



The Arunachal Pradesh Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 94, Vol. XII, Naharlagun, Tuesday, September 3, 2002 Bhadra 12, 1924 (Saka)

GOVERNMENT OF ARUNACHAL PRADESH DEPARTMENT OF PANCHAYATI RAJ

NOTIFICATION
The 13th August, 2002

THE ARUNACHAL PRADESH PANCHAYATI RAJ (CONDUCT OF ELECTION) RULES, 2001

No. PR-50/2001- In exercise of the powers conferred by Section 150 of the Arunachal Pradesh Panchayat Raj Act, 1997, the State Government of Arunachal Pradesh hereby makes the following Rules to regulate conduct of elections of Gram Panchayat, Anchal Samiti and Zilla Parishad and all other matters relating thereto under the said Act, namely:-

PART-I

PRELIMINARY

1. (1) These rules may be called the **ARUNACHAL PRADESH PANCHAYATI RAJ (CONDUCT OF ELECTION) RULES, 2001.** Short title and Commencement.
- (2) They shall come into force on and from the date of their publication in the Official Gazette.
2. (1) In these rules, unless the context otherwise requires :-
- (a) “**Act**” means the ARUNACHAL PRADESH PANCHAYATI RAJ ACT, 1997. Definition
- (b) “**Ballot Box**” includes any box, bag or other receptacle in use 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) “**District Election Officer**” and “**Sub-divisional Election Officer**” means an Officer appointed under Sub-section (4) of Section 104;
- (e) “**Election**” in relation to election of any member of a Gram Panchayat, Anchal Samiti or Zilla Parishad means any person entitled to vote at that election;
- (f) “**Electoral Roll**” in relation to any election of Gram Panchayat, Anchal Samiti and Zilla Parishad means the list maintained under Section 106 by the Returning Officer for that election;
- (g) “**Electoral Roll Number**” of a person;

(i) the serial number of the entry in the electoral roll in respect of the person; and

(ii) the serial number of the part of the electoral roll in which such entries occurs; and

(iii) the name of the Constituency to which the Gram Panchayat, Anchal Samiti and Zilla Parishad and the member of the Constituency to which the electoral roll relates;

(h) **“Form”** means a form appended to those rules and includes as manuscript, or type written or cyclostyled copy;

(i) **“Marked Copy of the electoral roll”** means the copy of the electoral roll set apart for the purpose of marking the names of electors to whom Ballot Papers are issued at an election;

(j) **“Polling Station”** in relation to election of Gram Panchayat, Anchal Samiti or Zilla Parishad means the place fixed for taking poll of that election;

(k) **“Presiding Officer”** include:-

(i) any Polling Officer performing any of the functions of a Presiding Officer under Sub-section (4) of Section 105;

(l) **“Returning Officer”** means an Officer appointed under Sub-section (2) of Section 105 and includes an Assistant Returning Officer appointed under Sub-section (3) of Section 105 for performing any function he is authorized to perform under Sub-section (3) of Section 105;

(m) **“Section”** means a Section of the Act;

(n) **“Polling agent”** means a polling agent appointed under the rules and includes a candidate and the election agent of a candidate and includes a relief polling agent.

(2) The expression used in these rules and not otherwise defined shall have the same meaning as respectively assigned to them in the Act.

PART – II

GENERAL PROVISION

3. The State Election Commission shall after consulting the State Government by Notification appoint the date and time of poll for any election or by-election of Panchayats in the language or languages as may be considered necessary. Date of Poll for Election

4. As soon as the Notification is published under Rule 3, a public notice of an intended election shall be in Form-I and shall, subject to such directions of the State Election Commission, be published in such manner as the Returning Officer thinks fit and shall by order appoint;

(a) the dates, time and place for making nomination which shall be seventh day after the date of publication of the first mentioned Notification or, if that day is a public holiday, the next succeeding day which is not a public holiday;

(b) the date for the scrutiny of nomination, which shall be the second day after the last date for making nominations or, if the date is a public holiday, the next succeeding day which is not a public holiday;

(c) the last day for the withdrawal of candidature, shall be the third day after the date for the scrutiny of nominations or, if that date is a public holiday, the next succeeding day which is not a public holiday;

(d) the date or dates on which a poll shall be taken, shall be a date not earlier than fifteenth day of the last date for the withdrawal of candidature; and

(e) the date before which election shall be completed.

5. (1) Any person, if not otherwise disqualified under the provisions of the Act or any order made thereunder, may be nominated as a candidate for election to a Gram Panchayat for not more than one seat from any constituency in a Gram if his name is included in the electoral roll of that Constituency. Nomination of candidates

(2) Any person, if not otherwise disqualified under the provisions of this Act or any order made thereunder, may be nominated as a candidate for election to an Anchal Samiti for not more than one seat from any constituency if his name is included in the electoral roll for Panchayat Election pertaining to the area comprised in that Anchal Samiti.

(3) Any person, if not otherwise disqualified under the provisions of this Act or any order made thereunder, may be nominated as a candidate for election to Zilla Parishad for not more than one Constituency if his name is included in the electoral roll for Panchayat Election pertaining to the area comprised in that Zilla Parishad.

(4) Nomination papers in Form-2 (A) or 2(B) or 2(C) shall be supplied by the Returning Officer to my voter on demand.

6. (1) On any of the dates fixed for filing nomination under Clause (a) of Rule 4, each candidate shall either in person or by his proposer deliver to the Returning Officer during the time, and at the place specified in the order under Rule 4, a nomination paper duly completed and signed by the candidate and by a voter of the Constituency as proposer; Presentation of Nomination Papers and requirement for valid Nomination

(2) Any person whose name is entered in the voter list of the Constituency for which the candidate is nominated and who is not otherwise disqualified, may subscribe as proposer;

Provided that he shall not subscribe as proposer for more than one nomination.

(3) Every nomination paper presented to the Returning Officer shall be in Form 2(A) in case of Gram Panchayat, Form 2 (B) in case of Anchal Samiti and Form 2 (C) in case of Zilla Parishad:

Provided that a failure to complete or defects in completing the declaration as to the symbol in a nomination paper in Form 2 (A) or 2 (B) or 2 (C) shall not be deemed to be a defect of substantial character within the meaning of sub-rule (4) of Rule 12.

(4) Nothing in this rule shall prevent any candidate from being nominated by more than one nomination paper for election in the same Constituency.

7. (1) The list of symbols prescribed in this behalf in Schedule-I, II and III of these Rules shall be used in such election as for which it specifically provided under rules. Classification of Symbols

(2) Every nomination paper submitted under this rules shall contain a declaration:-

(a) the particulars symbol which the candidate has chosen for his first preference out of the list symbols prescribed under rule-

(b) two other symbols out of that list which he has chosen for second and third preference respectively;

Provided that the choice to be made by a candidate shall be subject to such restriction as

the Returning Officer, may think fit to impose in this regard, and

(c) When more nomination paper than one delivered by or on behalf of a candidate, the declaration to the symbols made in the first nomination paper be accepted and no other declaration as to symbols shall be taken into consideration.

8. The list of symbols prescribed in this Schedule I and II shall reserved for the candidate belonging to the recognized National Parties and the State/Regional Parties respectively;

Reserved symbols

Provided that these reserved symbols shall be allotted only to the candidate formally sponsored by the respective political parties and that a candidate shall be deemed to have been set up a political party if:

(a) He has made a declaration to that effect in nomination paper,

(b) He communicated in writing to the respective Returning Officer or Officer to that effect not later than the time fixed for scrutiny of nomination paper, and

(c) The said communication is signed by the President, Secretary or any other officer bearer is authorized by the party to send such communication in advance to the Returning Officer concerned and to the State Election Commissioner.

9. (1) A candidate in a Gram Panchayat election from any Constituency shall give in order of preference of not more than two symbols specified in the Table-A of Schedule III.

Choice of free symbol/symbols by candidate

(2) A candidate at an Anchal Samiti election from any Constituency shall give in order of preference of not more than two symbols specified in Table-B of Schedule III.

(3) A candidate at Zilla Parishad election from any Constituency shall give in order of preference of not more than two symbols specified in Table-C of Schedule III.

(4) Notwithstanding anything in the sub-rule (1), (2), (3), of the Rule 9, if at any election, the choice of symbols made by the candidate exceeds the number of free symbols specified in Table-A or Table-B or Table-C, as the case may be, of Schedule III, the District Election Officer may for smooth conduct of election, by an order specify additional free symbol for allotment by the Returning Officer to each of the candidate.

10. A candidate shall not be deemed to have been validly nominated for election from a Constituency unless he deposits or causes to be deposited in cash with the Returning Officer concerned as specified below:

Deposit

(a) In case of an election from a Constituency of a Gram Panchayat a sum of Rs. 50.

(b) In case of an election from a Constituency of an Anchal Samiti, a sum of Rs.100.

(c) In case of an election from a Constituency of the Zilla Parishad, a sum of Rs.200.

Provided that where a candidate has been nominated by more than one nomination paper for election in same Constituency not more than one deposit shall be required by him under this rule.

11. The Returning Officer shall, on receiving the nomination papers under sub-rule (1) of Rule 6 from the person or persons delivering the same shall enter on the nomination paper itself, serial number, and sign thereon on a certificate stating the date and the hour at which the nomination papers has been delivered to him and shall as may be thereafter, cause to be affixed in Form 3 in some conspicuous places in his Office a notice of the nomination containing description similar to those contained in the nomination paper both of the candidate and of the proposer.

Notice of nominations and time and place for the scrutiny

12. (1) On the date fixed for the scrutiny of nomination, the candidates or their election agent and one proposer and no other persons may attend at the time and place appointed in this behalf and the Returning Officer shall give them all reasonable facilities for examining the nomination paper of all the candidates which have been delivered within the time.

Scrutiny of nominations.

(2) The Returning Officer shall then examine the nomination paper and shall decide all objections which may be made to any nomination and may either on such objection or on his own motion, after such enquiry, if any, as he thinks necessary, reject any nomination on any of the following grounds, namely:-

(a) That the candidate is disqualified for being chosen to fill the seat by or under the Act;

(b) That the proposer is not a voter of the Constituency concerned.

(c) That there has been a failure to comply with any provision of the Rules-5 and 6; and

(d) That the signature of the candidate or of the proposer on the nomination paper is not genuine.

(3) Nothing contained in Clause (c) or (d) of sub-rule (2) shall be deemed to authorize the rejection of the nomination of any candidate on the ground of any irregularities in respect of a nomination paper, if the candidate has been duly nominated by means of another nomination paper in respect of which no irregularities have been committed.

(4) The Returning Officer shall not reject any nomination paper on the ground of any defect which is not substantial character.

(5) The Returning Officer shall hold scrutiny on the date appointed in this behalf under Clause (b) of Rule 4 and shall not allow adjournment of the proceeding except when such proceedings are interrupted or obstructed by riot or open violence or by cases beyond his control.

(6) The Returning Officer shall endorse on each nomination paper his decision accepting or rejecting the same and, if the nomination paper is rejected shall record in writing brief statement of reasons for such rejection.

13. (1) Immediately after all nomination papers have been scrutinized and decided and decision accepting or rejecting the same have been recorded, the Returning Officer shall prepare a list in Form-4 of validly nominated candidates that is to say the candidate whose nominations have been found valid and affixed on his notice board.

List of validly Nominated Candidate

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

14. (1) Any candidate may withdraw his candidature by a notice in writing which shall be signed by him and delivered before 3 O'clock in the afternoon on the day fixed under Clause (c) of Rule 4 to the Returning Officer either by such candidate in person or by election agent who has been authorized in this behalf in writing by such candidate.

Withdrawal of Nomination. Notice of withdrawal of candidature

(2) No person who has given a notice of withdrawal of his candidature under sub rule (1) shall be allowed to cancel the notice.

(3) A notice of withdrawal of candidature under sub-rule (2) shall be in Form-5 and shall contain the particular set out therein and on receipt of such notice the Returning Officer shall note thereon date and time at which it was delivered.

(4) The Returning Officer shall on being satisfied as to the genuineness of notice of withdrawal and the identify of the persons delivering it under sub-rule (2) and cause notice in Form-6 to be affixed on his notice board.

(5) Nomination paper once submitted to the Returning Officer by the proposer under Rule 6 (1) shall not be permitted to be withdrawn.

15. (1) Immediately after the expiry of the period within which candidature may be withdrawn under sub-rule (1) of rule 14 the Returning Officer shall prepare in Form 7 a list of contesting candidates, that is to say candidates whose nomination papers have been finally accepted and who have not withdrawn their candidature within the said period.

Preparation of List of Contesting Candidate

(2) Immediately after the preparation of list of the contesting candidates referred to in sub-rule (1) the Returning Officer shall, subject to the provisions of Rules 9 and to any general or special direction issued in this behalf by the State Election commission:-

(a) Allot one of the different symbols to each contesting candidate in conformity with as far as practicable with his choice;

(b) If more contesting candidates than one have indicated their preference for the same symbol, decide by lot as to which candidate the symbol will be allotted. The allotment of symbol by the Returning Officer to a candidate shall be final; and

(c) Every candidate or his election agent shall forthwith be informed of the symbol allotted to the candidate and be supplied with specimen thereof by the Returning Officer.

16. The Returning Officer shall immediately after its preparation cause a copy of the list of contesting candidate to be affixed on the notice board in his Office and shall also supply a copy thereof to each of the contesting candidate or to his election agent.

Publication of List of Contesting Candidate.

17. (1) If a candidate desires to appoint an election agent such appointment shall be made in Form-8 either at the time of delivering nomination paper or at any time before election.

(2) The appointment of the Election Agent may be revoked by the candidate at any time by a declaration in writing in Form 9 signed by him and lodged with the Returning Officer. Such revocation shall take affect from the date on which it is lodged. In the event of such revocation or in the event of election agent dying before or during the period of election the candidate may appoint a new election agent in accordance with the provision of sub-rule (1).

Appointment of Election Agent and rejection of such Appointment

18. (1) At an election at which a poll is to be taken any contesting candidate, or his election agent may appoint one agent and one relief agent to act as polling agent of such candidate at each polling station. Each appointment shall be made by a letter in writing in duplicate in Form 10 signed by the candidate or his election agent.

Appointment of Polling Agent

(2) The candidate or his election agent shall, deliver the duplicate copy of the letter of

appointment to the polling agent, who shall on the date fixed for poll, present it to the Presiding Officer and shall retain the duplicate copy presented to him in his custody. No polling agent shall be allowed to perform any duty at the polling station unless he has complied with the provision of this sub-rule.

(3) The appointment of a polling agent may be revoked by a candidate or his election agent at any time before the commencement of the poll by a declaration in writing in Form-II signed by him. Such declaration shall be lodged to the Presiding Officer at the polling station where the agent is so appointed for duty.

Provided that where the appointment of a polling agent is revoked or where the polling dies before the commencement of the poll the candidate or his election agent may, at the time before the poll is closed, appoint a new polling agent in accordance with the provision of the rule.

19. The place fixed for polling shall be published by District Election Officer by an order.

Publication of the place fixed for polling

20. Same as hereinafter provided all electors, voting at an election shall do so in person at the polling station provided for them, at the place of polling fixed under Rule 19.

Voting normally to be in person

21. If a candidate whose nomination has been found valid on scrutiny under Rule-12 and who has not withdrawn his candidature under Rule 14 dies and a report of his death is received before the publication of the list of contesting candidate under Rule 16 or if a candidate dies and a report of his death is received before the commencement of the poll, the Returning Officer shall, upon being satisfied of the fact of the death of the candidate, countermand the poll and report the fact to the State Government the State Election Commission and also to the District Election Officer concerned and all proceedings with reference to the election shall be commenced anew in all respects as if for a new election:

Death of candidate before poll.

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

Provided further that no person who has given a notice of withdrawal of his candidature under Rule 14 before the countermanding of the poll shall be ineligible for being nominated as a candidate for election after such countermanding.

22. If at any election to a Gram Panchayat, Anchal Samiti or Zilla Parishad:

(a) The number of contesting candidates is more the number of seats to be filled, a poll shall be taken;

Procedure in contested and uncontested Elections.

(b) The number of such candidate is equal to the number of seats to be filled, the Returning Officer shall forthwith declare in Form-14 all such candidates to be duly elected to fill those seats;

(c) The number of such candidates is less than the number of seats to be filled. The Returning Officer shall forthwith declare in Form-4 all such candidates to be elected and inform the District Election Officer, the State Election Commission and the State Government for taking appropriate action.

PART-III

POLL AND VOTING IN GRAM PANCHAYATS, ANCHAL SAMITI AND ZILLA PARISHAD CONSTITUENCIES

23. At every election where a poll is taken, votes shall be given by ballot in the manner hereinafter provided and votes shall be received by proxy.

Manner of voting

24. Every Ballot Box shall be of such design as may be approved by the State Election Commission in consultation with State Government.

Ballot Box

25. (1) Every Ballot Paper shall be in the Form-15 for Gram Panchayat, in Form 15A for Anchal Samiti and in Form-15B for Zilla Parishad.

Form of

(2) Every Ballot Paper shall have a counterfoil attached thereto.	Ballot Paper
(3) The names of candidates shall be arranged on the ballot paper in the same order in which they appear in the list of contesting candidates.	
(4) 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.	
26. (1) Outside each Polling, Station, there shall be displayed prominently:-	
(a) A notice specifying the polling area, the voters of which are entitled to vote at the polling station and, where the polling area has more than one polling station, the particulars of the electors so entitled;	Arrangement of Polling Station.
(b) A copy of the list of contesting candidates;	
(2) The Returning Officer shall cause to be provided at every polling station one or more compartments (hereinafter referred to in these rules as a 'voting compartment') in which voters can record their votes screened from observation.	
(3) The Returning Officer shall provide at each polling station a sufficient number of ballot boxes, ballot papers, copies of the list of voters in respect of the polling area or areas, the voters of which are entitled to vote at such polling station, instruments for stamping the distinguishing mark on ballot papers and articles necessary for voters to mark the ballot paper. The Returning Officer shall also provide at each polling station such other equipment and accessories as may be required for taking the poll at such polling station.	
27. The Presiding Officer shall regulate the number of voters to be admitted at any one time inside the polling station and shall exclude there from all persons other than:-	
(a) Polling Officer;	Admission to Polling Station.
(b) Public servants on duty in connection with the election;	
(c) Persons authorized by the District Election Officer or the Returning Officer;	
(d) Candidates, their election agents and subject to the provisions of Rule 18 one polling agent each candidate at a time;	
(e) A child in arms accompanying a voter;	
(f) A person accompanying a blind or infirm voter who cannot move without being helped; and	
(g) Such other persons as the Returning Officer or the Presiding Officer may employ for the purpose of identifying the voter.	
28. (1) The Presiding Officer shall immediately before the poll, satisfy all authorized persons present that the ballot box is empty.	
(2) Every ballot box used at a polling station shall bear labels outside marked with:-	Preparation of Ballot Boxes for Poll
(a) The serial number, if any, and the name of the Constituency;	
(b) The serial number, and the name of the polling station;	
(c) The serial number of the ballot box where more than one ballot box is used in respect of a particular election; and	
(d) The date of poll;	
(3) Immediately before the commencement of the poll, the Presiding Officer shall demonstrate to the polling agents and other authorized persons present that the ballot box bears the labels, referred to in sub-rule(2).	
(4) The ballot box shall then be closed, sealed and secured and placed in full view of the Presiding Officer and the Polling agents.	
29. 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 rolls to be used during the polls does not contain any entry against any name.	Marked Copy of Electoral Rolls
30. (1) Where a polling station is for both men and women voters, the Presiding Officer may direct that they shall be admitted into the polling station alternately in separate batches.	
(2) The Returning Officer or the Presiding Officer may appoint a woman to serve as an attendant at any polling station to assist the women voters and also to assist the Presiding Officer generally in taking the poll in respect to women voters, and in particular to help in searching any women voters in case it becomes necessary.	Facilities for women voters

31. (1) The Presiding Officer may employ at the polling station such person as he thinks fit to help in the identification of the electors to assist him or otherwise in taking a poll.

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

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

Identification of Voters

32. (1) A voter on election duty who wishes to vote shall at least three days before the date of poll approach the Returning Officer or any Officer of the Constituency designated by him in respect of which he is voter and make an application in Form 16 for the issue of a ballot paper in order to enable him to cast his vote.

(2) The Returning Officer shall on being satisfied as to the identity of such voter or production of letter of appointment in connection with election:-

(a) Have the person's name marked in the electoral roll; and

(b) Issue to such voter a ballot paper and permit him to vote on this spot with the instrument provided for the purpose.

Provided that the Returning Officer may fix date and time and place when such vote may be cast.

Provided further that the contesting candidate, his Election Agent or an authorized representative shall also be informed of the date, time and place and requested to remain present when the votes are cast.

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

(4) The Returning Officer shall keep the counterfoil of such ballot paper in a separate sealed cover.

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

(2) On such 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 that entry;

(c) Enter his name and address in the list of challenged voter in Form 17;

(d) Require him to affix his signature or thumb impression in the said post;

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

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

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

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

(4) If, after 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.

(5) If the Presiding Officer is of the opinion that the challenge made 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 at the conclusion of the inquiry.

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

(2) If any voter refuses 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, he shall not be supplied with any ballot paper or allowed to vote.

(3) 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 fingers of his left hand and shall, in the case where all the fingers of his left hand are missing be construed as a reference to the forefinger or any other finger of his right hand and shall, in the case where all his fingers of both the hands are missing be construed as a reference to such extremity of his left right arms as he possesses.

Facilities for Public Servants on Election Duty.

Challenging of Identity

Safeguards against Impersonations

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

(2) No ballot paper shall be issued to any voter before the hour fixed for the commencement of the poll.

(3) No ballot paper shall be issued to any voter after the hour fixed for the closing of the poll except to those voters who are present at the polling station at the time of the closing of the poll. Such voter shall be allowed to record their votes even after the poll closes.

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

(a) Record on its counterfoil the electoral roll number of the voter as entered in the marked copy of the electoral roll;

(b) Obtain the signature or thumb impression of that voter on the said counterfoil;

(c) Mark the name of the voter in the marked copy of the electoral roll to indicate that a ballot paper has been issued to him, without however recording therein the serial number of the ballot paper issued to the voter; and

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;

(5) Save as provided in sub-rule (4) no person in the polling station shall note down the serial number of the ballot paper issued to a particular voter.

Issue of
Ballot
paper to
voters.

36. (1) Every voter to whom ballot paper has been issued Rule 35 or other provisions of these rules shall maintain secrecy of voting within the polling station and for that purposes observed voting procedure after laid down.

(2) The voter on receiving the ballot papers shall forthwith-

(a) Proceed to one of the voting compartments;

(b) There make a mark on the ballot paper with the instruments supplied for the purpose on or near the symbol of the candidate for whom he intends to vote;

(c) Fold the ballot paper so as to conceal his vote;

(d) If required show to the Presiding Officer the distinguishing mark on the ballot paper;

(e) Insert the folded ballot paper into the ballot box;

(f) Quit the polling station.

(3) Every voter shall vote without undue delay.

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

Maintenance
of secrecy of
voting by
Electors
within the
Polling
Station and
voting
procedure

(5) If an elector to whom a ballot paper has been issued, refused, after warning given by the Presiding Officer, to observe the procedure as laid in sub rule (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 by 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 those words.

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

(8) Without prejudice to any other penalty to which a voter; from whom a ballot paper has been taken back under sub-rule (6), may be liable, the vote, if any recorded on such ballot papers shall not be counted.

37. (1) If the Presiding Officer is satisfied that owing to blindness or other physical infirmity, a voter is unable to recognize the symbols on the ballot paper or to make a mark thereon, without assistance, the Presiding Officer shall, permit the voter to take with him a companion of not less than 18 years of age to the voting compartment for recording the vote on the ballot papers on his behalf and in accordance with his wishes and if necessary, for folding of 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 date.

Provided further that before any person is permitted to act as the companion of an elector under this rule the person shall be required to declare in Form 18A that he will keep secret the vote recorded by him on behalf of the voter at any polling station on that date.

(2) The Presiding Officer shall keep a brief record of the blind and infirm voter in Form-18.

Recording of
vote of blind or
Infirm Electors

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

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

Spoilt and returned ballot papers

(3) All ballot papers cancelled under sub-rule (1) or sub-rule (2) shall be kept in a separate packet.

39. (1) If a person representing himself to be a particular elector applies for a ballot paper after any other person has already voted as such elector, he shall, on satisfactorily answering questions relating to his identity as the Presiding Officer may ask, be entitled, subject to the following provisions of these rules to marking ballot papers hereinafter in this rule referred to as a "Tendered ballot paper" in the same manner as any other voter.

Tendered votes

(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 19.

(3) A tendered ballot paper shall be the same as the other ballot paper at the polling station except that:-

(a) Such tendered ballot paper shall be serially the last in the bundle of ballot paper issued for use at the polling station; and

(b) Such tendered ballot papers and its counterfoil shall be endorsed on the back with the words "tendered ballot paper" by the Presiding Officer in his own hand and signed by him.

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

40. (1) The Presiding Officer shall close a Polling Station at the hour fixed in the behalf under Rule 3 and shall not thereafter admit any voter into the Polling Station.

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

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

Closing of poll

41. (1) As soon as practicable after the closing of the Poll, the Presiding Officer shall close the slit of the ballot box and where the box does not contain any practical device for closing their slit he shall seal up slit and also allow any polling agent present to affix his seal or signature.

(2) The Ballot box shall thereafter be sealed and secured.

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

Sealing of Ballot Boxes after Poll.

42. The Presiding Officer shall at the close of the poll prepare a ballot paper account in Form 20 and enclose in a separate cover with the words "ballot paper account" written thereon. 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 therefore and shall also attest it as a true copy.

Account of Ballot Papers

43. (1) The Presiding Officer shall then make into separate packets-

(a) A marked copy of the electoral roll;

(b) The counterfoil of the use ballot paper;

(c) The ballot papers signed in full by the Presiding Officer but not issued to the voters;

(d) Any other ballot papers not issued to the voters

(e) The ballot papers cancelled for violation of voting procedure.

(f) Any other cancelled ballot papers;

(g) The cover containing the tendered ballot papers and the list in Form 19;

Sealing of other packets.

- (h) The list of challenged votes; and
- (i) Any other papers directed by the State Election Commission to be kept in sealed packet.

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

44. (1) The Presiding Officer shall, deliver or cause to be delivered to the Returning Officer at such place as the Returning Officer may direct:-

- (a) The ballot box or, as the case may be the boxes;
- (b) The ballot paper accounts;
- (c) The sealed packets referred to in Rule 43;
- (d) All other papers used at the poll.

Transmission of ballot box etc. to the Returning Officer

The Returning Officer shall make adequate arrangement for the safe transport of all ballot boxes packets, and other papers and for their safe custody until the commencement of the counting of votes.

45. (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 on account of any natural calamity, or any other sufficient cause, the Returning Officer or the Presiding Officer for such polling station shall announce an adjournment of the poll to a date to be fixed later and where the poll is so adjourned by the Presiding Officer shall forthwith inform the Returning Officer concerned.

Adjournment of poll in emergencies.

(2) Whenever a poll is adjourned under sub-rule (1), the Returning Officer shall immediately report the circumstances to the District Election Officer and the State Election Commission who shall immediately report the matter to the State Government. The State Election Commission in consultation with the State Government shall, by notification, fix date and hours of poll on which the poll shall recommence and the District Election Officer shall fix the polling station at which the poll shall be taken.

46. (1) If the poll at any polling station is adjourned under rule 45, the provision of the rules 41 to 43 (both inclusive) shall, as far as practicable, apply as if the poll was closed at the hour fixed in that behalf under Rule-3.

(2) At any adjourned poll the voters 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 packed containing the marked copy of the list of voters and other sealed packets, the original ballot box containing the poll ballot papers and a new ballot box.

Procedure on Adjournment of Poll

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

(5) The Provisions of Rules 23 to 43 (both inclusive) shall apply in relation to the conduct of an adjourned poll as they apply in relation to the poll before it was so adjourned.

47. (1) If at any Election-

(a) Any ballot box used at a polling station is unlawfully taken out of the custody of the Presiding Officer, or is accidentally or intentionally destroyed or is lost, or is damaged or tempered with, to such an extent, that the result of the poll at that polling station 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;

Fresh Poll in case of destruction of Ballot Boxes.

The Presiding Officer shall forthwith report the matter to the Returning Officer and the District Election Officer.

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

(a) Declare the poll at the polling station to be void; or

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

(3) Where a poll at a polling station is declared to be void under clause (a) of sub rule(2), the District Election Officer shall immediately report the matter to the State Election Commission and also to the State Government and the State Election Commission in consultation with State Government shall, by notification, fixed a date and time for taking a fresh poll and thereupon the District Election Officer shall

fix the polling station at which poll shall be taken.

PART-IV

COUNTING OF VOTES

48. In this part, unless the context otherwise requires-

- (a) :-Candidateø means contesting candidate;
- (b) :-Constituencyø means a Gram Panchayat, Anchal Samiti or Zilla Parishad Constituency;
- (c) :-Counting Agentø means a Counting Agent duly appointed under these rules and includes a candidate and the election agent, a candidate when present in the counting;
- (d) :-Notified Polling Stationø means a polling station notified under these rules;
- (e) :-Polling Stationø means a polling station provided for election of member of Gram Panchayat, Anchal Samiti or Zilla Parishad which shall be published by the District Election Officer not later than 7 days before the date of the poll, showing the polling station and the areas for which they would be set up;

Definition.

49. The Returning Officer shall at least 5 days before the date, or the first of the dates, fixed for the poll, appoint the place or places where the counting of votes will be done and the date and time at which the counting will commence and shall give a notice of the same in writing to each candidate or his election agent;

Provided that, if for any reason, the Returning Officer finds it necessary so to do he may alter the date, time and place so fixed, or any of them, after giving notice of the same in writing to each candidate or his election agent.

Time and place for counting of votes.

50. (1) Each contesting candidate or his election agent may appoint an agent to act as counting agent as the State Election Commissioner direct by a general or special order.

(2) Every such appointment shall be made in Form 12 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 under Rule 49.

Appointment of Counting Agents and revocation of such appointment.

(3) No counting agent shall be admitted into the place fixed for counting unless he has delivered to the Returning Officer the second copy of his appointment under sub-rule (2) after duly completing and signing the declaration contained therein and receiving from the Returning Officer and valid for entry into the places fixed for counting.

(4) The revocation of appointment of counting agent at any time shall be made in Form 13 and lodged with the Returning Officer.

(5) In the event of such revocation before the commencement of the counting of votes the candidate or his election agent may make a fresh appointment in accordance with the sub-rule.

51. (1) The Returning Officer shall, exclude from the place of counting fixed for counting of votes of all persons except-

- (a) persons authorized by the State Election Commission;
- (b) persons authorized by the District Election Officer;
- (c) public servants on duty in connection with the election;
- (d) the candidate or the election agent and counting agent;

Admission to the places fixed for counting

(2) No person who has been employed or has been otherwise working for the candidate in or about the election shall be appointed under clause (a) of sub rule (1).

(3) The Returning Officer shall not allow more than one counting agent of a candidate at any time in the counting hall.

(4) Any person who during the counting of votes misconducts himself or fails to obey lawful direction of the Returning Officer may be removed from the place where the votes are being counted by the Returning Officer or by any person authorized in this behalf by the Returning Officer or by any person authorized in this behalf by the Returning Officer.

52. The Returning Officer shall before he commences the counting read out Section 126 of Arunachal Pradesh Panchayat Raj Act, 1997 and explain the necessity for maintenance of secrecy of voting

Maintenance

of such persons as may be present.

53. (1) The Returning Officer shall first deal with the ballot papers received by him in sealed covers under sub-rule (3) of Rule 32.

(2) The sealed covers shall be opened one after another in the presence of candidates or their election agent or counting agent.

(3) The Returning Officer shall count all the valid votes in the sealed covers and record the total number thereof in the counting sheets in Form 21 and 22 in respect of Gram Panchayat Election, Anchal Samiti Election or Zilla Parishad Election and announce the same.

(4) 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 by the Returning Officer and such of the candidates and election agents or counting agents as may desire to affix their seal on signature thereon the packet sealed shall be permitted to do so. On the envelope shall be recorded the name of the Constituency, the date of counting and the brief description of the contents.

(5) Ballot papers received in a sealed cover may be rejected on the grounds specified in sub-rule (2) of Rule 55.

54. (1) The Returning Officer shall open the ballot boxes in presence of the candidate or their election agents or counting agents.

(2) Before any ballot box is opened at counting table the counting agent present at the table shall be allowed to inspect the seal as might have been affixed thereon and to satisfy themselves that it is intact.

(3) The Returning Officer shall satisfy himself that none of the ballot boxes has, in fact been tampered with.

55. (1) The ballot papers taken out of each ballot box shall be arranged in convenient bundles and scrutinized.

(2) 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 to indicate the vote, it bears no mark at all or bears a mark made otherwise than with the instrument supplied for the purpose; or

(c) if votes are given in favour of more candidates than the number of candidates to be elected; or

(d) if it is a spurious ballot paper; or

(e) if it is so damaged or mutilated that its identity as a genuine ballot papers cannot be established; or

(f) if it bears a serial number or is of a design different from the serial numbers; or as the case may be, different from the serial numbers; or as the case may be, different from the ballot papers authorized for use at the particular polling station; or

(g) if it does not bear the mark and signature it should have borne under the provision of sub-rule (1) of Rule 35; or

(h) if it is found in a ballot box other than the ballot box in which it should have been inserted:

Provided that where the Returning Officer is satisfied that any such defect as is mentioned in the sub-clause (g) or (h) has been caused by any mistake or failure on the part of the Presiding Officer or the Polling Officer, the ballot paper shall not be rejected merely on the ground of such defects:

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.

(3) Before rejecting any ballot paper under sub-rule (2) the Returning Officer shall allow the candidate or his election agent and each counting agent present a reasonable opportunity to inspect the ballot paper, but shall not allow him to handle it or any other ballot paper.

(4) The Returning Officer shall endorse on every ballot paper which he rejects, the word "rejected" and the ground for rejection either in his own hand or by means of a rubber stamp and shall initial such endorsement.

(5) All ballot papers rejected under this Rule shall be bundled together.

(6) Every ballot paper which is not rejected under this Rule shall be counted as valid vote ;

Provided that no cover containing the tendered ballot papers shall be opened and no such paper shall be counted.

56. (1) For the purpose of counting of votes in respect of election to Gram Panchayat, a mark in the ballot paper which is not rejected under Rule 55 shall be counted as valid vote for the candidate in whose

of secrecy at
the counting
centre

Counting of
Votes received in
sealed cover.

Scrutiny
And opening of
Ballot Boxes.

Scrutiny
and
rejection of
Ballot
Papers.

favour the voting mark has been validly given.

Counting of
votes

(2) Every ballot paper which is not rejected under Rule 55 shall, for the purpose of counting of votes in respect of election to Anchal Samiti or Zilla Parishad be counted as valid vote for the candidate in favour of whom voting mark has been duly given.

(3) During the progress of counting of votes in connection with Gram Panchayat Election/Anchal Samiti Election/ Zilla Parishad Election, the Returning Officer shall count all the valid votes in the ballot box and record the total numbers thereof, in the counting sheet in Form 21A and Form 22;

(4) After the counting of all ballot box used at a polling station has been completed, the Returning Officer shall make the entries in a result sheet in Form 23 in respect of Gram Panchayat Election/Anchal Samiti Election/Zilla Parishad Election and announce the particulars.

57. (1) The valid ballot papers of each candidate and the rejected ballot papers shall thereafter be bundled separately and such bundles made up into a separate packets which shall be sealed with the seals of the Returning Officer and signature or seal of the candidates, their election agent or counting agent and on the packet so sealed shall be recorded the following particulars namely:-

Sealing of
Used Ballot
Papers

(a) The name of the Constituency;

(b) The particulars of the polling stations where the ballot papers were used; and the date of counting.

58. The Returning Officer shall, as far as practicable proceed continuously with the counting of votes and shall, during any intervals when the counting has to be suspended, keep the ballot papers, packets and other papers relating to the election sealed with his own seal and the signature or seals of such candidate or election or counting agent and shall cause adequate precautions to be taken for their safe custody during such intervals.

Counting to
be
continuous

59. (1) After completion of the counting the Returning Officer shall record in the counting sheet in Form 22, the total number of votes polled by each candidate and announce the same.

(2) After announcement has been made, a candidate or his absence his election agent or any of his counting agents may apply in writing to the Returning Officer immediately on the date/spot of announcement to recount the votes either wholly or in part stating the grounds on which he demands such recount.

Recounting
of Votes.

(3) On such an application being made, the Returning Officer shall decide the matter and may allow the application wholly or in part or may reject it in total if it appears to him to be frivolous or unreasonable.

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

(5) if the Returning Officer decides under sub-rule (3) to allow recounting of votes either wholly or in part he shall;

(a) do the recounting in accordance with the Rule 56;

(b) amend the counting sheet in Form 21A and 22 as the case may be to the extent necessary after such recounting ; and

(c) announce the amendment so made by him.

(6) After the total number of votes polled by each candidates has been announced under sub-rule (5) of this Rule the Returning Officer shall, complete and sign the counting sheet in Form 21A and 22 as the case may be, and no application for recounting shall be entertained thereafter;

Provided that after an announcement under sub-rule (3) of Rule 53 or sub-rule (4) of Rule 56, reasonable opportunities shall be given to a candidate and in his absence, any election agent or his counting agent who makes an application in writing to the Returning Officer for recounting of vote, if any dispute raised regarding the result of the counting.

60. (1) In case of an election to a Gram Panchayat the Returning Officer shall as soon as the counting of votes is completed and result sheets in Form 23 signed and declared in Form 24 the candidate or candidates elected on the basis of number of valid votes secured by him or them. The Returning Officer shall inform the District Election Officer, the State Election Commission and the Government of the result of the poll. The State Government shall cause the names of the elected candidates published in the Official Gazette.

Declaration of
Results of
Election and
Return of
Election

(2) In the case of an election to an Anchal Samiti or Zilla Parishad the Returning Officer shall as

soon as the Counting of votes is completed and counting sheets in Forms 21 A and 22 signed in respect of all the polling station of the concerned Constituency compile the results in a result sheet in Form 23 and declare in Form 24 the candidate to whom the largest number of valid votes has been given to be elected and hang up the same in his office and send copies thereof to the District Election Officer, State Election Commission and the State Government. The State Government shall cause the names of the elected candidates published in the Official Gazette.

(3) If on counting of vote two or more candidates secure equal number of votes and if the number of candidates to be declared elected is less than the number of such candidates, lots shall be drawn in the following manner and in presence of the candidate or election agent or his counting agent-

(i) the names of the candidates having equal votes shall be written in separate pieces of paper of the same size and these pieces of paper shall be rolled into separate balls and placed together in a single bag and the bag shall be well shaken;

(ii) separate pieces of blank papers of the same size and corresponding to the number of pieces placed in the first bag shall be rolled into separate balls and placed together in the second bag except that one or more of these blank pieces shall be distinctively marked as to whether the choice is to fall on one or more of the candidates with equal votes. The bag shall then be well shaken;

(iii) Two persons shall then be engaged to bring out simultaneously one sheet paper so balled from each bag.

(iv) The persons holding the bag containing partially blank sheets then open his sheets of papers. If this is blank, the sheets held by both the persons shall be thrown away and the process will be continued till the marked sheet is opened whereupon the person whose name is written on the corresponding sheet from the bag containing the sheets with the candidate's names shall be declared to have been elected. The process shall be continued till all vacant places have been filled.

(4) As soon as may be after a candidate has been declared to be elected the Returning Officer in respect of Gram Panchayat/Anchal Samiti /Zilla Parishad shall grant to an elected candidate a certificate of election in Form 25 and obtain from the candidate an acknowledgement of its receipt duly signed by him and immediately send the acknowledgement to the District Election Officer.

61. (1) After completing the counting of votes in an election the Returning Officer shall then make into separate packets-

(a) counting sheet in Form 21, 21A and 22;

(b) result sheets in Form 23;

(c) the declaration sheet in Form 24 in respect of Gram Panchayat Election; and

(d) any other papers directed by the State Election Commission to be kept in sealed packet.

(2) Each such packet shall be sealed with the seals of the Returning Officer and with the seals/signature either of candidate or his election agent or of his counting agent who may be present at the polling station.

Sealing of packets

62. (1) The Returning Officer shall then deliver or cause to be delivered to the District Election Officer, at such place as the District Election Officer may direct;

(a) the ballot boxes;

(b) the ballot paper account;

(c) the sealed packets referred to Rule 43; and

(d) all other papers used at the poll;

(2) The District Election Officer shall make adequate arrangement for the safe transport of all ballot boxes, packets and other papers and for their safe custody.

Transmission of Ballot Boxes, packets etc to the District Election Officer

PART-V MISCELLANEOUS

63. When the seat of a member elected to a Gram Panchayat, Anchal Samiti and Zilla Parishad becomes vacant by reason of his death, resignation, removal or otherwise, the State Election Commission, in consultation with the State Government, shall fix a date as soon as convenient may be for holding by election to fill the seat and the provisions of these rules shall thereupon apply mutatis mutandis.

Casual vacancies in Zilla Parishad, Anchal Samiti or Gram

64. (1) The deposit made under Rule 10 shall either be returned to the person making it or his legal representative or be forfeited to the State Government in accordance with the provisions of this Rule.

Panchayat

(2) Except in cases hereafter mentioned in this Rule, deposit shall be returned as soon as practicable after result of the election is declared.

Return or
forfeiture of
candidate's
deposit

(3) If the candidate is not shown in the list of contesting candidates, or if he dies before the commencement of the poll, the deposit shall be returned as soon as practicable after the publication of the list or after his death to his heirs as the case may be.

(4) Subject to the provision of sub-rule (3), the deposit shall be forfeited if at an election where a poll has been taken, the candidate is not elected and the number of valid votes polled by him does not exceed one-sixth of the total numbers of valid votes by all the candidates.

65. (1) While in the custody of the District Election Officer.

(a) the packets of unused ballot papers with counterfoils attached thereto;

(b) the packets of used ballot papers whether valid, tendered or rejected;

(c) the packets of the counterfoils of used ballot papers; and

(d) the packets of marked copies of the list of voters, shall not be opened and their contents shall not be inspected by, or produced before, any person or authority except under orders of a competent Court.

Production and
inspection of
Election Paper

66. Subject to any direction to the contrary given by the State Election Commission or by a competent Court-

(a) the packets of unused ballot papers shall be retained for a period of three months and shall thereafter be destroyed in such manner as the State Election Commission may direct;

Disposal of
Election Papers

(b) the other packets referred to in the Rule 65 shall be retained for a period of three months and shall thereafter be destroyed;

(c) all other papers relating to elections shall be retained for a period of six months and shall thereafter be destroyed:

Provided that packets containing the counterfoils of used ballot papers shall not be destroyed except with the approval of the State Election Commission.

PART-VI

ELECTION OF CHAIRPERSON OF GRAM PANCHAYAT OR ANCHAL SAMITI OR ZILLA PARISHAD

67. (1) The Chairperson of Gram Panchayat, Anchal Samiti or Zilla Parishad shall be chosen by the elected members of the Gram Panchayat, Anchal Samiti or Zilla Parishad from amongst themselves in the first meeting of the Gram Panchayat, Anchal Samiti or Zilla Parishad fixed by the Deputy Commissioner.

Election of
Chairperson
of Gram
Panchayat or
Anchal Samiti
or Zilla
Parishad

(2) that the meeting shall be held at the date and time fixed by the Deputy Commissioner at the Headquarters of the Gram Panchayat, Anchal Samiti or Zilla Parishad and shall be presided over by the officer appointed by the Deputy Commissioner.

(3) The notice convening the meeting, among other things, may specify the hour or hours during which nomination papers shall be received, scrutinized or may be withdrawn.

(4) If, after the time fixed for withdrawals of candidature, there remains only one candidate for the office of Chairperson, the officer appointed by the Deputy Commissioner shall forthwith declare him elected as Chairperson in Form 26.

(5) If there is no validly nominated candidate, the proceedings for seeking nominations shall commence afresh at a time for the purpose fixed by the Officer appointed by the Deputy Commissioner.

(6) If the number of contesting candidates for the election of Chairperson, is more than one, a poll shall be taken by secret ballot.

(7) If poll is to be taken, the Officer appointed by the Deputy Commissioner shall assign symbol to each contesting candidates and the decision of the said Officer in the allotment of symbols shall be final.

(8) Immediately after allotment of symbols, the Officer appointed by the Deputy Commissioner shall announce the names of the contesting candidates on the basis of list of contesting

candidates prepared by him in Form 27 and a copy of the said list of contesting candidates alongwith symbols shall be supplied to each candidate.

(9) (a) The ballot paper for the election shall be in Form 28.

(b) The names of candidates shall be typed or legibly written on ballot papers in the same order as they appear in the list of contesting candidates.

(c) If two or more candidates bear the same name, they shall be distinguished by addition of their father's or husband's name, as the case may be or in such other manner as the Officer appointed by the Deputy Commissioner may deem fit.

(10) In the meeting when poll is taken, votes shall be cast only by members present in the meeting by secret ballot, and no member shall be allowed to vote by post or proxy.

(11) The Officer appointed by the Deputy Commissioner shall cause the place of polling, at the hour declared for polling, to be closed till the time fixed by him for completion of poll and shall not admit any elector therein after that time.

(12) (a) The counting of votes shall commence immediately after the close of poll as far as possible.

(b) Votes shall be counted under the supervision of Officer appointed by the Deputy Commissioner in the meeting itself.

(c) The officer appointed by the Deputy Commissioner shall scrutinize the polled ballot papers and separate those which are invalid. Invalid votes shall be rejected and the ground of rejection shall be endorsed on the back portion of such ballot papers.

(13) A ballot paper shall be invalid on the ground-

(i) that, it appears any mark or signature by which an elector can be identified, or

(ii) that, the mark is placed against more than one name, or

(iii) that, no mark is recorded on the face of the ballot or the mark is so placed that it could not be ascertained for whom the vote has been given or the mark is made by an instrument other than the one supplied for the purpose by the Officer appointed by the Deputy Commissioner, or

(iv) that, it is spurious ballot paper.

68. When the counting of votes is completed, the Officer appointed by the Deputy Commissioner shall to be elected in Form 26 the candidate in whose favor the largest numbers of votes were cast.

Procedure of
declaration of
result

PART-VII ELECTION DISPUTES

69. (1) The petition referred to in clause (a) (i) of sub-section (3) of Section 122 shall be filed before the Election Tribunal within 30 days from the date of declaration of Election result.

(2) The petition shall contain statement in brief of the material facts on which the petitioner relies and shall where necessary be divided into paragraphs numbered consecutively. It shall be filed by the petitioner and verified in the manner prescribed for verification of pleading in the Code of Civil Procedure 1908.

Filing of
petition

(3) If the irregularities alleged in the petition are likely to effect the validity of the election of more than one returned candidate the petitioner shall make all such candidates as opposite parties.

(4) The petitioner may, if so desires, in addition to calling in question the election of the returned candidates, claim for a declaration that he himself or any other candidate has been duly elected.

(5) The Election Tribunal shall, as soon as may be, cause copy of the petition to be served on each opposite party.

70. Every dispute relating to election 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 to the trial of suits:

Provided that it shall only be necessary for the Panchayat Election Tribunal to make a memorandum of the substance of the evidence of any witness examined by him.

Procedure
to be
followed

71. (1) No election petition shall be withdrawn without the leave of the Election Tribunal.

(2) If there are more petitioners than one, no application shall be made without the consent of all the petitioners.

(3) When an application for withdrawal is made notice thereof fixing a date for the hearing of

Withdrawal

application shall be given to all other parties to the petition.

of petition

(4) No application for withdrawal shall be granted if the Election Tribunal is of opinion that such application has been induced by any bargain or consideration which does not deserve to be admitted.

(5) If the application is granted, the petitioner may be ordered to pay such cost to the opposite party as the Election Tribunal may think fit.

72. The spirit of provisions of Indian Evidence Act, 1872, not applicable in Arunachal Pradesh, shall not apply to the proceedings of an election petition.

Evidence
during
Enquiry

73. If in the opinion of the Election Tribunal:-

(1) A returned candidate or his agent or any other person with the connivance of such candidate or agent has committed or abetted the commission of any election offence falling under Chapter-IX-A of the Indian Penal Code or any law or rule relating to the infringement of the secrecy of an election, the election of such candidate shall be declared as void.

The Election to
be void

(2) The election of a returned candidate has been procured or induced; or the result of the election has been materially affected by any of the following corrupt practices, namely:-

(i) any election offence as mentioned in sub-rule (1) above;

(ii) any payment to any person whomsoever on account of the conveyance of any elector to or from any place for the purpose of casting his vote;

(iii) hiring employment, borrowing or using any vehicle for the purpose of conveyance of any elector to or from any place to the polling station for the purpose of casting his vote;

Provided that any elector may hire any conveyance or use his own vehicle for conveying himself to or from the polling station, or

(3) The result of the election has been materially affected by any irregularity in respect of the nomination paper or by the improper reception or refusal of nomination paper or in voting or by any non-compliance with the provision of the Act or the Rules made thereunder, the election of such candidates shall be declared as void:

Provided that, if the Election Tribunal is one of opinion that any corrupt practice specified in sub-rule (2) of this rule which does not amount to any form of bribery other than "treating" as hereinafter explained has been committed and if the Election Tribunal is further of the opinion that the candidate has satisfied him that:-

(i) no corrupt practice was committed at such election by the candidate and that any corrupt practices committed/or committed contrary to the orders and without the sanction or connivance of such candidate; and

(ii) such candidate took reasonable means for preventing the commission of corrupt practice at such election; and

(iii) the corrupt practices, committed were of trivial nature not affecting the election materially; and

(iv) In all other respects, the election was free from any corrupt practice on the part of such candidate or any of his agents;

Then the Election Tribunal may declare that the election of such candidate is not void.

Explanation:- For the purpose of this rule "treating" means incurring by any person of the expenses of giving or providing any food, drink, entertainment or provision to any person with the object directly or indirectly inducing him or any other person to vote or refrain from voting or as a regard for having voted or refrained from voting.

74. (1) At the conclusion of the enquiry, the Election Tribunal shall declare, whether election of the returned candidate or candidates is void under Rule (73).

(2) If he declares the election of the returned candidates void, he shall further pass an order either;

Conclusion of
hearing

(a) declaring that, any other party to the petition who has under these Rules claimed the seat has been duly elected; or

(b) ordering a fresh election;

(3) The order of the Election Tribunal under sub-rule (1) or sub-rule (2) shall be communicated

forthwith to the District to the District Election Officer concerned, State Election Commission and the State Government.

75. When an election is declared void under sub-rule (1) of Rule 74 and a fresh election is ordered under Clause-(b) of sub-rule (2) of that rule, the seat of the returned candidate or the seat of the returned candidates, as the case may be, shall be deemed to be vacant from the date of the order of the Election Tribunal and the Election Commission shall forthwith take necessary steps for holding such fresh election.

Fresh Election on Election Tribunal Order.

76. The Deputy Commissioner or any other Officer authorized by him in this behalf, hereinafter in this rule referred to as the requisitioning authority, if it appears to him in connection with an election under this Act-

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

(a) that, any premises are needed or are likely to be needed for the purpose of being used as a polling station or for the storage of ballot boxes after a poll has been taken; or

(b) that, any vehicle, vessel or animal is needed or is likely to be needed for that purpose of transport of ballot boxes to or from any polling station or transport of members of the police force for maintaining during the conduct of such election, or transport of any Officer or person for performance of any duties in connection with such election by order in writing requisition of such premises, or as the case may be such vehicle, vessel or any animal and may make such further orders as may appear to him to be necessary or expedient in connection with the requisitioning:

Provided that, no vehicle, vessel or animal which is being lawfully used by a candidate or his agent for any purpose connected with the election of such candidate shall requisitioned under this sub-rule 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 requisitioning authority to be owner or person in possession of the property and such order shall be served on the person to whom it is addressed.

(3) Whenever any property is requisitioned under sub-rule (1) the period of such requisitioning shall not extend beyond the period for which such property is required for any of the purposes mentioned in that sub-rule

(4) In this rule-

(a) "Premises" means any land, building or part of a building and includes a hut, shed or other structure or any part thereof;

(b) "Vehicle" means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise.

77. (1) Any person remaining in possession of any requisitioned premises in contravention of any order made under Rule (76) may be summarily evicted from the premises by the requisitioning authority or any Officer specially empowered by the Requisitioning Authority in this behalf.

Eviction from requisitioned premises.

(2) The Requisitioning Authority or any Officer so empowered may, after giving to any women not appearing in public, reasonable warning and facility to draw, remove or open any latch or bolt or break open any door of any building or do any other act necessary for effecting such eviction.

78. (1) When any premises requisitioned under Rule (76) are to be released from requisition..... is so delivered.

(2) When the person..... authority.

(3) When a notice..... said date.

Release of Premises from requisition

79. If any person contravenes any Order made under Rule-76 or Rule-77, he shall, on conviction, be punished with imprisonment for a term which may extend to one year or with fine which may extend to Rs. 1000/- or with both.

Penalty for contravention of any order regarding requisition

80. (1) The State Government may issue such general or special directions as may, in its opinion, be necessary for the purpose of giving effect to these Rules, or holding any election under the Act.

(2) If any difficulty arises in giving effect to the provisions of these Rules, or in holding any election, the government, as occasion requires, may, by order, do anything which appears to it to be necessary for the purpose of removing the difficulty.

Removal of difficulties, if any, by the government

Sd/-G. Koyu,
Secretary (R.D & Panchayat),
Government of Arunachal Pradesh,

Itanagar.

