forfeited. If on the other hand, the objection is allowed, the deposit shall be refunded to the person who deposited the amount.

(2) In case of forfeiture of deposit under sub-rule (1), a receipt in Form No. 5 prescribed under the Orissa Grama Panchayat Rules, 1968 shall be issued to the person who has made the deposit.

**45.** A Presiding Officer shall so regulate the entry of voters that polling proceeds in an orderly manner. All registered voters who appear between the hours fixed for the poll within the polling station shall be allowed to vote. No voter shall be admitted inside the polling station after the time fixed for the poll is over.

**46.** When a Presiding Officer is unable to remain at the polling station for reasons beyond his control, he will authorise one of the Polling Officers, if so appointed, to act as the Presiding Officer. In the absence of any such Polling Officer, the Presiding Officer may select any person not interested in any of the contesting candidates to function as the Presiding Officer in the aforesaid circumstances.

**46-A.** (1) Notwithstanding anything contained in these rules, the giving and recording of votes by voting machines may be adopted in such of the elections to the office of Sarpanch or Members of Grama Panchayat or both, as the Election Commission having regard to the circumstances of each case, may specify.

*Explanation*—For the purpose of these rules “voting machine” means any machine or apparatus whether operated electronically or otherwise used for giving or recording of votes or both and any reference to ballot box or ballot paper in these rules shall be construed as and including a reference to such voting machine used at an election under these rules.

(2) Every voting machine shall have a control unit and a balloting unit and shall be of such design as may be approved by the Election Commission.

**46-B.** (1) The balloting unit of the voting machine shall contain such particulars and in such language or languages as the Election Commission may specify.

(2) Subject to the foregoing provisions of this rule, the Election Officer shall—

- (i) fix the label containing symbol of the contesting candidates in the balloting unit and secure that unit with his seal and seals of the contesting candidates or their polling agents present who are desirous of affixing the same; and
- (ii) set the number of contesting candidates, and close the candidates section in the control unit and secure it with his seal and seals of such of the contesting candidates or their polling agents present who are desirous of affixing the same.

**46-C.** (1) The control and balloting units of every voting machine used at a polling station shall bear a label marked with—

- (i) the number of the Ward, name of the Grama Panchayat;
- (ii) the serial number and name of the polling station or stations;
- (iii) the serial number of the unit; and
- (iv) the date of poll.

(2) Immediately before the commencement of the poll, the Presiding Officer shall demonstrate to the candidate/polling agents/ voters and other persons present that no vote has been already recorded in the voting machine and bears the label referred to in sub-rule (1).

(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 candidate or their polling agents present who are desirous of affixing the same.

(4) The Presiding Officer shall thereafter fix the paper seal so signed in the space meant for the purpose 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 candidate/candidates/ polling agents but the balloting unit shall be placed in the voting compartment.

**46-D.** (1) As each voter approaches the Presiding Officer, he shall check-up the eligibility with reference to the working copy of the Electoral Roll and after being satisfied shall send him to the Polling Officer who shall put an indelible ink mark on the voter's left forefinger.

(2) Any reference to the left forefinger in sub-rule (1) shall mean the left forefinger as prescribed in clause (d) of Rule 41.

**46-E.** (1) Before permitting an elector to vote, the Presiding Officer shall—

- (i) record the electoral roll number of the elector as entered in the working copy of the electoral roll in a register of voters in Form No. 7-A;
- (ii) obtain the signature or the thumb impression of the elector in the said register of voters; and
- (iii) tick-mark the name of the elector in the working 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 puts his signature or thumb impression on the register of voters.

(2) It shall be necessary for any Polling Officer to attest the thumb impression of the elector in the register of voters.

(3) The elector shall be allowed to vote for the office of the Sarpanch first and thereafter for the office of the Ward Member.

**46-F.** (1) Immediately on being permitted to vote, the elector shall proceed to the Polling Officer Incharge of the control unit to activate the same.

(2) 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 symbol of the candidate for whom he intends to vote; and
- (c) come out of the voting compartment

(3) Every elector shall vote without undue delay

(4) No elector shall be allowed to enter the voting compartment when another elector is inside.

**47.** After the close of polling the Presiding Officer shall seal the Ballot box, in the presence of the candidates and their polling agents who may be present, prepare separate sealed packets of all papers and reports and forward the same to the Election Officer, after which the Election Officer shall proceed to take up counting of votes on the schedule date in the presence of the candidates and their polling agents if any, who may be present at the counting centre.

He shall first take up counting of the votes in the ballot box relating to the membership of the Ward. Each ballot paper shall be carefully scrutinized by the Presiding Officer in the course of counting and a ballot paper shall be liable to rejection on one or more of the following grounds, namely :–

- (a) if it bears any mark or writing by which the voter can be identified,
- (b) if no vote is recorded thereon,
- (c) if votes are recorded in favour of more than one candidate,
- (d) if the mark indicating the vote is placed in such a manner so as to make it doubtful as to which candidate the vote has been given,
- (e) if the ballot paper is spurious,
- (f) if it is so damaged or mutilated that its genuineness cannot be established,
- (g) if it is of a design different from the one authorised for use at the polling station,
- (h) if it does not bear the seal and signature of the Presiding Officer.

The Election Officer shall summarily decide at the time of scrutiny and in case of rejection shall so endorse under his signature on the ballot paper itself. He shall also record the reason for each ballot paper so rejected in a separate paper.

**48.** The result of counting the ballot papers in respect of membership of the Grama Panchayat shall be recorded in Form No. 8 and the Election Officer shall announce the votes polled by each contesting candidate.

**49.** The Election Officer shall next proceed to count the ballot paper relating to the office of Sarpanch of the Grama Panchayat in accordance with the aforesaid procedure.

**50.** The results of counting the ballot papers in the ballot box relating to office of Sarpanch shall be recorded in Form No. 8-A. The Election Officer may announce the votes polled by each contesting candidate.

**50-A.** Notwithstanding anything contained in Rules 47 to 50, where polling has been conducted through voting machine, the following procedure shall be followed for counting of votes :—

(1) The Presiding Officer shall, after close of the poll, proceed to take up counting of the votes polled in presence of candidates or their polling agents who may be present.

(2) He shall first take up counting of votes in respect of the voting machine relating to the membership of the Ward, prepare an account of votes recorded in Form No. 7-B and thereafter press the appropriate button marked "Result"; provided in the control unit to display the total votes polled and votes polled by each candidate on the display panel provided for in the unit.

(3) As the votes polled by each candidate are displayed on the control unit, the Election Officer shall—

- (i) record the number of votes recorded in respect of each candidate in Part II of Form No. 7-B for Ward Member;
- (ii) fill up Part II of Form No. 7-B in all respect and signed by him and also by the candidates or their election agents present; and
- (iii) make corresponding entries in the result sheet in Form No. 8 for Ward Members.

(4) The Election Officer shall announce the votes polled by each contesting candidates.

(5) (i) The Election Officer shall next proceed to count the votes polled by each contesting candidates to the office of the Sarpanch in accordance with the procedure prescribed under the preceding sub-rules.

(ii) The Election Officer shall announce the votes polled by each contesting candidate for the office of Sarpanch after recording the same in Part II of Form No. 7-B.

**50-B.** (1) After the result of voting is ascertained candidatewise and entered in Part II of Form No. 7-B and Form No. 8, the Election Officer shall seal the unit(s) with his seal and seals of the candidates or their election agents who may be present and desire to affix their seal thereon in order to ensure that the result of voting recorded in such unit is not obliterated and the unit retains the memory of such result.

(2) The control unit so sealed shall be kept in a box specially prepared for the purpose on which the Presiding Officer shall record the following particulars, namely :—

- (a) the name of the Ward;
- (b) the office for which poll was conducted;
- (c) particular of polling station where the control unit was put to use;
- (d) serial No. of the control unit; and
- (e) date of poll and counting.

(3) The Election Officer shall after close of counting, prepare separate bundles of all papers, reports and results of counting for the office of Sarpanch and membership of the Grama Panchayat and forward such packets duly sealed to the Election Officer along with the voting machines.

(4) The provisions of Rules 36 to 39, 42 to 46 and 51 to 57 shall apply to the voting by voting machine and any reference in those rules to ballot box or ballot paper shall be construed as and including a reference to the voting machine.

**51.** (1) Immediately after the close of counting and before declaration of result of elections in respect of polling for the office of Sarpanch or Ward Members, as the case may be, the Election Officer shall carefully total the votes polled by the candidates and count the ballot papers contained in the sealed packets received under rule 92-G in the presence of the candidates concerned or their polling agents, if any, who may be present and declare the result in Form No.8-B after recording it in a separate report the total number of the votes polled by each contesting candidate. The candidates securing the largest number of votes shall be declared duly elected as the Sarpanch. In the case of an equality of votes, the result shall be decided by drawing lots and the candidate whose name is drawn first shall be declared elected.

(2) After the declaration under sub-rule (1) has been made a candidate or, in his absence, his polling agent may apply in writing to the Election Officer to recount the votes either wholly or in part stating the grounds for such recounting.

(3) On an application made under sub-rule (2) the Election Officer shall decide the matter and may allow the application in whole or in part or may reject it in *toto* if it appears to him to be frivolous or unreasonable.

(4) Every decision of the Election Officer under sub-rule (3) shall be in writing and contain the reasons therefor.

(5) If the Election Officer decides under sub-rule (3) to allow recounting of the votes either wholly or in part, he shall—

- (a) make the recounting in accordance with Rule 47;
- (b) make necessary corrections in the result sheet in Form No. 8-B to the extent necessary after such recounting; and
- (c) announce the result on the basis of corrections so made by him.

**52.** The Election Officer finds that majority of members including the Sarpanch have been duly returned, he shall publish the names of the Sarpanch and also the Ward Members declared duly elected to each Grama Panchayat in the Noticeboard of the Block Office as required under Section 15 of the Act. A copy of the notification shall be forwarded by the Election Officer to the Collector of the district where Election Officer is other than the Collector and also to the Grama Panchayat concerned and to Ward Member and Sarpanch elected.

**53.** Omitted

**54.** In case there is a failure of election for the second time for any seat, the Election Officer shall forthwith intimate the position to the Sub-Collector. On receipt of such intimation the Sub-Collector shall nominate a person to such seat with the least practicable delay and inform the Election Officers so that he may include the name of the nominated person in the notification under Section 15 of the Act. The Sub-Collector shall also forward a copy of the list of nominated persons to the Collector.

**55.** (1) When it is necessary to hold elections for the second time in any case in the course of a general election, the procedure prescribed in the forgoing rules for the conduct of elections shall apply subject to the following modifications, namely :—

- (i) it shall not be necessary either to publish the electoral roll or to invite objections.

(ii) the Election Officer shall issue notice calling for names of candidates for the office of Sarpanch or Member of Grama Panchayat as the case may be at least two weeks before the date fixed for election.

(2) When the seat of a member or the office of the Sarpanch is dereserved under sub-section (2) of Section 13, the Commissioner shall, on receipt of the communication to that effect under sub-rule (5) of Rule 3-B, from the Collector, fix up dates for conducting election to such seat or office, as the case may be, whereupon, the provisions of these rules, shall apply subject to the modifications prescribed under sub-rule (1).

**56.** (1) The documents relating to election proceedings received from the Presiding Officers and prepared by the Election Officer shall be retained in safe custody in the office of the Election Officer for a period of three months and shall then unless otherwise directed by a competent Court, be destroyed.

(2) The documents or records referred to in sub-rule (1) in the custody of the Election Officer shall not be opened or inspected or produced save with the prior permission of the Commissioner or of a competent Court.

**57.** The Collector shall consolidate the result of election of all the Grama Panchayats and prepare a list indicating the names of Sarpanches and Ward Members and shall furnish the same to the Commissioner together with copies of notifications issued by the Election Officers under Section 15.

**58—72.** Omitted

**73.** On the date fixed by the Commissioner under sub-rule (2) of rule 13, the Election Officer shall convene the special meeting of the Grama Panchayat and for the purpose, may appoint a Presiding Officer.

**74.** Unless the Commissioner otherwise directs, the meeting referred in rule 73 shall be held in the office of the Grama Panchayat or any other convenient place at the headquarters of the Grama Panchayat as may be decided by the Election Officer.

**75.** The Presiding Officer shall cause a notice in Form No. 17-A of such meeting to be given to the Sarpanch and every other member at least seven clear days before the date of such meeting. The notice shall be served personally or in default by registered post. Such notice shall also be published by fixing it in the Panchayat Office if one exists, or at any prominent place at the headquarters of the Grama Panchayat. The said notice shall state the place and date on which and hours between which the election shall be conducted.

**76.** Notwithstanding any other provision to the contrary contained in these rules, the following procedure shall be followed for conducting the election to the office of the Naib-Sarpanch.

- (a) All the members other than the Sarpanch shall be eligible to stand for the office of the Naib-Sarpanch.
- (b) The Presiding Officer shall proceed to conduct the election, if a majority of the member of the Grama Panchayat are present on the date and at the time fixed for the purpose.

If a majority of the members are not present, no election shall be made and a fresh notice shall be issued in accordance with the foregoing rules fixing another date. In case of failure of election for the second time, the Presiding Officer shall report the result to the Election Officer who shall thereupon move the Sub-Collector for nomination of a Naib-Sarpanch in pursuance of the provisions of Section 13. On the nomination of Naib-Sarpanch by the Sub-Collector, the Election Officer shall publish the name of the person so nominated in the noticeboard of the Block Office as required under

Section 15.

- (c) If a majority of the members are present on the date fixed for the first or second meeting as the case may be, the Presiding Officer shall call upon the members to elect a Naib-Sarpanch from among themselves and allow time for one hour to receive nomination in Form No. 4.
- (d) Every nomination paper shall be signed by two members as proposer and seconder and the candidate should sign a declaration on it expressing his willingness to stand for election. Every nomination paper shall be presented by the candidate himself or his proposer or seconder to the Presiding Officer at the meeting.
- (e) After expiry of the time allotted for receiving nomination papers, the Presiding Officer shall proceed to scrutinise the nomination papers. Scrutiny shall be made only with a view to check if nomination is duly proposed and seconded and also accepted by the candidate. It shall be open to the Presiding Officer to get omissions rectified then and there. No objections on any other ground whatsoever shall be entertained in respect of nominations.
- (f) If only a single candidate is nominated, he shall be declared elected forthwith.
- (g) In case no nomination is filed within the time allowed, the Presiding Officer shall allow one more hour for filing nominations and this shall be treated as an election for the second time. If no nomination is filed on the second occasion also, the Presiding Officer shall report the result to the Election Officer who shall thereupon move the Sub-Collector for nomination of the Naib-Sarpanch.
- (h) In the event of there being a contest, the Presiding Officer shall announce the names of the contesting candidates and shall proceed to hold the poll then and there.

**77.** Every member present and wishing to vote shall be supplied with a ballot paper in Form No. 10 which may be either printed or in manuscript and duly authenticated by the signature of the Presiding Officer. Names of the duly nominated candidates shall be printed, typed or cyclostyled or legibly written in ink on the ballot paper in the alphabetical order. It shall not be necessary to assign symbols.

**78.** The voter shall then proceed to a place set apart for voting and secretly put a cross mark either with a stamp that may be supplied by the Presiding Officer or by any other means against the name of the candidate to whom he wishes to vote. He shall then fold the paper so as to conceal the vote and deposit the same in a ballot box placed in view of the Presiding Officer.

**79.** The procedure outlined in Rules 14 to 16, 18, 19, 40, 41 and 47 regarding the description of the ballot boxes to be provided, the exhibition of boxes before commencement of the poll, the arrangements for ensuring secrecy of ballot, the opening of boxes after the close of poll, the counting and scrutiny of ballot papers and the presence of candidates shall apply *mutatis mutandis* to the election of Naib-Sarpanch.

**80.** Immediately after voting is over, the Presiding Officer shall count the votes in the presence of the members, as may be present and declare the candidate securing the largest number of valid votes to have been elected. In the event of there being an equality of votes, the Presiding Officer shall draw lots. The candidate whose name is first drawn shall be declared to have been elected. The Presiding Officer shall thereupon communicate the result forthwith along with the connected election papers to the Election Officer. The election paper shall be forwarded in sealed packets and the provision of Rule 56 regarding preservation of these papers shall apply.

**81.** The Election Officer shall thereupon publish the name of the Naib-Sarpanch duly elected or nominated in the noticeboard of the Block Office as required under Section 15. He shall forward a copy of the notification to the Collector as also to the Grama Panchayat concerned.

**82.** Omitted

**83.** Any person elected or nominated as a Sarpanch or Naib-Sarpanch or any other Member of the Grama Panchayat shall be deemed to have entered office with effect from the date of publication of his name in the noticeboard of the Block Office in accordance with provisions of Section 15.

#### **BY-ELECTION TO FILL UP CASUAL VACANCIES**

**84.** When a vacancy arises in the Office of Sarpanch, Naib-Sarpanch or any other Member of a Grama Panchayat occurring otherwise than the afflux of time or supersession or dissolution, the Sarpanch or the Naib-Sarpanch, as the case may be, shall forthwith report the fact to the Sub-Collector. Any other Officer empowered by the State Government or the Collector to inspect a Grama Panchayat may also draw the attention of the Sub-Collector, to the existence of the vacancy in any of the above offices of a Grama Panchayat.

**85.** (1) Unless the Commissioner otherwise directs, on receipt of information under Rule 84 or on his own information about the existence of the vacancy, the Sub-Collector shall forthwith report the fact to the Commissioner who shall appoint, as soon as practicable, the date and place for holding a by-election to fill up the vacancy.

(2) Omitted.

(3) The provisions of these rules shall *mutatis mutandis* apply to such by-election :

Provided that the electoral roll utilised at the time of election to the office of the Member or the Sarpanch, as the case may be, shall be utilised and, unless the Commissioner otherwise directs, it shall not be necessary either to publish the electoral roll or to invite objections :

Provided further that the Commissioner may, if the circumstances so warrant, fix up different dates for different stages of election proceedings to fill up casual vacancies.

**86-87.** Omitted

### **ELECTION PETITIONS**

**88.** The following amounts shall be deposited as security for costs along with an election petition filed under Chapter V of the Act :—

Election petition relating to election of Sarpanch. ....	Rs. 150.00
Election petition relating to election of Naib-Sarpanch. ....	Rs. 50.00
Election petition relating to election of a Member. ....	Rs. 40.00

### **PROCEDURE FOR DECLARING PERSONS TO BE IN THE HABIT OF ENCOURAGING LITIGATION IN THE GRAMA**

**89.** (a) The Collector of a district may publish a list of persons appearing to him either on his own information or on information received from any other source that by evidence of general repute, such persons are in the habit of encouraging litigation in the Grama and may from time to time alter or amend such list.

(b) Before entering the name of any person in the list, a reasonable opportunity of showing cause should be given to the person concerned and the explanation received shall be enquired into either by the Collector or any person authorised by him not below the rank of Sub-divisional Officer. On conclusion of the enquiry, the Collector, if satisfied that the person concerned is in the habit of encouraging litigation in the Grama, shall include his name in the list which shall be duly published in the noticeboard of the Collector. Copies of the list shall be forwarded to the Election Officer of the area concerned. A list once drawn up shall remain in force until the next general election.

(c) Six months before a general election, the Collector shall take up a revision of the list and the fresh list so prepared shall be applicable for purposes of disqualification of candidates for such general election.

### **MISCELLANEOUS**

**90.** Omitted.

**91.** Any servant of a local body or any Government servant shall not interfere or in any way use his influence in an election. A breach of this rule shall render the person liable to dismissal.

**92.** All canvassing or propaganda, public meetings, use of loudspeakers at any public place by any candidate within the local area of the Grama Panchayat is prohibited before thirty-six hours of commencement of the poll.

**92-A.** (1) Notwithstanding anything contained in these rules if at any time or in any case the proceedings at any polling station are interrupted or obstructed for any reason whatsoever and the Presiding Officer is satisfied that free and fair conduct of election has been affected thereby, he shall direct postponement of the poll and shall forthwith inform the Election Officer.

(2) On receipt of information from the Presiding Officer, under sub-rule (1), the Election Officer shall after such enquiry as he may deem fit, report the facts of the case to the Commissioner.

(3) If the Commissioner is satisfied, on the basis of the report of the Election Officer or otherwise that conduct of free and fair election has been affected, he may direct a fresh election at that polling station.

**92-B.** (1) If the proceedings at any polling stations or group of polling stations are interrupted or obstructed by any riot or open violence, or if it is not possible to take the poll at any polling station or if at any time or in any case it appears to the Election Officer that during the course of an election it is, or has become impracticable to go ahead with the process of election including the poll due to natural calamity or otherwise, the Election Officer may, by a reasoned order announce an adjournment of the poll to a date to be notified later and shall report the facts of the case to the Commissioner.

(2) If the Commissioner is satisfied on the report of the Election Officer or otherwise as regards to the facts stated in sub-rule (1), he shall direct poll on such date, place and hours as he may satisfy.

(3) Whenever a poll is adjourned under sub-rule (1) counting of votes relating to the Ward or of a Grama (in case of Sarpanch) of which the poll was adjourned shall not commence without the previous approval of the Commissioner.

**92-C.** (1) If at an Election :–

- (a) any ballot box used at a polling station or at a polling station or at a place fixed for the poll is unlawfully taken out of the custody of the Presiding Officer or the Polling Officer 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 or place cannot be ascertained; or
- (b) any such error or irregularity, in procedure as is likely to vitiate the poll, is committed at a polling station or at a place fixed for the poll, the Presiding Officer shall forthwith report the matter to the Election Officer.

(2) The Election Officer, on receipt of information under sub-rule (1) and after taking prior approval of the Commissioner, shall either–

- (a) cancel the poll at that polling station, appoint a day and fix the hours for taking a fresh poll at that polling station or any other suitable place 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 that polling station or place will not, in any way, affect the result of the election or that, the error or irregularity in procedure is not material issue such directions to the Presiding Officer as he may deem proper for further conduct and completion of the election.

(3) The Provisions of these rules or orders made thereunder shall apply to every such fresh poll as they apply to the original poll.

**92-D. (1) If at an Election—**

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

(b) booth capturing takes place in any place fixed for counting of votes in such a manner that the result of the counting at that place cannot be ascertained, the Election Officer shall forthwith report the matter to the Commissioner.

(2) The Commissioner shall on the receipt of a report from the Election Officer under sub-rule (1) or otherwise and after taking all material circumstances into account, either—

(a) declare that the poll at that polling station or place be void, appoint a day and fix the hours for taking fresh poll at that polling station or any other suitable place and notify the date so appointed and hours so fixed in such manner as it may deem fit; or

(b) if satisfied that in view of the large number of polling stations or place 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 a manner as to affect the result of the election, countermand the election in that Ward or Grama, as the case may be.

*Explanation*—For the purpose of this rule '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 materials including ballot boxes and doing of any other act which affects the orderly conduct of election;

(b) taking possession of a polling station or a place fixed for polling by any person or persons and allowing only his or their own supporters to exercise their right to vote and to prevent others from voting;

(c) 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 fixed for counting of votes by any person or persons, making the counting authorities surrender the ballot papers or voting materials including ballot boxes 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 of aiding or conniving at, any such activity in the furtherance of the prospects of election of a candidate.

**92-E.** (1) If at any time or in any case it appear to the Commissioner that circumstances exist to his satisfaction that conduct of free or fair election is likely to be or has been affected, the Commissioner may issue general or special order as the circumstances may require, to ensure free and fair election.

(2) Omitted.

**92-F.** If it appears to the Collector that in connection with an election held under these rule—

- (a) any premises are needed or are likely to be needed for the purpose of being used as a polling station or for storage of ballot boxes before or after the poll is taken; or
- (b) any vehicle, vessel or animal is needed or likely to be needed for the purpose of transport of ballot boxes to or from any polling station, or transport of members of the police force for maintaining order during the conduct of or in connection with such election or other person for performance of any duties in connection with such election; he may be order in writing requisition such premises or vehicles, vessel or animal, as the case may be, and may make such further order as may appear to him to be necessary or expedient in connection with such requisitioning :

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

**92-G.** (1) If at an election held under these rules, a Presiding Officer, Polling Officer, any Public Servant or any polling agent deployed at a polling station in connection with such election, who are otherwise entitled to vote either in the same or other polling station may apply to the Election Officer for issue of an Election Duty Certificate (hereinafter referred to as the certificate) indicating therein particulars of his duty in connection with such election.

(2) The Election Officer, on being satisfied with the particulars furnished by the applicant under sub-rule (1), may grant the certificate to the applicant allowing him to vote in a polling station, where he is on duty.

(3) A person in possession of such certificate shall deliver the same to the Presiding Officer who shall thereafter issue a ballot paper to the person concerned and such ballot paper shall be dealt with in the following manner :–

- (i) if the person concerned is on duty in the same polling station in which he is entitled to vote, the certificate shall be handed over to the Presiding Officer where upon the provisions of Rule 41 (b) shall apply for casting the vote and at the end of the poll the Presiding Officer shall send the certificate to the Election Officer in a separate sealed cover;
- (ii) in cases other than those referred to in clause (i), the Presiding Officer shall, after recording of the vote, make separate packets for each Ward putting inside it the envelope and the certificate and forward the same to the Election Officer concerned.

**93.** If any question arises as to the interpretation of any of the provisions of these rules the question shall be referred to the Commissioner for decision.