

CHAPTER – I

PRELIMINARY

1.1 Broad outlines and recent changes in election law and procedure:

Under the old Panchayat Election Law, the election to Panchayati Raj Institutions used to be held by raising of hands. However, with the coming into force of the J&K Panchayati Raj Act 1989 and subsequently framing of the rules under the said Act an elaborate system for conduct of election through secret Ballot Paper to these institutions has been designed. The Chief Electoral Officer has been designated as Election Authority under Panchayati Raj Act, 1989 and the Election Authority shall primarily be assisted by the Deputy Commissioners (designated as District Panchayat Election Officers) and a team of Returning Officers appointed for this purpose. The smooth conduct of an election right from the issue of public notice till the declaration of the result and safe custody of election papers thereafter mainly depends on you as Returning Officer and the electoral machinery. Even a slight mistake, lapse or wrong application of the law or rules may vitiate the election. You have a well-defined and vital role to play in the entire process. It is, therefore, necessary to acquaint yourself fully with up-to-date rules and procedures connected with the conduct of elections and also familiarize yourself thoroughly with the steps to be taken at various stages. The broad outlines of your duties are given in the following paragraphs. This Handbook is designed to serve that purpose.

(However, please note that this Handbook should not be treated as exhaustive in all respects or as a substitute reference for various provisions of election law governing the conduct of Panchayat Elections).

1.2 Broad outline of duties for Returning Officers/Assistant Returning Officers

As Returning Officer, you are primarily responsible for the conduct of elections for Panchayats. The main items of your work (and of the District Panchayat Election Officer) in are as under :-

- i. drawing up, well in advance, a programme and detailed arrangements for the poll;
- ii. procurement of election materials in sufficient quantity;
- iii. issue of public notice of election in Form PEL3 annexed to this Handbook;
- iv. reception of nomination paper, affidavit, security deposit, intimation from political parties about candidates in Form PEL A and PEL B etc.
- v. scrutiny of nomination papers
- vi. recording of reasons in brief for rejecting any nomination paper;
- vii. handing over Register prescribed for lodging election expenses to each contesting candidate and copies of other instructions as may be directed by Election Authority;
- viii. publication of notice of nominations, list of validly nominated candidates and list of contesting candidates;
- ix. allotment of symbols to contesting candidates;
- x. establishing contact with the contesting candidates and political parties to ensure free, fair and smooth elections;
- xi. periodic scrutiny of accounts of election expenses of contesting candidates.
- xii. enforcement of Model Code of Conduct;
- xiii. effect training of polling parties;
- xiv. dispatch of polling parties for the conduct of the poll and supply of ballot papers and other election materials to them;
- xv. effective supervision of the poll and sending reports to the District Panchayat Election Officer (DPEO);
- xvi. fixing of place of counting and actual counting of votes after obtaining prior clearance from the DPEO;
- xvii. declaration of result;
- xviii. safe custody of all election papers and materials after counting;
- xix. depositing of election material in the designated office
- xx. transport and storage of ballot boxes after the poll under security;

1.3 Changes in law and procedures:

- i. The law and procedure relating to the conduct of Panchayat Elections may be amended after publication of this Handbook in any important respect. You should, therefore, update yourself of these changes before the commencement of the election process. A serious mistake committed by you in regard to the law or procedure relating to the election may result in vitiating the entire process in the constituency and may lead to the election being declared void. This should not be allowed to happen.
- ii. Besides this handbook, you will be provided a copy of the Panchayati Raj Act, 1989 & Rules made thereunder and Handbook for Presiding Officers. You should make yourself thoroughly familiar with these books and refer to them as often as you can and every time you are in doubt. You must also update yourself with the latest instructions received from the Election Authority
- iii. You should also study various Forms, statutory and non-statutory, which have to be used for an election and make sure that they are the latest Forms in force at the time of election. They should be stocked in adequate numbers.
- iv. You may be appointed as Returning Officer for the elections of Panches of more than one Panchayat Halqa. You must acquaint yourself with the delimitation of Constituencies in each of the Panchayat Halqas assigned and maintain separate records for each of the constituencies. Any laxity or casual performance in this respect may result in confusion and serious problems.

1.4 Instructions regarding handing over certain communications at the time of nomination:

The Election Authority has directed that at the time of presentation of the nomination paper of a candidate, such candidate or his agent should be –

- a. handed over a letter requiring the candidate to furnish, before the date and time fixed for scrutiny of nominations, the information relating to conviction, if any, in the prescribed proforma and duly supported by an affidavit;
- b. given the notice about the time, date and place of scrutiny of nominations and allotment of symbols (vide para 5.16 chapter V); and
- c. supplied with copies of such instructions and guidelines issued by the Election Authority from time to time including that of maintenance and lodging of Account of Election Expenses and the Register prescribed for the purpose.

1.5 Programme for the poll:

You should draw up in advance the programme and the detailed arrangements for the poll. A good deal of forethought and advance planning are necessary if the election is to be carried through efficiently and to your credit.

1.6 Polling Practice and training of staff:

- i. Before you arrange election rehearsals in your area for the training of polling personnel, it is essential that you should attend a polling rehearsal or rehearsals organized by the DPEO so that you may have no doubt about the correct procedure to be followed for the smooth conduct of the Panchayat Election as also the underlying significance of each step in the procedure laid down.
- ii. Hold polling rehearsals as much as possible and see that the Presiding Officer and the first Polling Officer of every polling party attends the two rehearsals. Maintain the attendance Register for the purpose. These officers should be assembled at convenient centres in small groups before the poll from time to time and made to go over the instructions summarized in the Handbook for Presiding Officers and also over any supplementary instructions that may have been issued by the Election Authority or the DPEO. See particularly that every Presiding Officer can correctly and promptly draw up (i) paper seal account and (ii) ballot paper account. It is not necessary to invite to these rehearsals any of the Polling Officers other than those who, have been appointed to perform the duties of the Presiding Officer in the unavoidable absence of the latter.
- iii. Detailed instructions regarding the operation of a ballot box is contained in the Handbook for Presiding Officers. You must ensure that every Presiding Officer and

- the Polling officer, who may officiate in his absence, are thoroughly familiar with the operation of the type of box to be used at the election in his polling station. Allow each one of them to operate the box independently including fixing of the paper seal.
- iv. Returning Officer shall be responsible for the training of the polling parties. DPEO shall assign some senior level officer for every Block/Tehsil to integrate and monitor the progress of training and ensure that all the polling staff are imparted training.
 - v. Training for the police officers from the level of Superintendent of Police to Sub-Inspector shall also be conducted as per Orders of the Election Authority.
 - vi. The Presiding Officer is required to furnish to every polling agent present at the close of the poll a true copy of the entries made in the ballot paper account and attest it as a true copy. It is, therefore, of utmost importance that the Presiding Officers are properly instructed to prepare the ballot paper account in Form PEL-11 accurately so that the common mistakes committed by them hitherto are avoided. In the rehearsals, you should explain the proper manner of preparing the ballot paper account in Form PEL-11 by using a sample Form duly filled in and ask the Presiding Officers to fill in the form themselves as an exercise.

1.7 Contact with Political Parties :

Frequent meetings with the representatives of the recognized political parties will clear many of their doubts and misapprehensions. In the absence of such personal contacts and clarifications, some parties may be apt to imagine all kinds of irregularities and violation of law. It has often been experienced that they themselves labour under an ignorance or misapprehension of the provisions of the law or the Election Authority's directions and their doubts and misapprehensions usually arise out of this.

CHAPTER – II

POLLING STATIONS

2.1 **Introductory:**

The District Panchayat Election Officer shall be responsible to fix the locations of the polling station as per the guidelines issued by the Election Authority. While finalizing the list the views of the political parties should be taken into consideration.

2.2 **Location of Polling Stations:**

While deciding upon the polling station, care may be taken that:

- i. Separate Polling Station should be set up for each Panch Constituency;
- ii. Polling stations may be set up in localities/colonies inhabited by the weaker sections of the society, even though the number of voters may be less ;
- iii. Polling stations should be set up in such a location that ordinarily no voter is required to travel more than two kilometers for casting his/her vote. In sparsely populated, hilly or forest area this rule may be relaxed.
- iv. Structure and fittings of polling stations : Select the actual site of each polling station carefully in advance and arrange for materials, structures, fittings, etc., necessary to set up a polling station in order to make the polling station satisfy the requirements of law and practical convenience.
- v. As far as practicable the polling station should have normally a minimum area of 20 Sq. meters so that there is no congestion inside the polling station.
- vi. Select halls/rooms, which are well lit and are having two openings at least, so that one can be used as 'entrance' and the other as 'exit' for the smooth and orderly conduct of poll.
- vii. At least two or more polling stations should be set up in one building for better management of polling process.
- viii. As far as possible, polling stations should be located in schools (Government or aided) and other Government or Semi-Government institutions, as the furniture and equipment required would be available there and could be made use of without any extra cost to the State. The location of the polling stations in private buildings or premises should be avoided but where this becomes unavoidable, the buildings should be properly requisitioned and/or the consent of the owner should be obtained in writing. The private building so requisitioned should be at the disposal of the Returning Officer at least 24 hours before the commencement of poll and for the period required for the poll. The building and the area around it up to a radius of two hundred meters should be under the control of the Presiding Officer. No watch and ward or other personnel connected with the owner, whether armed or unarmed, should be allowed to remain either at the polling station or within a radius of two hundred meters around it. The security arrangement at the polling station and within the above area will be responsibility entirely of the State Police under the control of the Presiding Officer. It should be ensured that the owner of such private building is not a contesting candidate or a known sympathizer or worker of any of the candidates at the election.
- ix. No polling station should be located in police stations, hospitals, temples or places having religious significance.
- x. In case no suitable buildings either Government or private are available the polling station can be located in the temporary structures but, as far as possible, this should be avoided.

2.3 **List and Map:**

The draft list of polling stations should be drawn up in the prescribed form PEL-1. The demarcation of polling area should be clearly done. The name of each village covered by the polling area and the number of voters in it should be shown in the respective columns against each polling station. By a clear description of the polling area it should be feasible for an ordinary voter to know which polling station he should go for recording his vote. In order to ensure that a uniform method is followed in the matter of filling up the columns, the following instructions may be kept in mind: –

- i. The name of the building in full should be clearly described. The use of abbreviations should be avoided. Further the location of each Polling Station should be made clear by mentioning “North Wing”, “South Wing”, “Room Number”, etc.
- ii. The names of villages, blocks, wards, streets, localities, house numbers and part number of the electoral roll should be given.
- iii. The list should contain information about the total number of voters assigned to the polling station according to the final electoral roll of the constituency.
- iv. The total number of voters in the constituency, the total number of polling stations proposed and the average number of voters per polling station should invariably be shown at the end of each list.

2.4 Publication of the List of Polling Stations:

- i. The District Panchayat Election Officer is required to provide normally one polling station for every Panch Constituency, in such a manner as may be directed by the Election Authority. While doing so it is to be ensured that the area falling within a particular constituency is reflected in the list of polling station and nothing is left out. The lists shall be prepared in the language or languages in which the electoral roll of a constituency is prepared/published. The draft list so prepared shall be given wide publicity by causing it to be pasted on the notice boards in the offices of the District Panchayat Election Officers (Deputy Commissioners), Tehsildars and the Block Development Officers, inviting objections and suggestions by a specific date, allowing a period not less than seven days. The Notice of publication of the draft list may also be given in the local newspapers wherever possible. Further copies of the list should be supplied to the local representatives of all the recognized political parties.
- ii. The District Panchayat Election Officer should thereafter call the party representatives to a meeting and discuss the draft list and the suggestions received.
- iii. The District Panchayat Election Officer should then take his decisions, amend the draft list where necessary and finalize the list. It should be published as directed in para 2.5 of this Chapter.

2.5 Final Publication of the List of Polling Stations :

- i. The District Panchayat Election Officer shall publish the list of polling stations subject to direction of the Election Authority, by making a copy thereof available for inspection and displaying at his office in form PEL-1. One copy of the list will be sent to the Election Authority immediately after final publication.
- ii. The list of polling stations shall be published in the language or languages in which the electoral roll for that constituency is published.
- iii. Modifications in the List:
Great care needs to be observed while final publication of the list of polling stations to reduce any need for modification. However, changes in the location of polling stations to new buildings or sites may become necessary due to unforeseen circumstances and any such changes should be carried out immediately and the Election Authority informed forthwith.
- iv. Change in the nomenclature of the building of a polling station :
After the approval of the list of polling stations for a constituency, if there is any change in the nomenclature of the building in which the polling station is proposed to be set up (for example, up gradation of a Primary School to a Middle School) but otherwise there is no change in the location of the polling station, such cases need not be referred by the R.O. to the DPEO for prior approval but he should be informed and the political parties and contesting candidates too should be informed in writing.
- v. Supply of Copies of the List :
As soon as the list of the Polling Stations in respect of the Panch Constituencies, falling in a particular Panchayat Halqa are published, copies thereof should be made available to the Block Development Officer and the Village Level Workers concerned for giving wide publicity to them by pasting them at conspicuous places for the information of the public and the contesting candidates as well.

CHAPTER – III

POLLING PERSONNEL

3.1 The District Panchayat Election Officer (DPEO) will be responsible for the appointment of the Presiding Officers and staff for each polling station in the District. The contents in this chapter are therefore primarily addressed to the DPEO.

3.2 Polling Personnel :

- i. For the purpose of efficient control of the polling personnel and of economy in expenditure on traveling allowances etc. each district, as far as practicable, should use its own personnel. All the available personnel working under the State Government offices in the State, as well as under the local bodies, have to be mobilized and an assessment of the availability of the requisite number has to be made well in advance.
- ii. All officials working in the district other than those engaged with essential or emergency services or specifically exempted should form the database for deployment on polling duty.
- iii. Officers with doubtful antecedents should not be appointed as Presiding & Polling Officers.
- iv. Employees of Rural Development should not be engaged for the polling duties. Further, it should be ensured that the Presiding Officer and the Senior Polling Officer of a polling station both are not the employees of the same office.
- v. While drafting the list, the availability of female polling personnel should be examined for appointing Presiding/Polling Officers for polling stations where the number of female voters, especially, 'pardanashin' women is large. In such polling stations there must be at least one lady polling officer who may attend to the duty of identification of women electors.
- vi. The DPEO shall exempt all such women employees from being requisitioned for election duty who are in advance stage of pregnancy or on medical advice of not being fit for rigorous work or are breast feeding a new born.
- vii. Steps shall be taken by the Returning Officer to inform well in advance every female official called for election duty of the arrangements made for her stay, private and separate arrangement for women only at the place of duty to meet the call of nature as well as for bathing and dressing. Unless such arrangement is made and information in this behalf is furnished to such female official, she shall not be called upon to perform any election duty.

3.3 Presiding Officer :

The Presiding Officer is required to perform very important functions. He should as far as possible be a Gazetted Officer or at least one who is in a supervisory capacity. He should not be appointed at a polling station in the locality where he resides or is posted for normal duties.

3.4 Unavoidable absence of Presiding Officer :

While appointing a polling party, DPEO should authorise one of the officers to perform the duties of Presiding Officer in case the latter is unavoidably absent from the polling station.

3.5 Proper mixing of Polling Personnel drawn from different offices :

- i. In order to avoid any allegation of collusion among the polling personnel in favour of any candidate or political party and to instill confidence in the minds of political parties and candidates about the elections being free and fair, the DPEO shall ensure proper mix of polling personnel drawn from different offices and departments at the time of formation of a polling party.
- ii. The polling parties should be formed with appropriate software, for randomization, to achieve proper mix of polling personnel.
- iii. In order to ensure that the above instructions are complied with strictly, the DPEO should furnish to the Election Authority, Following "CERTIFICATE" immediately after the polling parties have been formed for an election:

"CERTIFICATE"

"Certified that the polling parties have been formed by randomization of officials drawn from different offices and departments."

3.6 Police personnel to accompany Polling Parties :

The Returning Officer must acquaint himself thoroughly with the police arrangements made in his jurisdiction. He shall ensure, in consultation with concerned authorities, suitable deployment of police personnel at each polling station.

3.7 Transport for Polling Parties:

- (i) The Returning officer, under the guidance of DPEO, will arrange for the transport of the polling parties accompanied with the police parties, polling materials including Ballot Boxes, etc. Taking stock of the vehicles at his disposal, he may requisition more vehicles as necessary, also keeping some reserves. Movement programme should be drawn up carefully for each polling party so that arrangements do not fail.
- (ii) Distribution of Election Material:- For practical considerations, the distribution of election material to the polling parties will be done by Returning Officer at the block headquarters, facilitated by the Tehsildar/BDO/any other officer assigned by the DPEO for the purpose.
- (iii) Similarly the transport arrangements for polling parties would have to be managed at the Block level. The Returning Officer must keep himself fully informed about the Transport Plan and educate his polling parties.

3.8 Number of polling parties :

- i. The DPEO knows the number of polling stations in their districts. If the polling in the district is to be completed in one day the number of polling parties must be the same as the number of polling stations. If the poll is to be held on days more than one, then there must be on each day of the poll as many polling parties working as the number of polling stations which go to poll on that day. There is usually a master plan for the conduct of poll for the whole district. As Returning officer you must familiarize yourself with it and ascertain what part exactly you are required to play according to the plan so that you may ensure that each polling party reaches its polling station on the day preceding the date of poll. The number of persons in each polling party will depend on various factors. Normally, a party will consist of one Presiding Officer and two Polling Officers.
- ii. Duties of Polling Officers are detailed in the Handbook for Presiding Officers.
- iii. Detailed instructions regarding layout of Polling Stations are also contained in that Handbook.

3.9 Reserve Polling Personnel :

The DPEO shall also have a reserve list of Presiding and Polling Officers for the district to deal with emergencies at any of the polling stations.

3.10 Accommodation and Food for Polling Parties :

Check the arrangements for the accommodation, food, drinking water facilities and toilet facilities for the polling personnel with special emphasis on privacy for female polling personnel. If poll is taken during summer, arrangements should be made for providing shelter for polling personnel and voters, including temporary roofing if needed. In case of availability in the building, the voters be allowed to stand in queue in sheltered area like verandah before the polling station. The District Panchayat Election Officer shall depute Sector Officers in advance to oversee that adequate arrangement for shade, food, water, etc. have been made.

3.11 Form for appointment :

- i. The polling personnel should be formally appointed in form PEL-2 (Appendix N-2).
- ii. Appointment letters of Presiding Officers and Polling Officers should be issued as soon as polling parties are formed, indicating the name of R.O. under whom they will be working but in their appointment letters, number and name of polling station at which they will be on duty should not be indicated. Such information regarding place of duty should normally be intimated to them not, repeat not, earlier than three days before the date of poll. However, the Election Authority will have discretion to relax aforesaid three days time limit upto seven days where polling parties are required to be dispatched much in advance of the date of poll.
- iii. The order of appointment should be in duplicate. It should also bear the clear seal of the District Panchayat Election Officer.

CHAPTER – IV

ELECTION MATERIALS

4.1 Each polling party has to be supplied with necessary election materials for the poll. A standard list of such polling materials is given in Appendix M-7. Estimate your total requirements for the same and lay your stock of election materials in time. Besides, you will yourself require some items for carrying out your own duties up to the counting and declaration of result. These should also be secured in advance. The requisition should be tendered to the District Panchayat Election Officer or the officer nominated by him for this purpose.

4.2 Ballot boxes :

- i. Ballot Boxes should be provided to the Polling Parties from the Block Headquarters mentioned for the purpose.
- ii. You may provide one ballot box in good working condition for each polling station. Please note that one box is to be used for the casting of votes for each Panch Constituency. The number of contesting candidates and the consequent size of the ballot paper should also be kept in view while providing the ballot boxes to the polling parties. If the number of contesting candidates is unusually large, one extra ballot box may be supplied.
- iii. Defective ballot box shall NOT be provided to any polling party.
- iv. All ballot boxes are to be serially numbered and only those ballot boxes should alone be used. Proper account must be maintained in respect of all ballot boxes so used, polling station-wise.
- v. Two reserve ballot boxes must be kept spare with the Returning Officer and five ballot boxes at the block headquarter.

4.3 Forms:

Throughout election, you will have to use many forms. You should first thoroughly familiarize yourself with all these forms. The candidates, their agents and other members of the public will also have to handover to you the documents in different prescribed forms. In case of non availability of printed forms, hand written forms shall be accepted.

4.4 Ballot Papers : Refer to chapter X.

4.5 Copy of Electoral Roll: Shall be provided to the polling parties along with the Election material.

4.6 Material for setting up of Polling stations. Refer to appendix M-7.

CHAPTER – V

NOMINATIONS

5.1 Introductory:

- i. The pressure of work increases substantially as soon as the notification has been issued calling upon the constituency to elect a member. All the preliminary and preparatory steps must have been taken by you before this notification is issued. Generally, you will be informed beforehand of the date on which such notification will be issued.
- ii. Since you will be the Returning Officer for all the Panch Constituencies of a Panchayat Halqa, you would have a rush of nominations. Utmost care would be necessary to keep separate records for each constituency, so that there is no confusion.

5.2 Notifications for Elections to the Panchayats :

- i. In the case of an election to the Panchayat Halqas to Panch, the Govt. of J&K, under rule 7 of the J&K Panchayati Raj Rules, 1996, shall, by one or more notifications published in the Government Gazette on such date or dates as may be determined in consultation with the Election Authority, call upon the Panchayat Halqas to elect Panches.
- ii. As soon as the abovementioned notification is issued, the Election Authority will issue a notification in the Government Gazette under Rule 8 of the Panchayati Raj Rules 1996 appointing the programme for the various stages of the election viz. –
 - (a) the last date for making nominations, which shall be the 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 nominations, which shall be the day immediately following the last date for making nominations or, if that day is a public holiday, the next succeeding day which is not a public holiday;
 - (c) the last date for the withdrawal of candidatures, shall be the second day after the date for the scrutiny of nominations or, if that day is a public holiday, the next succeeding day which is not a public holiday;
 - (d) the date or dates on which a poll shall, if necessary, be taken, which or the first of which shall be a date not earlier than the thirty-fifth day after the last date for withdrawal of candidatures; and
 - (e) the date before which the election shall be completed.

5.3 Issue of public notice by the Returning Officer:

- i. Immediately after such notification, you are required to issue a public notice of the election in Form PEL-3 as appended to this Book. You are likely to be Returning Officer for about 30 Panch Constituencies, of more than one panchayat halqas, and one notice shall be issued in respect of each Panchayat Halqa for election to its Panch Constituencies. This principle of issuing a single notice for all Panch Constituencies in a Panchayat Halqa shall also be applied in respect of the publication of list of nominated candidates every day.
- ii. In the public notice, you have to specify, among other things, the name (s) of the Assistant Returning Officer(s) (hereinafter referred to as the Specified AROs) who will also receive nomination papers, in addition to you, and also the place(s) at which the nomination papers shall be received.
- iii. You are also required to indicate in the notice the day, time and place for the scrutiny of nominations as well as the day, time and place for the allotment of symbols.

5.4 The public notice shall be published in the following manner :

- i. It shall be in Form PEL-3 appended to this Handbook and shall be published on the same date on which the notification of election is published. This public notice can be issued even on a holiday including a public holiday, notified under section 25 of the Negotiable Instruments Act, 1881.
- ii. The notice shall be published in English and the Urdu languages. In case of Kathua,

- Samba, Jammu, Udhampur and Reasi, this notice shall be published in Hindi also.
- iii. The notice shall be published, in each of the above languages, on the notice board of your office, Panchayat Ghars, Patwar Khanas, etc. and at such other places as you may consider necessary, for giving wide publicity to it.

5.5 Public Holiday - Effect on Election Programme :

- i. The public notice in Form PEL-3 can be issued on a public holiday. However, nomination papers will not be received on that date. A candidate may present his nomination paper on the very day of the notice, or on any of the seven days following that day, unless any of these days is a public holiday.
- ii. In case the last date for making nominations or the date for the scrutiny of nominations or the last date for the withdrawal of candidatures is declared a public holiday under the Negotiable Instruments Act, 1881, due to some reasons after the issue of notification, the fact should be brought to the notice of the District Panchayat Election Officer and the Election Authority immediately. In such an event, the said date will be amended by the Election Authority, as necessary.
- iii. If the date fixed for the scrutiny of nominations becomes a public holiday under the Negotiable Instruments Act, 1881 the scrutiny will be held on the next succeeding day, which is not a public holiday.
- iv. Similarly, if the last date for making nominations or the withdrawal of candidatures becomes a public holiday the nomination papers or, as the case may be, notice of withdrawal of candidatures filed on the next working day should be accepted.
- v. You may bear in mind that the second or fourth Saturday of a month or all Saturdays of the month where these are observed as holidays for Government Offices, are not to be treated as “public holidays” under the Negotiable Instruments Act, 1881, unless the same are specifically declared as such holidays under that Act.

5.6 Assistant Returning Officers :

- i. Your Assistant Returning Officers can perform any of your functions subject to your overall control. **They are, however, not competent to hold scrutiny of any nomination** papers under rule 10 unless you are unavoidably prevented from holding such scrutiny yourself.
- ii. The Assistant Returning Officers should sign the papers as “Assistant Returning Officer” and not “for Returning Officer”.

5.7 Nomination Papers - Form of :

- i. The nomination of a candidate for election to the Panch Constituency / Halqa Panchayat shall be made in Form 1 appended to Panchayat Rules, 1996 (Appendix S-I appended to this handbook).
- ii. While supplying forms of nomination papers to intending candidates, you should also attach to that form a copy of the memorandum together with the proforma prescribed by the Election Authority as in Appendices M5 & M6 asking the candidates to furnish information regarding conviction.

5.8 Number of proposers for nomination :

Under the Panchayati Raj Rules, the nomination of a candidate at election to the Panch Constituency does not need any proposer.

5.9 Time and Place of filing Nomination Papers :

- i. Nomination papers may be presented either before you or before any of your Assistant Returning Officers specified by you in the public notice, on any of the notified days at the place or places specified in the notice at anytime between 11.00 and 3.00 P.M and not at any other hour on at any other place. If a candidate seeks to present a nomination paper either before 11.00 or after 3.00 p.m., you should not accept the nomination paper saying that under the provisions of the law neither the candidate has the right to deliver, nor the Returning Officer has the right to accept, a nomination paper outside the hours prescribed for the purpose. You may, however guide him about the time & day when he can file the nomination papers.
- ii. It may so happen that some intending candidates are physically present in the Returning Officer's office at 3.00 p.m. for presenting their nominations, but because of their large number and because of the reason that nominations are to be received

one by one, it may not be possible for you as the Returning Officer to physically receive all such nominations before 3.00 p.m. In such cases, you shall accept nominations of all intending candidates who are present in the office of the Returning Officer at 3.00 p.m. for filing nomination and treat these nomination papers to have been delivered within the prescribed time under the law. For this purpose, if considered necessary, you may close the entry to your office room exactly at 3.00 p.m. and distribute slips to those present at that time.

5.10 Who can file nomination Papers:

All nomination papers must be presented personally, either by the candidate or by his election agent duly authorized by the candidate in Form PEL-4, appended to this book and by no one else, at the office of the Returning Officer or of the specified Assistant Returning Officer, between 11 a.m. and 3 p.m. on any of the notified days other than a public holiday.

5.11 Number of nomination Papers:

A maximum of four nomination papers only can be presented by or on behalf of any candidate or accepted for election in the same constituency. You must ensure that no candidate files nomination paper for the same constituency in excess of this number.

5.12 Serial number of nomination Papers:

- i. Each Nomination Paper as soon as it is presented must be serially numbered by you or the specified Assistant Returning Officer receiving it, who must also note on the body of the nomination paper the exact time at which it was received by him. In view of the limitation on the number of nomination papers that can be delivered by a candidate, you should ask the Assistant Returning Officer who has been authorized by you to receive nomination papers to work in close collaboration with you.
- ii. When a number of nomination papers are delivered to you in a bunch, you must assign serial numbers to them in the order in which you deal with them one after the other.

5.13 Preliminary examination of nomination Papers:

- i. As each nomination paper is filed, you or the specified Assistant Returning Officer is required by law to examine it then and there from the technical standpoint. But you are not to hold any formal scrutiny of any nomination papers at this stage. Since the candidate is an elector in Panchayat Halqa assigned to you, you should compare the entries in the nomination paper with the entries in the electoral roll relating to the serial number and name of the candidate.
- ii. As aforesaid, legally, the responsibility for producing documentary evidence of registration as elector in the Panchayat Halqa rests entirely on the candidate. However, the Election Authority considers that, in order to reduce the scope of rejection of nomination papers on the above ground, every help must be provided to the candidate from the electoral rolls lying with the Returning Officer in ascertaining that the candidate is registered elector in the Panchayat Halqa.
- iii. Rule 9-C of J&K Panchayati Raj Act-1989 be referred to in respect of candidates belonging to Schedule Castes and Schedule Tribes.

5.14 Discrepancies and errors in electoral rolls:

- i. No misnomer or inaccurate description or clerical, technical or printing error in regard to the name of the candidate or any other person or in regard to any place mentioned in the electoral roll or the nomination paper and no clerical, technical or printing error in regard to the electoral roll numbers of any such person in the electoral roll or the nomination paper shall affect the full operation of the electoral roll or the nomination paper with respect to such person or place in any case where the description in regard to the name of the person or place is such as is commonly understood. You shall permit any such misnomer or inaccurate description or clerical, technical or printing error to be corrected and where necessary direct that any such misnomer, inaccurate description, clerical, technical or printing error in the electoral roll or in the nomination papers shall be overlooked. You have no power in law to allow any other error to be corrected.

5.15 Signatures of candidates in nomination Papers:

- i. The candidate is not required to write his name in full by way of signature. It is not

obligatory that the signature on the nomination paper should tally exactly with the full name of the person as printed in the electoral roll. If he adopts his usual form of signature e.g., one or more initial letters followed by the surname, it should be treated as valid signature for the purposes of filing the nomination papers.

- ii. If a candidate is unable to write his name to signify his signature then he may place a thumb impression mark in your presence. The Returning Officer / Assistant Returning Officer should attest the thumb impression mark as mark of that person on being satisfied as to his identity.

5.16 Receipt and notice of scrutiny and allotment of Symbols:

A printed form of receipt for nomination paper and a notice to the candidate of the date and time for scrutiny has been incorporated at the end of the nomination paper. Fill this in, detach the part from the body of the nomination paper and hand it over then and there to the person presenting the nomination paper by way of such receipt and notice.

5.17 Notice to Candidate for furnishing information about his conviction, if any:

- i. It has to be ascertained that a candidate filing a nomination has not been disqualified for being chosen at the election. Among other disqualification mentioned in Sec. 6 of Panchayat Raj Act, 1989, sub-section (i) of the said Act lays down the disqualifications on conviction for offences specified therein. As no list of such convicted persons is available with you, the Election Authority directs that every candidate filing his nomination paper must be asked to furnish information required by you for determining the validity or otherwise of the nomination of the candidate, at the time of filing of nomination papers in the proforma as given in Appendix. Each candidate must furnish that information to you before the date and time fixed for the scrutiny of nominations. Further, such information in the prescribed proforma must be duly supported by an affidavit, in the form given in Annexure M6 and sworn before a Magistrate of the first class or Oath Commissioner or a Public Notary. In order to ensure that the required information is furnished by the candidate who has not done so, you should, as soon as a nomination paper is presented, hand over to the candidate or his agent presenting the nomination paper a memorandum in the form given in Appendix M6a, signed by you and asking him to do the needful immediately and positively before the date and time fixed for the scrutiny of nominations. You must obtain a receipt from the candidate or the said agent in acknowledgement of the receipt of that notice.
- ii. Similar action should be taken by the specified Assistant Returning Officer, if the nomination paper is presented to him.
- iii. In fact, it would be very helpful if a copy each of the above mentioned memorandum, proforma for submission of the required information (Appendix M5) and the form of affidavit (appendix M-6) is attached to each form of nomination paper, which is supplied to an intending candidate, so that the required information is furnished by him along with his nomination paper itself. Where, however, the candidate has not so furnished the requisite information along with his nomination paper, you should proceed to obtain that information in the manner instructed in sub-para (i) above.

5.18 Oath of affirmation by candidates:

No oath form is required to be signed by the candidate at the time of filing of the nomination papers for contesting the Panchayat election.

5.19 Notice of nominations:

- i. After 3 p.m., on each day between the date of notification and the last date for making nominations, both days inclusive, publish on your notice board a notice of the nomination papers presented before you on that day in PEL- 7 appended to this book. Your Assistant Returning Officer should also do the same in respect of the nomination papers presented before him at the end of each day.
- ii. If more nomination papers than one have been presented before you in respect of the same candidate, notice must be given of all of them.
- iii. A copy of this daily notice should be forwarded to you by the Assistant Returning Officer on a daily basis so that you may be aware of the latest position in the constituency as a whole.

5.20 Security Deposits:

- i. Under the Panchayati Raj Rules, every candidate at an election to Panch/Chairman Block Development Council must make a security deposit of Rs.100/- (One Hundred).
- ii. A candidate belonging to a Scheduled Caste/Scheduled Tribe or a woman Candidate is required to make a security deposit of only half of the amount mentioned above.
- iii. Every candidate presenting a nomination paper must make the deposit either in cash or through Bank Draft of the appropriate sum with you. A receipt in proof of the deposit must be enclosed with the first nomination paper presented on behalf of the candidate, in the proforma appended to this handbook.
- iv. A candidate who is a member of Scheduled Caste or Scheduled Tribe is, entitled to make the concessional amount of deposit specified above. But the candidate to be eligible to deposit the concessional amount must satisfy you that he is a member of a Scheduled Caste or a Scheduled Tribe. (*Refer to -Rule 9-C of J&K Panchayati Raj Act-1989 for candidates belonging to Schedule Castes and Schedule Tribes.*)
- v. The amounts of deposits received by you should be credited to a current account to be opened by you in the nearest branch of a Nationalized or a Scheduled Bank. You must maintain a proper record of deposits received indicating name of candidate, amount and the date of deposit.

5.21 One deposit sufficient for each constituency:

- i. One deposit is required from each candidate in respect of his candidature in a constituency and once such a deposit has been made and the receipt enclosed with his first nomination paper, the candidate is not required to make any other deposit in respect of subsequent nomination papers which may be presented on his behalf in that constituency.
- ii. A candidate must, however, make a separate deposit in respect of each different constituency in which he files nomination papers.

5.22 Transmission of Nomination Papers by Specified Assistant Returning Officer :

Instruct Specified Assistant Returning Officer to forward to you, for further necessary action at your end all the nomination papers received by him as also all other papers connected therewith, every day after time of filing of nomination is over. In any case, all such papers should reach you latest of 7 p.m. of the last day for making nominations.

5.23 Intimation by political parties about their authorized candidates :

The question whether a candidate has been set up by a recognized National or State party becomes relevant at the time of scrutiny of nomination papers when the elections are held on party basis .The Election Authority directs that all political parties, whether recognized or registered unrecognized must send their intimations in regard to the candidates set up by them to the Returning Officers not later than 3.00 P.M on the last date for making nominations. Accordingly, you shall accept only those intimations from the political parties, in Forms PEL-A and PEL-B prescribed by the Election Authority vide Allotment of Symbol Orders for Panchayat Elections, 1998 (Appendices M1 & M2) for the purpose which are received by you latest by 3.00 p.m. on the last date for making nominations. Any intimation received by you thereafter shall not be taken into consideration for any purpose.

5.24 Maintenance of account of election expenses by candidates from the date of Nomination:

- (i) The Election Authority prescribes the ceilings for incurring the expenditure by each of the contesting candidates. In effect, every candidate or his election agent has to keep a separate and correct account of such expenditure from date on which he has been nominated as a candidate till the date of declaration of result.
- (ii) As soon as a candidate files his nomination paper a Register (Appendix M-4) duly numbered along with the letter for keeping/maintaining as given in Appendix M-3 be handed over to the candidate for complying with these directions and obtain his receipt in this regard.
- (iii) Scrutinize these registers at regular intervals as prescribed by the Election Authority.

5.25 Preparation of Consolidated list of nominated candidates :

- i. Immediately after 3.00 p.m. on the last date for making nominations, or as soon as

possible after you have received all the nomination papers from the specified Assistant Returning Officer(s), you should prepare a consolidated list of all the nomination papers, presented either before you or before the specified Assistant Returning Officer(s). Such consolidated list of nominated candidates shall be prepared in Form PEL-8.

- ii. If more nomination papers than one have been presented in respect of the same candidate, it is sufficient to include the name of that candidate in the list only once.
- iii. Send one copy of this list to the District Panchayat Election Officer by the fastest means of communication, marked "Election Immediate".

CHAPTER – VI

SCRUTINY

6.1 Scrutiny of nominations by Returning Officer :

- i. The scrutiny of the nomination papers should be done by you and not by any of the Assistant Returning Officers. The only exception to this mandatory requirement is when you are unavoidably prevented from doing so, in which case one of the Assistant Returning Officers authorized by you in this behalf can do the scrutiny. Such exceptions, should, however be extremely rare. If it happens unfortunately in your jurisdiction and you have to delegate this duty unavoidably, it would be safe to record immediately the unavoidable reasons for such delegation as also your written authority in favour of one of your Assistant Returning Officers by name.
- ii. Since you will be Returning Officer for more than one Panchayat Halqa, you may be required to scrutinize large number of nominations on the same day. You must therefore fix different timings with a gap of minimum half hour for the scrutiny of nominations of candidates from different Panchayat Halqas so that there is no clash of timings and rush of people is avoided. Thus the timing could be 9 a.m. to 10.30 am, 11.30 a.m. to 12.30 pm, 1.00 p.m to 2.30 p.m., 3.00 p.m to 4.30 p.m.
- iii. You will notify the same time for the scrutiny of nominations in respect of all constituencies within a Panchayat Halqa but conduct the scrutiny in a serial order.

6.2 Persons to be admitted:

On the day and at the hour fixed for the purpose, take up the scrutiny of the nomination papers. Only candidates or their election agents are entitled to be present at the scrutiny of nomination papers.

6.3 Examination of nomination papers by candidate, etc.:

- i. If any candidate or his election agent desires to examine any of the nomination papers or the accompanying documents, allow him all reasonable facilities for doing so.
- ii. You must also inform all present whether all candidates have furnished the requisite information in the prescribed Proforma duly supported by affidavit. In case any candidate has failed to furnish the required information duly supported by affidavit, his name should be announced for the information of all present. They should also be permitted to inspect all proforma and affidavits filed by the candidate. In fact, an adequate time at the beginning of the day may be conveniently set apart for this purpose.

6.4 All nomination paper to be scrutinized:

- i. You should then take up nomination papers one after another and scrutinize them. If more than one nomination paper have been presented by or on behalf of one candidate, you should take them up together and scrutinize them one after another. In case there is any minor error in anyone of the nomination papers of a candidate in regard to particulars, such as, part number, name, serial number etc., of the electoral roll, it can be made up with correct particulars given in another nomination paper of the same candidate. All the nomination papers, whether presented to you or to the Specified Assistant Returning Officer, must be scrutinized by you. Merely because one or more nomination papers of a candidate have been already found valid by you, it would not be correct or legal to pass over other nomination papers of the candidate without scrutiny.

6.5 Objections and summary inquiry-reasons to be recorded in every case of objection or rejection :

Even if no objection has been raised to a nomination paper, you have to satisfy yourself that the nomination paper is valid in law. If any objection is raised to any nomination papers you will have to hold a summary inquiry to decide the same and to treat the nomination paper to be either valid or invalid. Record your decision in each case giving brief reasons particularly where an objection has been raised or where you reject the nomination paper. The objector may be supplied with a certified copy of your decision accepting the

nomination paper of a candidate after overruling the objections raised by him, if he applies, for the same. Your decision may be challenged later in an election appeal and so your brief statement of reasons should be recorded at this time.

6.6 Presumption of validity :

There is a presumption that every nomination paper is valid unless the contrary is *prima facie* obvious or has been made out. In case of a reasonable doubt as to the validity of a nomination paper, the benefit of such doubt must go to the candidate concerned, and the nomination paper should be held to be valid. Remember that whenever a candidate's nomination paper is improperly rejected and he is prevented thereby from contesting the election, there is a legal presumption that the result of the election has been materially affected by such improper rejection and the election will therefore be set aside. There is no such legal presumption necessarily in the converse case where a candidate's nomination has been improperly accepted. It is always safer, therefore, to be comparatively more liberal overlooking minor technical or clerical errors.

6.7 Scrutiny a quasi-judicial duty :

While holding the scrutiny of nomination papers, you are performing an important quasi-judicial function. You have, therefore, to discharge this duty with complete judicial detachment and in accordance with the highest judicial standards. You must not allow any personal or political predilections to interfere with the procedure that you follow or the decision you take in any case. Fairness, impartiality and equal dealing with all candidates are expected of you by law. You must also depose yourself in such a manner that it would appear to all concerned that you are following this high code of conduct. Even if a candidate or his agent is difficult or cantankerous, you must exercise courtesy and patience but at the same time, you have to be firm so that your task may be accomplished in a prompt, orderly and businesslike manner.

6.8 Crucial date for determining qualification and disqualification :

- i. The qualification or disqualification of a candidate should be related to the date fixed for scrutiny of nominations. This is sometimes material e.g. in regard to the age of a candidate or in regard to being an elector in a constituency or in regard to the subsistence of contract with Government etc. in deciding whether a person is qualified or disqualified to contest the election. You should, therefore, see whether the disqualification subsists on the date fixed for scrutiny.
- ii. Sec. 6 & 39 of Panchayati Raj Act, 1989 deal with qualifications and disqualification for membership of Panchayats. You should carefully study these provisions and also those of Registration of Electoral Rolls.

6.9 Grounds, which are insufficient for rejection of nomination paper :

- i. Do not reject any nomination paper on the ground of any defect, which is not of a substantial character. Any mistake or error of a technical or clerical nature should therefore be ignored by you.
- ii. You may also note that the failure to complete, or any defect in completing a declaration regarding symbols in the nomination paper is not a defect of a substantial character.
- iii. Also, a nomination paper should not be rejected for the only reason that none out of candidate or election agent was present at the time of scrutiny of nomination; it should be accepted or rejected on merits, taking all the available material into account.
- iv. On no occasion should the nomination paper be rejected on flimsy grounds, e.g. for mistakes made in the nomination paper regarding (a) the year of election, or (b) the exact name of the constituency (c) the description of an electoral roll number, or (d) the choice of symbols or (e) some discrepancy between the age name, or other particulars of the candidate as given in the nomination paper and in the electoral roll and so on. Such unjustifiable and improper orders of rejection on technical grounds can lead to unnecessary litigation and should be avoided. Such improper rejections should not occur and it is upto you to interpret the provisions of the law intelligently and with commonsense. Do not, therefore, reject any nomination paper for such technical or clerical errors or discrepancies. Most of them can and should be directed

by you to be set right at the time of the presentation of the nomination paper. It would, therefore, be very undesirable if you fail at the proper stage to help a candidate by exercising your powers and discretion and later at the time of scrutiny you reject his nomination paper on the ground of those very defects which could have been set right at the time of receiving nominations.

6.10 Grounds for rejection of nomination paper :

- i. You must reject a nomination paper, if-
 - a) the candidate is clearly not qualified in law to be a Panch as per section 6 of Panchayati Raj Act, 1989 ;
 - b) the candidate is not enrolled as an elector in the Panchayat halqa ;
 - c) the candidate is not a permanent resident of the State ;
 - d) the candidate has not attained the age of **21 years** on the date of scrutiny ;
 - e) the candidate is of unsound mind and stands so declared by the competent court ;
 - f) the candidate is clearly disqualified in law to be such member ;
 - g) the nomination paper has been delivered before 11 a.m. or after 3 p.m. or any of the days notified for making nomination ; or
 - h) the nomination paper has been delivered to you or to your specified Assistant Returning officer by a person other than the candidate himself or his agent.
 - i) the nomination paper has been delivered at a place other than that specified in the public notice ; or
 - j) the nomination papers have been delivered to a person other than yourself or your Assistant Returning Officer, specified by you in this behalf ; or
 - k) the nomination paper is not substantially in the prescribed form ; or
 - l) the nomination paper has not been signed by the candidate ; or
 - m) the proper deposit has not been made ; or
 - n) the candidate does not belong to the Scheduled Caste or the Scheduled Tribe and he has filed nomination paper with concessional rate of security deposit.
- ii. You should invariably record the reasons for rejecting a nomination paper on the spot and supply certified copies of the order immediately, in cases where all the nomination papers filed by a candidate have been rejected by you. This may be done even in the absence of an application from him and without payment. Where one of the nomination papers of a candidate is accepted by you, in that case, you shall supply a certified copy of your order rejecting the other nomination paper(s) to the candidate, if he applies for it.
- iii. Nomination paper filed by a candidate claiming to have been set up by a recognized National or State party will be treated as having been filed by an independent candidate, if a notice in writing to that effect has not been delivered to the Returning Officer of the constituency and the D. P. E. O. of the District by an authorized office bearer of that political party by 3.00 p.m. on the last date for making nominations (in forms PEL A and PEL B prescribed by the Election Authority).
- iv. If a candidate has filed more than one (but not more than four) nomination papers - some as candidate set up by a recognized political party and the others as candidate set up by an un-recognized political party or as an independent candidate in case the nomination paper filed as a candidate of a recognised political party is rejected on the ground of the non-receipt of the said notice in Forms PEL'A' and PEL 'B' by 3.00 p.m. on the last date for making nominations from the concerned recognised political party, any or all other nomination papers will be accepted if the same are otherwise found valid on scrutiny. In such a case, he would be deemed to be a candidate set up by an Unrecognised party, if such party has sent notices in Forms PEL'A' and PEL'B' by 3.00 p.m. on the last date for making nominations and otherwise as an independent candidate.
(In such event, the choice of symbols in the nomination paper first delivered to the Returning Officer by that candidate or on his behalf will only be considered whether that nomination paper is accepted or rejected during scrutiny.)
- v. If a candidate has filed one nomination paper with both parts I and II thereof filled

and he fails to bring notice in Forms PEL 'A' and PEL 'B' from the authorized officer-bearer of the concerned political party, the nomination paper may be accepted if part II is properly filled.

- vi. If nomination papers of a candidate, one nominating him as a candidate set up by a recognised political party and the other as an independent candidate, are accepted, he may be deemed to be a candidate set up by a recognised political party.

6.11 Adjournment of hearing of objection :

If a candidate to whose nomination paper an objection has been taken applies for time to rebut such objection, you should adjourn the hearing of the objection till the next day or the day after that, but not beyond 11.00 a.m. on that day. The scrutiny of all other nomination papers must, of course, be completed on the day of scrutiny, notwithstanding such adjournment in respect of one or more nomination papers. If the day next is holiday, the hearing should be completed before 11 a.m. on the day fixed for withdrawal of candidatures.

6.12 List of validly nominated candidates :

When the scrutiny has been completed, draw up a list of the validly nominated candidates, in PEL 9 appended to this book. There will be one entry only in respect of each validly nominated candidate in the list, although more nomination papers than one in respect of him may have been accepted as valid by you. Do not enter name of a candidate in this list if none of his nomination papers has been found valid on scrutiny.

6.13 Correction in the names of candidates :

- i. Some time candidate's names are not correctly spelt in the ballot paper. In order to avoid such complaints, each candidate or in his absence his election agent may be required to give in writing the correct spelling of the name of the candidate in each of the languages in which the ballot papers are to be printed, either at the time of filing the nomination or immediately after the scrutiny of nominations is over or at the time of the allotment of symbols.
- ii. If a candidate considers that his name is incorrectly spelt or is otherwise incorrectly shown in his nomination paper or is different from the name by which he is popularly known, he may, at any time before the list of contesting candidates is prepared, furnish in writing to you the proper form and spelling of his name and you shall, on being satisfied as to the genuineness of the request make the necessary correction or alteration in the list in Form PEL-9 and adopt that form and spelling in the list of contesting candidates.

6.14 Arrangement of names in list of validly nominated candidates, etc. :

- i. The names in the list of validly nominated candidates and list of contesting candidates and also on the ballot papers have to be arranged alphabetically in **Urdu Language**.
- ii. You will determine the arrangement of the names of candidates in alphabetical order in the list of validly nominated candidates, the list of contesting candidates and also in ballot papers on the basis of the first letter of his name irrespective of whether the name given is the first name or surname. The initials, if any, prefixed to the name of a candidate should be ignored for the aforesaid purpose. Thus in the case of candidate giving his name as T.K.Rattan, the place of that candidate, according to alphabetical order in the relevant category should be determined with reference to the letter R and not T. However, if two candidates in the same category have the same name but different initials, for example P.S.Kumar and T.K.Kumar, the two names should be arranged inter se with reference to the first letter of the initials. Further, if two or more such candidates have the same name but different surnames, then their names should be arranged inter se in alphabetical order with reference to the surnames.
- iii. 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. In such cases, the arrangement of names of those candidates if falling under the same category in the list of validly nominated candidates and contesting candidates and in the ballot paper will be with reference to the distinguishing names of the candidates.
- iv. There will also be no objection to the addition of any honorific, academic, hereditary, professional or any other title to the name of a candidate, but such title should on no account be taken into consideration, in the arrangement of names in alphabetical

- order in the lists of validly nominated candidates.
- v. Arrange the names of the candidates in the list of validly nominated candidates alphabetically according to Urdu language.
 - vi. Send two copies thereof to the DPEO/ B.D.O/ Officer nominated by DPEO by fax, e-mail or any other means of quick communication.

CHAPTER – VII

WITHDRAWAL OF CANDIDATURES

7.1 Notice of Withdrawal :

- i. Any candidate may withdraw his candidature by giving you a notice under his signatures in Form 2 prescribed in rule 12 and delivered before 3 O'clock in the afternoon of the last date fixed for such withdrawal. Any withdrawal after that hour is invalid and has no legal effect. Every notice of withdrawal must be delivered to you by (i) the candidate, or (ii) his election agent. The said election agent must, however, have been authorised in writing by the candidate to deliver the notice of withdrawal on his behalf. If there is no such authority or if the person so authorised by the candidate is not his election agent, the withdrawal is of no effect and must be ignored.
- ii. The Election Authority views that a candidate may give notice of withdrawal only after the scrutiny of nominations is over. Such notice can be given on the date of scrutiny after the scrutiny is over or on the next day, if it is not a public holiday, or on the second day after the date of scrutiny and if the second day is a public holiday, then on the next succeeding day which is not a public holiday.
- iii. The notice of withdrawal can be delivered before 3 O'clock in the afternoon of the last date fixed for the withdrawal of candidature. On the day of scrutiny of nominations and the next day, if it is not a public holiday, such notices can be delivered during the normal working hours of the RO's Office.

7.2 Receipt for Withdrawal :

Form 2 contains in its bottom portion a receipt, which you have to fill in and hand over to the person who delivers the notice of withdrawal to you. Detach the receipt portion from the body of the form and hand it over to that person then and there. Also fill in the other particulars in the notice of withdrawal below the signature of the candidate. This document will be your record of the withdrawal.

7.3 Valid withdrawal not to be cancelled :

Once a candidate has validly withdrawn, he cannot be allowed to cancel such withdrawal and continue as candidate (see rule 12).

The security deposit shall be refunded to the candidate on the withdrawal of his candidature under sub-rule 1 of rule 12.

7.4 List of contesting candidates :

- i. Immediately after 3 P.M. on the last day fixed for withdrawal of candidatures, draw up a list of contesting candidates in alphabetical order. The alphabetical order shall be determined with reference to name of candidate, one or more of whose nomination papers were found by you to be valid and who have not withdrawn their candidatures (such a list should be prepared in Form PEL 10).
- ii. In the list of contesting candidates, you have to mention the party affiliation, if any, of each candidate and the symbol allotted to him. Detailed instructions are given in the following chapter regarding the allotment of symbols to candidates. Study those instructions carefully and apply them meticulously while allotting symbols to candidates.
- iii. Immediately after the preparation of the list of contesting candidates cause a copy of the list to be affixed in some conspicuous place in your office.
- iv. Inform the District Panchayat Election Officer immediately through a special messenger the names of the contesting candidates and the symbol allotted to each of them. Remember, any delay may seriously affect the programme for printing of ballot

papers.

- v. It is necessary to prepare the list of candidates even in the case of uncontested election. But to avoid confusion, the words 'elected unopposed' be written in the column of symbols.

7.5 Safe deposit of papers relating to Nominations, Scrutiny and Withdrawal of Candidatures with the District Panchayat Election Officer :

All election papers and proceedings relating to nominations, scrutiny and withdrawal of candidatures for an election in each constituency should be put together in a packet or envelope separately for every constituency which should be sealed with your seal and sent to the District Panchayat Election Officer for safe custody after the declaration of the result of the election is made. The name of the constituency and a brief description of its contents should be noted on the packet or envelope for ready reference. You should however retain one copy of each of the following documents for use subsequently :—

- (a) List of validly nominated candidates (PEL-9)
- (b) List of contesting candidates (PEL-10)
- (c) Record of security deposits made by the candidates

7.6 Attention of candidates to be invited to law relating to corrupt practices & electoral offences:

For the sake of purity of elections and for the guidance of the contesting candidates, you should draw attention of the contesting candidates by a notice in writing to the provisions of the model code of conduct and told that they should observe the code in letter and spirit. The above notice may be issued to the contesting candidates immediately after the last date fixed for the withdrawal of candidature.

7.7 Appointment, revocation of appointment of election agents:

- i. Note that under the law, it is not necessary for a candidate to appoint an election agent at the time of filing of his nomination paper such appointment may, if the candidate so desires, be made at any time he likes or not at all. In other words, the appointment of an election agent has, in the first place, been made optional and secondly, has been made independent of the nomination. Every such appointment has to be made by a formal communication by the candidate sent to you in Form PEL-4 in duplicate. Return one copy thereof to the election agent after affixing thereon your seal and signature in token of your approval of the appointment.
- ii. A candidate may revoke the appointment of Election agent at any time by a letter, which is to be lodged with you in order to take effect. If an election agent's appointment has been revoked or if he dies, the candidate may appoint another election agent in his place.

7.8 Specimen signatures of candidate and his election agent:

In order to prevent any malpractice at polling stations by unscrupulous persons pretending to be polling agents appointed by the candidates or their election agents, you should obtain and circulate the specimen signatures of the candidates and their election agents to each Presiding Officer, so that the Presiding Officers are in a position to verify the signatures of candidates/their election agents on any form or document presented on their behalf.

CHAPTER – VIII

UNCONTESTED ELECTION

(Rule 14 of J&K Panchayati Raj Act -1989 & Panchayati Raj Rules-1996)

8.1 Unopposed returns:

- i. If in any constituency there is or remains only one contesting candidate after the last hour fixed for withdrawal of candidatures is over, declare that candidate to have been duly elected immediately after the last hour for withdrawal of candidatures. In that event, a poll is not necessary.
- ii. *Form of declaration:* Returning Officer shall declare the result of such uncontested election under rule 14 (1) of J&K Panchayati Raj Rules, 1996 in **Form PEL 16 (appendix N-14)** and obtain from the candidate an acknowledgement of its receipt duly signed by him. It is essential that this acknowledgement is signed by the candidate himself and his signature is attested by the RO personally before dispatch.

8.2 Report of result of uncontested election:

- i. Report the result of such uncontested election by sending a signed copy of your declaration to –
 - a. the Election Authority ;
 - b. the Director Rural Development, Jammu/ Kashmir ;
 - c. District Panchayat Election Officer.
- ii. The date to be given in the declaration should be the date on which the result of the election is declared and not the date on which the declaration is dispatched. Even if an occasion arises when you have to rectify some error in your original declaration, there should be no change in that date which should continue to be the date on which the result was declared.

CHAPTER – IX

ALLOTMENT OF SYMBOLS

9.1 Approved election symbols:

- i. The Election Authority has issued an order (*Appendix M-8*), relating to specification, reservation and allotment of symbols.

9.2 Choice of symbols by candidates:

- i. Whenever Panchayat Elections are held on party basis, a candidate sponsored by a National or State Party and shall be allotted only the symbol exclusively reserved for that party and no other symbol.
- ii. The candidate other than recognized political parties shall choose three symbols in order of preference from out of the list of free symbols specified by the Election Authority and indicate such preference in the nomination paper.
- iii. If a candidate is declared as an Independent Candidate for not getting the formal sponsorship from the political party of which he claims to be a candidate at the time of filing of nominations (see para 6.9 (iii) of Chapter VI then the candidate will have the option to indicate his choice of symbols through an application on plain paper addressed to the Returning Officer. Such an application should be submitted before 3 P.M. on the day of withdrawal of candidature.
- iv. If the candidate fails to indicate his choice as per the provisions of the preceding subparagraph then the Returning Officer will have the discretion of allotting a symbol to such a candidate.

9.3 Choice of symbols in first Nomination paper by a candidate to be considered:

- i. You are to consider only the choice of symbols made by a candidate (other than a candidate set up by a National or State Party) in the nomination paper first delivered to you by him or on his behalf whether that nomination paper is accepted or rejected by you during scrutiny. No choice of symbols made by him in subsequent nomination paper is of any value.
- ii. In the case of candidates set up by National or a State party, the choice of party's symbol indicated by such candidate given in his subsequent nomination papers may be considered by you, if all other requirements mentioned in Para 8.4 G below are satisfied in his case.
- iii. You should also follow the clarifications given in Para 6.10 (iii, iv, v & vi) of Chapter VI while allotting symbols to candidates deemed to have been set up by recognized National and State Parties or registered Unrecognized parties and as independent candidates in accordance with those clarifications.

9.4 Allotment of symbols to candidates:

According to law, in every contested election a symbol shall be allotted to each contesting candidate in accordance with the provisions of the Panchayat Elections Symbols (Reservation & Allotment) Order 1998 reproduced in Appendix M-8. Different symbols shall be allotted to different contesting candidates at an election in the same constituency. From the Symbols Order, referred to above you will find that:

- A. In the first place, there are two categories of symbols, namely:
 - i. reserved symbols ; and
 - ii. free symbols.
- B. In the second place, a "reserved symbol" means a symbol reserved for a recognized (National or State) party and a "free symbol" means a symbol other than a reserved symbol.
- C. In the third place, a National Party or State Party will have the same meaning as specified in the Election Authority's Notification issued under Para 12 of the Symbol's Order.
- D. In the fourth place, a candidate set up by a National or State Party shall choose in his nomination paper and will be allotted by you only the reserved symbol of that party and no other symbol. This means that if he has been set up by a National or State

- Party, then, in his nomination paper, he can choose only the symbol reserved for that party and no other symbol. This also implies that from any constituency only one candidate can be set up by a National or State Party.
- E. In the fifth place, a reserved symbol shall not be chosen by or allotted to, any candidate in any constituency other than a candidate set up by a National Party for whom such symbol has been reserved or a candidate set up by a State party for whom such symbol has been reserved in J&K State, even if no candidate has been set up by such National or State Party in that constituency.
- F. In the next place, candidate not set up by a National or State Party can make a choice of symbols in their nomination papers only out of the free symbols notified by the Election Authority and no other symbol.
- G. In the next place, a candidate shall be deemed to be set up by a political party whether recognized as National or State Party or a registered unrecognized party if and only if—
- i. the candidate has made a declaration to that effect in any of his nomination papers ;
 - ii. a notice in writing to that effect has, not later than 3 p.m. on the last date for making nomination, been delivered to you ;
 - iii. the said notice is signed by the President, the Secretary or any other office bearer of party and the President, Secretary or such other office bearer is authorized by the party to send such notice ; and
 - iv. the name and specimen signature of such authorized person are communicated to the Returning Officer of the constituency and the District Panchayat Election Officer of the district not later than 3.00 p.m. on the last date for the withdrawal of candidatures.
- H. Specimen signatures under clause (iv) of sub-para (G) above of the office bearers of each political party, who are authorized to send the notice referred to in clause (ii) and (iii), should be furnished to you by the political party concerned in Form PEL-A prescribed by the Authority for the purpose which is reproduced in Appendix M-1. Printed, cyclostyled and photocopies of aforesaid Form PEL-A may be used by political parties but these must bear the signature in ink of the authorized office bearer of the political party. Facsimile signature shall not be accepted. Similarly, Fax copies of such Forms are also not acceptable.
- I. For the purposes of clauses (ii) and (iii) of sub paragraph (G) above, person(s) authorized by the party shall send to you individual notice (authorization letter) in Form PEL-B prescribed by the Election Authority for the purpose, (Appendix-M2) Printed, cyclostyled and photocopies of Form PEL-B may be used by political parties, but these must be signed in ink by authorized office bearer(s) of the political party concerned. Fax copies of such Forms are not acceptable.
- N.B.** The notice in Form PEL-A and Form PEL-B must reach you not later than 3 p.m. on the LAST DATE FOR MAKING NOMINATIONS. The presentation of these Forms to the DPEO alone will not be treated as compliance with the rules. It shall be the responsibility of the candidate or the political party concerned to ensure that the documents reach the Returning Officer in time. However, the submission of these Forms to you within the prescribed time will be considered as substantial compliance of the legal requirements, even if the same have not reached the DPEO.
- J. Political parties permitted to either cancel the authorization in Form PEL-B given in favour of one candidate or change such authorization by substituting name of their candidate subject to following conditions namely:
- i. Subsequent authorization cancelling or substituting the earlier authorization in Form PEL.-B is received by the DPEO and the Returning Officer of the constituency concerned not later than 3.00 p.m. on the last date for making nomination ;
 - ii. such subsequent authorization in Form PEL-B is signed by the same authorized office bearer and is unambiguous and clearly shows that it either cancels or substitutes the earlier authorization, as the case may be ;
 - iii. the Returning Officer is satisfied about the genuineness of subsequent

- authorization ; and
- iv. the candidate in whose favour subsequent authorization has been given has already made a declaration in his nomination paper that he has been set up by the said political party.
- K. If a political party submits authorization in Form PEL-B in respect of more than one candidate for the same constituency, then the Returning Officer shall treat all such candidates as independents unless the authorization in respect of all candidates but one has been cancelled in the manner described in sub-para (J) above.
 - L. The symbol Order does not recognize electoral alliances, which are often entered into by political parties. Therefore, a registered or recognised political party should not be allotted by you any reserved symbol of another recognised political party even with the consent of such latter party with whom it has entered into an electoral alliance for the purpose of contesting an election. You should be strictly guided by the provisions of the Symbols Order in all cases of allotment of symbols to candidates set up by political parties.
 - M. Where a candidate had not made a declaration in any of his nomination papers that he has been set up by a particular Political Party, he shall not be deemed to have been set up by that party even if that party gives you intimation to that effect in Form PEL-A and PEL-B, and he shall not be allotted the symbol reserved, if any, for that party.
 - N. Similarly, if a candidate has made a declaration in his nomination paper that he has been set up by a particular political party but that party sets up some other candidate, he shall not be deemed to have been set up by another political party even if such latter party wishes to adopt him, unless that candidate has filed within the prescribed time another nomination paper in which he has made a declaration to have been set up by the latter party.
 - O. Where any free symbol has been chosen by only one candidate at such election, you will allot that symbol to that candidate and to no one else.
 - P. Where the same free symbol has been chosen by several candidates at such election, then, if of those several candidates only one is a candidate set up by a registered unrecognized political party that is to say by a party which is registered with the Election Commission of India as a political party, but not recognized as a National or State party and all the rest are independent candidates, you will allot that free symbol to the candidate set up by the registered political party and to no one else, and if of those several candidates two or more are set up by different registered political parties and the rest are independent candidates, you will decide by a draw of lots as to which of the two or more candidates setup by the different registered political parties that free symbol to be allotted and to no one else.
 - Q. If the same free symbol has been chosen by a number of independent candidates that is to say by candidates who are not sponsored by any of the recognized or registered political parties the allotment shall be made by draw of lots. The allotment of symbols to candidates who do not get the symbol as per their first choice in the process of draw of lots would be allotted symbols according to their next choice subject to availability after decisions of allotment of symbols as per first choice exhausted. Further in case of multiple claims on the basis of second choice the process of draw of lots will be followed.

9.5 Incorrect allotment of symbols:

The allotment of a symbol made by you to a candidate shall be final except where it is inconsistent with any direction issued by the Election Authority in this behalf in which case the Election Authority may after considering the recommendations of the District Panchayat Election Officer revise the allotment in such manner as it thinks fit. You should, therefore, ensure that no mistake occurs in allotting symbols. You may also refer to allotment order for further guidance in the matter especially in regard to procedure to be followed while dealing with registered unrecognized parties.

9.6 Revision of symbols:

- i. Where the allotment of any symbol has been revised by the Election Authority, you should revise the list of contesting candidates accordingly by amending such list suitably in respect of candidates in whose cases the Election Authority has decided to revise the symbols already allotted by you. If the earlier list has already been published such revised list should again be published and copies furnished to each contesting candidate.
- ii. As soon as the work of allotment of symbols is over, the Returning Officer shall publish a list of contesting candidates and the symbols allotted to them in Form PEL-10, the names to be written in alphabetical order in terms of rule 13 of the Rules. The instructions contained in Para 6.14 in Chapter VI of this handbook shall apply for preparation of the list of contesting candidates also.

CHAPTER – X

BALLOT PAPERS

10.1 Ballot papers:

After the withdrawal of candidatures and the publication of the list of contesting candidate/s, the stage of preparation for the actual conduct of elections begins. This stage is very crucial. Extra care and planning for conduct of poll is very essential. The minimum interval between the last date for withdrawal of candidatures and the first day of poll is about 15 clear days. The ballot paper will have to be printed and distributed to the various Returning Officers by the DPEO within this short period at the District Headquarters.

10.2 Postal Ballot Papers – Not to be issued:

In terms of rule 17, sub-rule (4), every vote shall be cast by the elector in person and not by proxy or by post. As such no postal ballot papers are required to be printed and dispatched to any elector.

10.3 Form and Language of Ballot Paper:

- i. Under rule 20 of the Panchayati Raj Rules, 1996 the ballot papers for election of Panches shall be in such form and the particulars therein shall be printed in such language or languages, as the Election Authority may direct.
- ii. The ballot paper for an election of Panches shall be prepared as indicated below :
Every ballot paper shall have the counterfoil attached to it. The counterfoil shall be at the top of ballot paper and its depth shall not ordinarily exceed 60 mm. The particulars on the counterfoils shall be printed in English only and the counterfoil shall contain the following :—
 - space for stitching at the top center of the counterfoil ;
 - a shaded border of 3 mm below stitching space of the counterfoil ;
 - the particulars of the election as mentioned in sub-para (iv) be printed immediately below the shaded border;
 - The word “Electoral Roll Part No.” and “Serial No. of Elector”, be printed one below the other on the left hand side ;
 - Serial No. of the ballot paper on the left hand side on the front ;
 - Place for signature or thumb impression of elector just above the words “Signature/thumb impression,” on the right hand side ;
 - one block of lines of 4 mm with a perforated rule/disjoined straight line below, separating the ballot paper from the counterfoil.
- iii. The front face of the ballot paper will contain only the name and particulars of the constituency and the election, the names of the contesting candidates and the symbols of the candidates. The particulars of the constituency will be printed in the first shaded area and will contain the Serial No. and the name of the Panch constituency, as the case may be, as given in the Delimitation of constituencies order. The year of election will also be printed. For writing the particulars of Election abbreviation as Pyt. Elect-2018 can be used. For writing particulars of constituency on the front of ballot paper the code of district followed by S.No. of Panchayat Halqa, name of the Panchayat Halqa and Roman S.No. of Panch Constituency be printed. For example in case of Panch Constituency No. II of Smailpur Panchayat Halqa serialized at No. 1 in District Jammu the following be printed :—

“Pyt- Elec-1999-JM-Smailpur-II”

A specimen ballot paper has been given in Appendix M-9

- iv. Serial number of the ballot paper shall be printed on the left-hand side and shall be in one of the shaded areas as may be convenient.
- v. The width of the ballot paper will be between 80 mm to 100 mm as may be considered convenient by the DPEO for printing the ballot paper.
- vi. The name of the candidate will appear on the right side and his symbol on the left side in a panel.
- vii. The width of the space allotted to each candidate will be 27 mm and the width of the shaded area between the space allotted to any two candidates will be 10 mm. There will be a shaded black border of 3 mm width at the bottom.
- viii. The size of each symbol will be not more than 36 mm x 22 mm.
- ix. Subject to any special instructions that may be issued by the Election Authority names of candidates, will be printed in Urdu but, Urdu as well as in Hindi in Jammu/Udhampur/Kathua/Samba/Reasi districts.
- x. Where the number of contesting candidates exceeds 6, the ballot paper shall be printed in two or more Columns depending upon the number of contesting candidates. Ordinarily, the number of candidates in any column should not exceed six. The width of the ballot paper and its counter-foil shall also then be dependent upon the number of columns which are provided on the ballot paper. Each column shall be separated from the other by a dark black area of 6 mm width from top to bottom. The names of the contesting candidates and their symbols will appear in the same order in which they appear in the list of contesting candidates in Form PEL 10. These names will be printed one below the other in those columns, starting with the name of the candidate at S. No.1 in the list of contesting candidates appearing at S.No. 1 in the first column on the right, candidate at S.No.7 in the list of contesting candidates as the first candidate in the second column (if each column has six names) and so on. If the number of contesting candidates is not exactly divisible by the number of candidates in each column, the end panels on the left side of the ballot papers, which do not contain the name of any candidate, will be completely shaded.
- xi. The ballot papers will be stitched into bundles of 50 ballot papers each with constructive serial numbers. It will be ensured that the serial number on each ballot paper and its counterfoil is identical.
- xii. The ballot papers for elections of Panches will be printed on white paper.

10.4 Special task force for printing of ballot papers:

Considering the sensitive nature and large volume of the task involved the DPEO is well advised to entrust the work to a dedicated and dependable team of employees headed by a suitable officer at the District headquarter. All the Returning Officers should maintain close liaison with such team.

10.5 Printing of ballot papers:

- i. The interval between the last date for withdrawal of candidatures and the first date of poll is very short and the ballot papers will have to be printed and distributed to the various Returning Officers by the DPEOs at district headquarters within this short period. It will be seen that one week will be available for the printing of ballot papers. It is, therefore, very important that you should furnish to your DPEO (immediately after 3.00 p.m.) on the last date for withdrawal of candidatures the names of contesting candidates as arranged in Form PEL 10 together with the symbols allotted to each of them by sending through a special messenger or any other mode of quick communication. You should also make special arrangement to collect the ballot papers of the constituencies of which you are the Returning Officer as per programme prepared by the DPEO.

- ii. The ballot paper may be produced by printing, photo copying or by any other practical method, subject to the conditions stipulated in the following paragraphs :—
- (a) The same will have to be prepared by printing or photo copying. As a very large number of different ballot papers will have to be produced equal to the number of the Panch constituencies, a careful advance planning will have to be done by the District Panchayat Election Officer at the district level.
- (b) Sample sets of symbol books and formats of ballot papers shall be supplied by the Election Authority to the District Panchayat Election Officers. These samples should be multiplied on photocopier or on a copy printer. These symbols then can be cut and pasted on the format of the ballot paper as per need and names in Urdu and such other language as may be prescribed, along with the serial number of the constituency should be written in neat hand. With the help of these master ballot papers, adequate number of copies of ballot papers for each constituency should be prepared on a photocopier or on a copy printer.
- (c) **Ballot Paper Register:**
The ballot papers may be serially numbered with the help of a numbering machine. In all cases, an entry should be made, in a ballot paper register indicating the total number of ballot papers prepared and serially numbered for each constituency. Then at the back of each such ballot paper, the Returning Officer shall affix or get affixed in his personal supervision his rubber stamp.
- (d) **Transportation of Ballot Papers:**
The arrangements for the transport of the ballot papers from the district headquarters to RO headquarters may be made as far as possible in closed vans and lorries, under proper security guard. RO should keep all ballot papers under lock and key in the strong rooms specially prepared for the purpose under tight security.
- (e) The District Panchayat Election Officer shall ensure that once the requisite number of ballot papers are printed for a constituency “master ballot paper” is resealed and kept under lock and key in a systematic manner so that if it is needed at future date it could be easy to locate. This arrangement is absolutely essential to prevent the misuse and also to take care of unforeseen situations when fresh printing may become necessary for conduct of re-poll etc.
- (f) After the completion of election, all the dummy masters ballot papers be destroyed by DPEO under proper supervision.

10.6 Printing of Extra Ballot Papers :

- i. In order to take care of unforeseen circumstances extra ballot papers are to be printed. The numbers to be printed shall be additional @ 10% of total voters, rounded off to the next multiple of ten. *For example:*

	Example 1	Example 2	Example 3
No. of Voters	208	212	114
10% of total voters	20.8	21.2	11.4
Sub total	229	234	126
Round off to Nearest ten(to be printed)	230	240	130
Issue to polling party (Round off total voters to next 10)	210	220	120

- ii. The above condition may not be applicable where the number of electors is less than fifty. In such cases the District Panchayat Election Officer will use his discretion regarding the number of surplus ballot papers to be printed.
- iii. The total number of ballot papers printed for each of the constituencies should be recorded in

a register to be kept with the District Panchayat Election Officer.

10.7 Verification of ballot papers & issue to Presiding Officer:

The ballot papers for elections of Panches will be supplied to the RO in bundles containing 50 ballot papers each but the last bundle may contain less than 50, depending on rounding off of the total votes to the next ten. Each bundle will have consecutive serial numbers. On receipt of the ballot papers RO should check all of them to ensure that—

- a. The names of all the contesting candidates and symbols allotted to each of them have been printed properly and correctly ;
- b. The serial number on the ballot paper corresponds with that on the counterfoil;
- c. There is no discrepancy in the total number of ballot papers as sent by the DPEO and the number found on actual counting at your end ;
- d. RO will distribute the ballot papers only on the day before the poll, in respect of polling stations, which can be reached by the polling parties in one day. In cases in which it will take more than one day for the polling parties to reach the polling stations, the ballot papers should not be issued a day earlier than absolutely necessary. In either case, the Presiding Officers may be directed to proceed straight from the distribution centre to the polling stations, and Security Guards may be provided ;
- e. Defective ballot papers, if any, in the stitched bundle of ballot papers should be first removed from the bundle by the Returning Officer or by some other responsible officer nominated by the Returning Officer and then that bundle has to be restitched immediately by bostich machine or with thread. If, in spite of the above procedure, any ballot paper is found defective at the polling station, it will be cancelled by the Presiding Officer ;

10.8 Safe custody of undistributed ballot papers:

Undistributed ballot papers should be deposited to the Returning officer against proper receipt.

CHAPTER – XI

ARRANGEMENTS FOR POLL

11.1 Polling arrangements to be made final:

As soon as the list of contesting candidates has been published, you should calculate exactly the size and number of ballot boxes and the other polling materials that you will require for conducting the poll.

11.2 Contact with candidates:

Frequent meetings with the contesting candidates are mandatory to avoid any apprehension for law and order and other issues pertaining to the conduct of elections.

11.3 Model Code of Conduct and its observance:

- i. The Model Code of Conduct comes into operation from the day the Election Authority announces the programme for election in your constituency.
- ii. For ensuring compliance with the model code by all political parties and contesting candidates and for considering specific cases of violation of that code, meetings with political parties should be held by DPEO in which the Returning Officers should participate. They should be made aware of the provisions of Model Code of Conduct and requested to observe them (M-10).
- iii. The meetings be held as often as may be convenient and necessary. In such meetings, you should appeal to the members to co-operate in the observance of the model code of conduct and to take active steps to ensure that no one in an excess of zeal and excitement oversteps the limits laid down by law and at the same time render himself liable to penalties prescribed by law. It should be impressed upon the members that any violation of the code committed on behalf of any party or candidate cannot but create a feeling of bitterness and resentment in the minds of the other parties and candidates and their supporters. Moreover to the extent that any such violation is made, the election fails in its standard of morality and cleanliness. In the cases of the violation of the code brought to your notice, which resulted in the breach of the provisions of election law, you should seek the co-operation of the local magistracy and the police in dealing with such election offences. The Election Authority has already requested the Government to take all necessary steps during the election period for preventing and checking promptly and strictly, any instance of the commission of election offences. The Election Authority and the DPEO. should also be kept informed promptly of the violation of the Model Code of conduct.
- iv. In these meetings apart from the model code, any other matter which is of common interest to the members and is intended to further the object of holding free and fair election from the constituency can also be considered.
- v. Whenever such meetings are held, proper minutes thereof should be maintained.

11.4 Preparation of working copies of electoral rolls :

- i. Prepare 4 working copies of the electoral roll for each polling station for distribution as follows :—
 - a. First Polling Officer responsible for identification for electors and this copy will be marked also. 1 copy
 - b. Presiding Officer 1 copy
 - c. For circulation among polling agents /Exhibition at polling station 1 copy
 - d. Reserve (with the R.O.) 1 copy

- ii. So only 4 copies need to be prepared for the poll. However, five more copies have to be prepared for keeping in the office of B.D.O. concerned, Tehsildar, DPEO., Director Rural Development Department and Election Authority. Photostat copies of electoral rolls on payment basis can be made available to the contesting candidates.

11.5 Polling Practice:

Sufficient number of training rehearsals/practice should be organized for the polling staff laying special stress on variations in procedures when compared with Lok Sabha and Assembly Elections, invite the candidates to such rehearsals also.

11.6 Dummy ballot papers:

There is no objection to printing of dummy ballot papers by candidates/political parties. A dummy ballot paper should not, however, resemble in any manner the genuine ballot paper in size and color. It can be printed on any colour prescribed by the Election Authority who might take these ballot papers to be genuine and try to put them into the ballot box. There is also no objection for a candidate printing a dummy ballot paper using his own name and symbol, indicating the place where they would appear in the ballot paper to be used at the election, but it should not contain the actual names and symbols of the other contesting candidates in the constituency.

11.7 Unofficial identity slip:

- i. The political parties/candidates may issue the unofficial identity slips containing the following information to the voters :—
 - (a) the name and serial number of the voter in the electoral roll ;
 - (b) the number of the part ; and
 - (c) the serial number and name of the polling station.
- ii.
- iii. The identity slips should be on white paper and should not contain the name of the candidate and/or the name of his party and/or his election symbol. The slips should not contain any slogans or any exhortation to vote for a party or for a candidate, since these would amount to canvassing within the polling station, which is not permissible. The circulation of any slip containing any such slogan or exhortation within 100 meters of the polling station would amount to canvassing which is not permissible.

11.8 Regulation of plying of vehicles on poll day :

Follow carefully the instructions issued by the Election Authority on the regulation of vehicular traffic during the election period and particularly on the day of poll with a view to cordoning off the polling areas from vehicular traffic to prevent voters from being carried in the vehicles arranged by candidates and their supporters. Permits may be issued by the DPEO to vehicles to be used by candidates, their election agents etc., strictly according to the norms prescribed by the Election Authority. However considering the fact that the geographical area of a Panchayat Halqa is small, no such permits be ordinarily granted i.e. except in extraordinary circumstances.

CHAPTER – XII

PREPARING FOR THE POLL

12.1 The period between the withdrawal of candidatures and the poll will be the busiest time for you. Maintain a forward diary of the many things that you have to do from time to time including the vehicles required for the poll and keep it up-to-date by adding remarks to show the progress made in respect of each item. Here is a sample list (not exhaustive) of your tasks during this period:—

- i. You should ensure that formal appointment of the Presiding Officer and Polling Officers for each polling station in your constituency is made by the District Panchayat Election Officer, in time. These appointments may be made in the form prescribed by the Election Authority.
- ii. Training of the polling parties has been carried out.
- iii. Transport and other arrangements, if any, for the polling personnel.
- iv. Checking up the police arrangements and that movement of police synchronize with movement of the polling parties.
- v. Review of poll material, ballot boxes and other election material.
- vi. Frequent meetings with contesting candidates and removing their misapprehensions, if any, and seeking their co-operation.
- vii. Supplying the contesting candidates with (i) lists of polling stations and the areas covered by each such station (or the serial numbers of voters entitled to vote at each such station) as also the date of poll in respect of each polling station.

N.B. These lists and this information and the forms should be supplied free of cost to the candidates.
- viii. Procuring 4 copies of the electoral roll for each polling station.
- ix. Provision of one or more voting compartments at each polling station in any one of which a voter can mark his vote on the ballot papers in secrecy.
- x. Holding election rehearsals/practice for your polling personnel and police personnel.
- xi. Arranging sufficient publicity within the constituency so that the common voter can know which is his polling station and what is the polling day for him.
- xii. Sorting out ballot boxes, stitched bundles of ballot papers with counterfoils, and all other materials required for each polling station and arranging for their delivery to each Presiding Officer in time according to the scheme in operation in your jurisdiction.
- xiii. Arranging in advance for the return of the polling parties after the poll and the receipt of the ballot boxes and other materials and papers which they bring back.
- xiv. Arranging in advance for the safe custody of these ballot boxes pending counting.

CHAPTER – XIII

THE POLL

13.1 Introduction:

- i. Poll is the most important event in the election process in a democracy, it is through the poll that the electors express their choice of the candidate to represent them. Any irregularity in the conduct of poll may vitiate the election and, therefore, you should ensure that the poll is conducted strictly in accordance with the law and the prescribed procedure.
- ii. If the operation of taking the poll has been planned properly and the necessary arrangements made in advance according to the plan, the poll should normally proceed smoothly all over the constituency.

13.2 Polling Stations:

Poll will be taken at the polling stations located at different places spread all over the Panchayat constituency. For this purpose, the polling stations must have already been identified by the District Panchayat Election Officer in accordance with instructions contained in Chapter II. You should ensure well in advance of the date of poll that all arrangements for the setting up of polling stations at the places approved by the District Election Officer have been made. It should also be ensured that the copies of the lists of the polling stations have been supplied to all contesting candidates. It should be noted that no changes can be made in the buildings or location of any polling stations without the prior approval of the District Panchayat Election Officer.

13.3 Polling Parties:

Polling parties for taking the poll at the above polling stations are to be appointed by the District Panchayat Election Officer. It is your duty to ensure well in advance that such appointment have been made by the District Panchayat Election Officer in accordance with the instructions contained in Chapter III and the appointment orders have been served on each of the polling personnel so appointed.

13.4 Polling materials:

A standard list of polling materials is given in Appendix M-7. The Presiding Officers must be instructed to take utmost care of the safety and security of the ballot boxes and ballot papers and they should be warned that they will be held personally responsible for any damage or loss of these boxes and ballot papers on account of their negligence.

13.5 Law and Order, Free and Fair Elections

- i. You must ensure, in consultation with the authorities concerned, that proper law and order is maintained in and around the polling stations so that free and fair poll takes place. Adequate measures should be taken to provide full security to the polling personnel, the ballot boxes and ballot papers and other election materials till the polling parties reach the collection/counting centers after the close of poll.
- ii. You must have ensured that all standing instructions and directions of the Election Authority aimed at achieving a peaceful atmosphere on the date of poll like the identification of sensitive areas/polling stations and taking special preventive and security measures to avoid any untoward incident in those areas/polling stations, restrictions on the plying of vehicles on the day of poll, prohibition of sale of liquor during specified period including the day of poll and counting, deposit of fire arms by the licensed arms

holders, unearthing of the unlicensed arms and weapons, declaration of day of poll as a holiday in the constituency have been strictly followed and fully complied with by the authorities.

- iii. No excess ballot papers should be issued to polling stations and the Presiding Officers should be clearly instructed not to sign ballot papers in advance with a view to frustrating attempts at booth capturing.
- iv. The Presiding and Polling Officers should be instructed to follow the instructions on unofficial identity slips.
- v. Sector Magistrates should be asked by the DPEO to maintain their diaries meticulously indicating whether free and fair poll has been ensured in the polling stations under their charge.

13.6 Arrival of Polling Parties at polling stations :

- i. It should be ensured that each polling party reaches its assigned polling station on the day previous to the day of poll.
- ii. The polling party should set up the polling station properly. The voting compartment should, in particular, be set up in such corner of the room that the voter is able to record his vote in that compartment in complete secrecy.
- iii. On the day of poll, each member of polling party must take his seat in the polling station at least one hour before the time fixed for the commencement of poll.

13.7 Duties of Presiding Officers and Polling Officers :

- i. Normally one presiding Officer shall be appointed for two polling stations. So, as far as possible a big room having two separate entries should be selected for polling purposes. Voters of one Panch constituency/polling station should enter from one door and voters of the other Panch constituency/polling station should enter from the other door. The presiding Officer should sit at a central place of this big room in such a way that he has a look at the proceedings in the two polling stations. In case a sufficient big room is not available, the two polling stations under the same presiding officer may be set up in the two adjoining rooms.
- ii. The details of duties to be performed by the Presiding Officer and each Polling Officer are given in the Handbook for Presiding Officer, which has been brought out by the Election Authority as a separate manual. The broad distributions of the duties among the two polling officers will however, be as follows. The first polling officer will be in charge of identification of electors, the marked copy of the electoral rolls and also be responsible for the application of indelible ink on the electors left finger. The second polling officer will be responsible for issue of ballot papers for election of Panch. He will also be in charge of the arrow cross mark rubber stamp. The ballot box shall be placed near the presiding officer or the first polling officer but away from the door in full view of the polling agents.
- iii. It may again be emphasized that intensive training should be given to the Presiding Officers and the polling officers so that they are fully conversant with their duties.

13.8 Seating arrangements for Presiding Officer and Polling Officers :

Inside the polling station, the Presiding Officer sits in such a place from where he can watch all the proceedings in the two polling stations. The polling officers should be so seated that

an elector after entering into the polling station straightway proceeds to the first polling officer who is in-charge of identification of electors and the marked copy of electoral roll, etc. and from him to other polling officer in a systematic manner. No criss cross movement of electors should be permitted.

13.9 Arrival of Polling Agents:

- i. Each contesting candidate or his election agent who has been allowed to appoint polling agent should be specifically instructed that his polling agents should reach the polling station at least fifteen minutes before the time fixed for the commencement of poll in order to be present when the Presiding Officer goes through the preliminaries.
- ii. If a polling agent does not reach the polling station in time, the preliminary preparations on the ballot box, etc, shall not be delayed because of his absence. Nor shall such preliminaries already gone through be commenced de novo to accommodate any late comer.
- iii. Suitable seating arrangements should be made for polling agents to provide them adequate opportunity to identify the electors; see the entire operation in the polling station right from the entry of the elector into the polling station and till his exit after he has recorded his vote.
- iv. The seating arrangement in the polling station for the polling agents of candidates shall be guided by the following categories of priorities, namely,
 - a. candidates of recognized National parties;
 - b. candidates of recognised State parties;
 - c. candidates of registered unrecognised parties; and
 - d. independent candidates.

13.10 Demonstration of copy of electoral roll, ballot papers, ballot boxes and paper seal :

- i. Before commencing the poll, the Presiding Officer should demonstrate to the candidates and polling agents present that the copy of the electoral roll to be used at the polling station does not contain any entry or mark.
- ii. He should allow them to note ;
 - (a) the first and last of serial numbers of the ballot papers which will be used at the polling station and also any ballot papers cancelled by him on account of its defective nature.
 - (b) that all ballot boxes are empty, before he commences the preparation of the first ballot box to be used for poll. He should also allow them to note down the serial numbers of the ballot boxes as engraved/painted on them.
- iii. The serial nos. of paper seals used for sealing the ballot boxes should also likewise be allowed to be noted by the polling agents.
- iv. The Presiding Officer should prepare the paper seal account as per proforma given below and Put it in a sealed envelope for submission to the Returning Officer.

Paper Seal Account

Election to the.....Panch Constituency from.....Panchayat Halqa *** Name of the Block..... Name of the District.....		
Item	S. Nos. from to	Total Number
1. Paper seals received.		
2. Paper seals unused :		
a) With the signature of the presiding officer.		
b) Without the signature of presiding officer.		
c) Total (a+b) :		
3. Paper seals used at the polling station (1-2=3)		

Date

Signature of Presiding Officer

13.11 Commencement of the poll :

The Presiding Officer should commence the poll at the stroke of the hour fixed for the purpose. He must therefore complete the aforementioned formalities before the said hour. Even if for any unforeseen or compelling reason he is not in a position to commence the poll at the appointed hour, he has no authority to extend the polling hours and the poll must close at the appointed closing time, except that the voters who are present at the Polling Station at the closing time shall be allowed to vote even if polling continues for some more time.

13.12 Persons to be admitted inside the Polling Station:

- i. The Presiding Officer should admit into the Polling Station only the following persons :—
 - a) the electors ;
 - b) polling officers ;
 - c) each candidate or his agents;
 - d) persons authorised by the Election Authority/District Panchayat Election Officer ;
 - e) public servants on duty ;
 - f) a child in arms accompanying an elector ;
 - g) a person accompanying a blind or an infirm voter who cannot move or vote without help ;
 - h) such other persons as the Presiding Officer may in specific situations admit for the purpose of identifying voters or otherwise assisting him in taking the poll ; and

- ii. **Identity Slips:** The Returning Officers should issue identity slips to the contesting candidates. In case necessity arises, the Presiding Officer may ask for its production. Similarly, the election agents of the candidates can be asked to produce their identity cards, i.e. the attested duplicate copy of their appointment letter. The attestation is made by the Returning Officer.

- iii. It should be noted that the expression public servant on duty does not include Ministers, State Ministers and Deputy Ministers of Centre and State and they cannot be allowed to be appointed even as polling agent or cannot be allowed entry into the polling station. A Minister can be allowed to enter only that polling station of the constituency in which his name figures in the Electoral Roll strictly for the purpose of voting.
- iv. The above expression public servant on duty also does not normally include police officers. Such officers whether in uniform or in plain clothes should not as a general rule be allowed to enter into a polling station unless the Presiding Officer decides to call them inside in unavoidable circumstances for the maintenance of law and order or some similar purpose.
- v. No security personnel accompanying any candidate; or any agent or any elector should be permitted to enter the polling station.

13.13 Regulation of entry of voters:

There should be separate queues for men and women voters. The persons who enforce the queues will allow three or four voters into the polling station at a time or as the Presiding Officer may direct. Other voters waiting to come in should be made to stand in queue outside. Infirm voters and women voters with babies in arms may be given precedence over other voters in the queue. Men and Women voters should be admitted into the polling station in alternate batches. The formation of more than one queue for men voters or for women voters should not be allowed.

13.14 Facilities to press representatives and photographers:

- i. Subject to the maintenance of peace and order, there is no objection to any photographer taking photographs of crowd of voters lining up outside the polling station. However, no one including the publicity officials of the State Government should be allowed inside a polling station without a letter of authority from the Election Authority/District Panchayat Election Officer. In no circumstances, any person will be allowed to photograph a voter while recording his vote.
- ii. The representatives from media would be issued photo identity cards by the DPEO. in ordinary course.

13.15 Identification of Electors:

- i. When an elector enters the polling station, his identity will be checked by the first Polling Officer with reference to the entries in the electoral roll pertaining to such elector. Presiding Officer is permitted to employ at the polling station such persons as he thinks fit to help in the identification of electors or to assist him otherwise in taking the poll. The Returning Officer or the Presiding Officer may also appoint a woman to serve as an attendant at any polling station to assist women electors and also to assist the Presiding Officer generally in taking the poll in respect of women electors. Such attendant will also help the Presiding Officer in frisking any women elector in case it becomes necessary.
- ii. As already instructed, lady polling officer should be appointed for identifying women electors at the polling stations where there is a large number of paranaseen women electors. You should get this organized by approaching the DPEO and S.P. of the District.
- iii. Any village chowkidar/Revenue Officer or the like who may be employed as identifying officer by the Presiding Officer should normally be posted outside the entrance of the Polling Station and should be admitted into the polling station only when he is required for the identification of a particular elector or for assisting the Presiding Officer for a particular purpose in connection with the taking of the poll.

- iv. The electors normally come to the polling station with an unofficial identity slip issued by a candidate or political party. The polling officer in charge of identification of electors should not treat the identity of an elector as established by the mere production of such unofficial identity slip by the elector. He must satisfy himself about the identity of the elector and in case of any doubt the elector should be directed to present himself before the Presiding Officer who should make a further probe to satisfy himself about the identity of the elector. The Presiding Officer should hand over the person to the police with a written complaint in case he is proved to be an impersonator.

13.16 Challenged votes :

- i. The candidate or his authorized agent can also challenge the identify of a person claiming to be a particular elector by depositing a sum of Rs. 2 in cash with the Presiding Officer for each such challenge. The Presiding Officer shall hold a summary inquiry into the challenge. If after the inquiry, the Presiding Officer considers that the challenge has not been established, he shall allow the person challenged to vote. If he considers that the challenge has been established the Presiding Officer shall debar the person challenged from voting and shall hand over such person to the police with a written complaint. The challenge fee collected should then be returned to the challenger.
- ii. All such complaints to the police should be vigorously pursued and prosecutions launched against the offenders so that they are convicted and suitably punished.
- iii. The Presiding Officer shall keep a record of such challenged votes in Form 19 appended to this book (Appendix S-5).
- iv. In the case where the challenge is not proved and the person is allowed to vote then the challenge fee be forfeited to the Government and the challenger be issued a written receipt.
- v. All the amount of challenge fee collected during the poll shall be deposited by the Presiding Officer with you (Returning Officer) at the time of depositing used Ballot Boxes.

13.17 Application of Indelible ink :

- i. The left forefinger of every elector about whose identity the Presiding Officer or the polling officer, as the case may be, is satisfied shall be marked with indelible ink. This should be done by the first Polling Officer.
- ii. The application of indelible ink is a vital safeguard against impersonation and to ensure that the same voter does not vote more than once. If any elector refuses to allow his left forefinger to be inspected or marked with indelible ink or he has already such a mark on his left forefinger, or he does any act with a view to removing the ink mark, he shall not be allowed to vote.
- iii. Under the instructions of the Election Authority, the left forefinger of the voter should be marked with indelible ink soon after his identity is verified by the First Polling Officer and before his signature or thumb impression is obtained on the counterfoil of the ballot paper by the Second Polling Officer. The underlying purpose of this instruction is that there should be a sufficient time gap for the indelible ink to dry and leave a proper indelible mark on the voter's forefinger before he leaves the polling station. The Election Authority has also instructed that his forefinger should again be checked before he leaves the polling station in order to verify that there is a clear indelible ink mark on the finger. If the voter has wiped off the ink or there is no proper ink mark visible, his left forefinger should again be marked with indelible ink. The attendant who is normally attached to a polling party as attendant can be given this duty of checking the voter's left forefinger before his exit from the polling station.

13.18 Application of indelible ink when elector has no left forefinger :

If any elector has no left forefinger, then indelible ink should be applied on any such finger which he has on his left hand starting with his left forefinger. If he does not have any fingers on his left hand, the ink should be applied on his right forefinger and if he has no right forefinger, any other fingers which he has on his right hand starting with his right forefinger. If he has no fingers on either hands ink should be applied on such extremity (stump) of his left or right hand as he possess.

13.19 Issue of ballot papers :

The second polling Officer should record the electoral roll number of the elector and also take his signature or thumb impression on the counterfoil of the ballot paper before it is delivered to the elector. The first polling officer will only mark the name of the elector in the marked copy of the electoral roll by underlining the entry, to indicate that a ballot paper has been issued to the elector, without however, recording therein the serial number of the ballot paper issued to that elector. In the case of a female elector, a tick mark will also be put on the left side of the entry relating to her in the electoral roll as it would facilitate in ascertaining the total number of men and women voters who voted at the polling station.

13.20 Signature of Presiding Officer on back of ballot paper and shuffling of bundles of ballot papers :

- i. To remove all suspicions regarding the genuineness of ballot papers, the Presiding Officer of each polling station is required to sign his name in full on the back of each ballot paper before its issue to the voter.
- ii. In order to prevent noting down the serial number of the ballot papers issued to particular voters by persons in the polling station, the Presiding Officers have been instructed that, after allowing the polling agents to note the first and the last of the serial number of the ballot papers which will be used at the polling station they should shuffle the first two bundles of ballot papers and use the bundles at random and not - in consecutive serial order. They have also been instructed not to repeat the process of shuffling towards the close of the poll so that on the conclusion of the poll the number of the ballot papers issued to the voters will be, as far as possible, in continuous and unbroken series. The counterfoils of used ballot paper shall be kept in a separate sealed packet or envelop.

13.21 Signature of elector on the Counterfoil of ballot Paper :

The signature or thumb impression of every elector must be obtained on the counterfoil of the ballot paper before a ballot paper is issued to him. If any elector refuses to put his signature or his thumb impression on the counterfoil of the ballot paper, he shall not be allowed to vote and no ballot paper shall be issued to him.

13.22 Meaning of Signature :

A signature may be described as the writing of a person's name on a document with the intention of authenticating that document. A literate person, while signing on the Counterfoil of the ballot paper, will be required to write his name i.e., both his name or name and his surname in full or in any case his surname in full or names either in full or by means of initials of that name or names. The preferable course in the case of a literate voter will be to request him to sign his name, i.e., both his name or names and his surname in full. If a literate person puts simply a mark and insists that mark should be taken as a signature while claiming to be a literate person, then that mark cannot be taken to be his signature because, as stated, signature means, in the case of a literate person, the writing of the name of that person by himself in authentication of a document on which he writes his name. In such a case, if he refuses to sign his name in full as indicated above, then his thumb impression should be taken. If he refuses to give his thumb impression also, then he shall not be allowed to vote.

13.23 Meaning of thumb impression :

If the left thumb of the voter is missing, then the impression of the right thumb should be taken. If both thumbs are missing the impression of one of the fingers of the left hand starting from the forefinger should be taken. If there are no fingers on the left hand, the impression of one of the fingers of the right hand starting from the forefinger should be taken. If no fingers are available, the voter being unable to record his vote will necessarily have to seek assistance of Presiding Officer/Polling Officer under rule 27 of Panchayati Raj Rules, 1996. In that case the Presiding/Polling Officer shall record on the counterfoil regarding this fact.

13.24 Maintenance of secrecy of voting by electors :

- i. Every elector who is permitted to vote shall maintain absolute secrecy of voting within the polling station. He should strictly observe the prescribed voting procedure. If he refuses, after warning given by the Presiding Officer, to observe the voting procedure, the Presiding Officer or a Polling Officer under the direction of the Presiding Officer shall not allow such elector to vote and the ballot paper issued to him shall be taken back and cancelled by the Presiding Officer.
- ii. All such cancelled ballot papers shall not be inserted into the ballot box but shall be kept separately by the Presiding Officer in a cover to be specifically provided for the purpose. Further proper account for such cancelled ballot papers shall be maintained in the Ballot Paper Account in Form PEL-11.

13.25 Voting by blind and infirm voters:

If the presiding Officer is satisfied that owing to blindness or other physical infirmity, an elector is unable to recognise the symbol on the ballot paper or make a mark thereon without assistance, the Presiding Officer shall do so according to the direction of the elector as per **rule 27 of Panchayati Raj Rules, 1996** recording the vote on his behalf and in accordance with his wishes.

13.26 Tendered votes:

- i. If a person presents himself at the polling station and seeks to vote representing himself to be a particular elector after another person has already voted as such elector, the Presiding Officer shall satisfy himself about the identity of the elector concerned. If the Presiding Officer is satisfied about the identity of the elector on his satisfactorily answering such questions relating to his identity as the Presiding Officer may ask, he shall allow the elector concerned to vote by means of a tendered ballot paper, which shall be serially the last in the bundles of ballot papers supplied for use at that polling station. The words tendered ballot paper shall be written on the back of the ballot paper and its counterfoil by the Presiding Officer.
- ii. The Presiding Officer shall also maintain the record of the tendered ballot papers issued to electors in Form 18. He shall also obtain the signature or thumb impression of the elector in column 4 of that form before delivering a tendered ballot paper to him.
- iii. The tendered ballot papers shall not be inserted into the ballot box, but shall be kept separately by the Presiding Officer alongwith Form 18 (Appendix S-4) in a cover to be specifically provided for the purpose.

13.27 Maintenance of diary by Presiding Officer :

- i. The Presiding Officer of every polling station should be asked to maintain the diary in which he is required to draw the proceedings connected with the poll in the polling station. The proforma of the diary to be maintained by the Presiding Officer is given in form PEL-14. He should be asked to go on recording the relevant events in the diary as and when they occur.

- ii. It has been observed in many cases that the Presiding Officer do not make the entries in the relevant columns of the diary at regular intervals or from time to time as envisaged, and fill in all entries and complete the diary at the end of the poll. This is highly objectionable and it should be impressed upon all Presiding Officers that any lapse on their part in the proper maintenance of diary at all points of time during the process of poll will be seriously viewed.

13.28 Issue of Identity cards to Media persons :

- i. In order to facilitate media coverage the DPEOs would issue Photo Identity Cards to the media persons for entering the polling stations within their respective districts.
- ii. The DPEOs would issue a public notice calling applications from the media persons for issue of identity cards before a prescribed date.
- iii. Photo Identity Cards in respect of employees of AIR and Doordarshan can also be issued by the office of the Election Authority.

13.29 Supervision and monitoring :

- i. It is essential that you remain present in the Panchayat Halqa in which you are conducting the poll on the polling day.
- ii. The smooth and peaceful conduct of elections should be regularly monitored through visits and obtaining reports through special messengers or any other means of quick communication.
- iii. If there is any complaint or problem regarding conduct of polls that should be immediately attended to and corrective action taken.
- iv. Keep the District Panchayat Election Officer informed regularly through the network of Zonal and Sector Magistrates.

CHAPTER – XIV

AFTER THE POLL

14.1 Sealing of Ballot Boxes after the poll :

- i. Immediately after the close of the poll the slit of the ballot box shall be closed and the presiding officer shall seal the ballot box with the help of sealing wax and the metallic seal provided for this purpose. There is no objection in using any other metallic seal available with the Presiding Officer if no metallic seal has been supplied to him by the District Panchayat Election Officer as long as the polling agents available at the polling station are familiarized with the metal seal to be used and they are also permitted to affix their signatures or seals over the tag or paper used for fixing the metal seal by the Presiding Officer.
- ii. The Presiding Officer shall complete the ballot paper account in form PEL-11 and hand over copies of the same to the candidates or their polling agents as may be present at that time.
- iii. He will also complete the Presiding Officers diary and sign it.
- iv. If the counting is to take place after a few days the Presiding Officer shall further wrap the ballot box with new cloth which shall be sewn and its seams sealed with sealing wax. The polling agents will also be permitted to put their seals if they desire.
- v. The Presiding Officer will then divide his material into two lots - one containing the used ballot box properly sealed and the three separate sealed envelopes containing the paper seal account, the ballot paper account and the Presiding Officer diary and the other lot containing the rest of the unused material.

14.2 Counting immediately after poll :

- i. In case, the counting of votes has to be taken up immediately after poll, then counting of votes in a Panchayat Halqa shall be conducted at one place and the sealed boxes from all the polling stations of a Panchayat halqa shall be collected at such place without any avoidable delay. Any officer who defaults in this respect will make himself liable to disciplinary action.
- ii. All the sealed boxes must be deposited in a room adjoining to the counting hall notified by you and proper arrangement for the safe transportation and custody of ballot boxes and other election paper should be made.

14.3 Counting few days after the poll :

In case the counting of votes has to be taken up simultaneously in the State/region, then the sealed ballot boxes alongwith other election papers will be required to be deposited at Tehsil/Block headquarter or at any other place fixed by the DPEO. In such a situation the DPEO should identify the building at the Tehsil/Block headquarter for storing of the sealed boxes for some days. There may be a gap of 10-15 days between the date of poll and date of counting. So arrangements be made for safe custody of sealed ballot boxes keeping this fact in view. As there are 7-11 Panch Constituencies in a Panchayat halqa @ one ballot box having been used normally for one Panch Constituency, one ordinary strong room may suffice to accommodate ballot boxes for approximately six Panchayat halqas. Consequently, ballot boxes from the areas of operation of two Returning Officers may be stored in one strong room. A clear demarcation for placing the ballot boxes first Returning Officer-wise, then Panchayat- wise and lastly Panch Constituency-wise shall be required to be done before hand to prevent mixing of the sealed ballot boxes.

14.4 Returning Officer to be available at the Collection Centre on the day of the poll :

- i. After the completion of poll, you will ensure to remain available at the place notified by you for collection of ballot boxes and counting of votes on the same day.
- ii. The place for collection of ballot boxes and counting of votes will ordinarily be :
 - (a) in the same Panchayat Halqa, if polling has been done only in one of Panchayat Halqas out of the number of Halqas of which you are the Returning Officer and if counting of votes is to be completed on the same day as the day of the poll ;
 - (b) simultaneously in all the Panchayat Halqas of which you are the Returning Officer and in case polling has been completed and counting is required to be done on the same day (For this purpose Assistant Returning Officer be specially authorised) ;
 - (c) or in one of the centrally located Panchayat Halqas of which you are the Returning Officer if polling has been done in all the Panchayat Halqas of which you are the Returning Officer and if counting of votes is to be completed on the same day as the day of the poll and if there are no suitable buildings to conduct counting of votes in some of the Panchayat Halqas ;
 - (d) at the Block Headquarter or any other central place to be decided in consultation with DPEO if the counting of votes is to be done a number of days after the day of poll.
- iii. The detailed programme of such dates and place of counting shall be finalized by you in consultation with the DPEO sufficiently in advance of the day of poll.
- iv. In all cases, a prior notice about the date, timing & location of the place of counting shall be given by you sufficiently in advance to all the contesting candidates to avoid any confusion or complaints.

14.5 Transmission and safe custody of used ballot boxes :

- i. After the ballot boxes and all election papers have been sealed and secured by the Presiding Officer, the Presiding Officer has to deliver them or cause them to be delivered at such place as you may direct.
- ii. You should make proper arrangements for the safe transportation and custody of ballot boxes and other election papers and materials after the close of the poll from the polling stations to the storage center, where the ballot boxes and election papers will be stored pending the counting. In this connection, the following instructions should be particularly taken note of and followed :—
 - (a) It will be desirable to take the sealed ballot boxes and other election papers and materials after the completion of the poll direct to the place fixed for counting of votes. This arrangement would ensure that the sealed ballot boxes are handled only once before the votes are counted. It must be ensured that there are sufficient arrangements for the safe transportation and custody of ballot boxes.
 - (b) You should inform the candidates or their election agents sufficiently in advance about the programme of the collecting parties being sent by you, if any, and the route chart for the collection of the ballot boxes and other election materials from the polling station after the conclusion of the poll, so that the candidates may make arrangements, if they so desire, for sending their agents to accompany such collecting parties. The agents of the candidates should, however, make their own arrangements for their transport and they, in no case, should be allowed to travel in the same vehicles in which the ballot boxes and other election materials and polling parties are transported.
 - (c) All Presiding Officers or collecting parties should deposit the ballot boxes and election papers and materials at the storage centres without any avoidable delay.

Any officer who defaults in this respect will make himself liable to disciplinary action.

- (d) You should earmark inside the storage room or building, specified parts of the floor space in the form of squares in advance for stacking the ballot boxes received from particular polling stations. The arrangements for this should follow the serial numbers of polling stations.
- (e) All ballot boxes received from one polling station must invariably be kept together at one place on the same square. The ballot paper account and the paper seal account of each polling station should be kept on top of the ballot boxes pertaining to the polling station.
- (f) Sufficient space should be left between rows of ballot boxes as they are being stacked so that other boxes received subsequently out of turn (from the point of view of serial numbers of the polling stations) may be kept at their appropriate allotted space without the necessity of having to shift any of the ballot boxes received and stacked earlier in point of time.

14.6 Death of a candidate before poll :

Rule 22 states that if a contesting candidate dies and the news of death is received by the Presiding Officer before the commencement of the poll, and the number of candidates left in the contest is more than one “the symbol in respect of the candidate who has died shall be deemed to have been cancelled”. In fact, in such a case it would be appropriate that the name and symbol of the dead candidate written/printed in the panel of the ballot paper is scored off by the Presiding Officer after he (the Presiding Officer) has satisfied himself about the fact of death and he should issue the modified ballot paper accordingly for polling. If it be possible to prepare a fresh ballot paper, the same should be prepared instead of modifying the ballot paper already available. No postponement of poll is required in such cases nor any countermanding of election is involved.

14.7 Effect of omission to take action as per rule 22 :

- i. A question now arises as to what effect it would have on the announcement of result if the presiding officer does not receive the information in time or inadvertently fails to act on the same. It is clarified here that where the news of death is received after polling has commenced, no action shall be taken by the Presiding Officer under rule 22. If the dead candidate wins the election, the election shall be countermanded by the District Panchayat Election Officer who will immediately send a report to this effect to the Election Authority. If the dead candidate loses the election, it will have no effect on the announcement of result of the election by the Returning Officer.
- ii. The position stated above shall equally apply if the news of death of a candidate is received before the commencement of or during the counting of votes.

14.8 Adjournment of poll :

Adjournment of poll in case of panchayat elections should be avoided as far as possible. However, if the same becomes absolutely unavoidable, the Presiding Officer may adjourn the poll and write the reasons for the same in his diary. A temporary suspension of poll which does not affect completion of poll the same day shall not amount to adjournment.

14.9 Date of adjourned/fresh poll :

The date of adjourned poll/repoll should always precede the day of counting and for this purpose the day of counting could be postponed suitably. Orders of District Panchayat Election

Officer should be obtained after sending the report to him.

14.10 Procedure for completion of the adjourned poll :

The Presiding Officer shall immediately report the matter to the Returning Officer who after looking into the reasons of adjournment decides as to when the adjourned poll can be held earliest and make arrangements accordingly. He will announce the revised date and timing of the poll after approval by the District Panchayat Election Officer and inform the candidates and their election/polling agents accordingly through a written announcement which shall be read over by him loudly and signatures of those present shall be obtained on the written statement.

14.11 Fresh poll :

In case of adjourned poll the polling shall commence at the stage where it was adjourned, i.e., those who had earlier voted shall not be allowed to vote again. The Presiding Officer shall use as far as is possible the old ballot box containing ballot papers already polled. However, if the polling was adjourned due to reasons which had vitiated the earlier polling, a fresh poll shall be ordered by the District Panchayat Election Officer. In such case, a new ballot box and fresh ballot papers shall be used and all the electors including those who had voted earlier shall be entitled to participate in the fresh poll. All the instructions for polling shall apply to fresh poll as well.

CHAPTER – XV

COUNTING OF VOTES

15.1 Introductory :

- i. Rules 35 to 38 of J&K Panchayati Raj Rules 1996 lay down a detailed and elaborate procedure for the counting of votes. You should familiarize yourself thoroughly with the provisions before undertaking any counting. It goes without saying that the counting of votes is one of the most important aspects of the election procedure. The result of the entire election may be nullified by wrong, irregular or careless counting. You should be particularly careful because the margin of difference between the two candidates securing the largest number of votes in Panchayat election is comparatively narrow. It is quite essential that being entrusted with this important work, you should exercise great vigilance on the work of the counting staff and also in maintenance of discipline. If counting is done properly and carefully, there will be no request for recounting.
- ii. In a nut shell, as Returning Officer, a great responsibility lies on your shoulders to ensure proper, systematic and accurate counting. To ensure this, you must follow the instructions given in the following paragraphs to the minutest detail and also see that the counting supervisors and counting assistants are imparted proper training and they carry out their duties properly.

15.2 Date, place and time of counting :

- i. You must satisfy yourself that :—
 - (a) None of the ballot boxes in any of the polling booths have been tampered with in any manner ;
 - (b) that all cases requiring repoll have been reported and DPEO's orders obtained and repoll conducted wherever the DPEO ordered such repoll ;
 - (c) that all complaints received from political parties, candidates or their agents have been dealt with and a speaking order has been passed by you in each case ;
 - (d) that no report in any matter in relation to the poll has been called for by the Election Authority and DPEO and is awaiting finalization ;
 - (e) that you have satisfied yourself that there is nothing on records which militates against the commencement of counting of votes ;
 - (f) in case you are not satisfied to the above effect, you should refer the case to the DPEO and obtain his orders before commencement of counting of votes. There will be no exception to this obligation ;
- ii. The counting for the entire Panchayat should be done at one place under your direct supervision. Every effort should be made to complete the counting on the same day. It is, however, not desirable that it should be continued without any break for the staff for very long hour.
- iii. You should exercise due caution and take appropriate measures for avoiding overcrowding inside counting halls. Counting for one Panchayat Halqa shall be done in one counting hall at a time.
- iv. For any unavoidable reason, you are unable to proceed with the counting at the place and at the time and on the date so fixed and communicated to the candidates, you can postpone the counting and should fix another date and time and, if necessary, another place for the counting of votes, with prior approval of the DPEO. You should give notice of every such change in writing to each candidate and his election agent.
- v. The room or the hall must be large enough to accommodate you, the counting assistants, the candidates or their election agents. Your table should preferably be on a raised platform within the room from where you can easily supervise all the counting tables. The counting of votes in temporary structures should be avoided at all costs as seasonal conditions like rains, etc., would affect the process of counting in such places. Care

- should be taken to post security guards.
- vi. In each counting hall sitting arrangement for each counting table should be such that counting agents are prevented from handling ballot paper. However, candidates or his election agents must be provided all reasonable facilities to see the whole counting process at the counting table.
- vii. At each counting table (which should be about 4 feet long) will be seated the counting supervisor at the head of the table and the counting assistants on one side. The contesting candidates or his election agents may be seated facing the counting assistants. Seating arrangements may, as far as practicable, be so made that the counting supervisors will face the Returning Officer and the counting assistants will be seated as per directions of the counting supervisor the Returning Officer.
- viii. The counting of Panch constituencies would be taken up at a time so that the Returning Officer/Assistant Returning Officer takes care of problems if any without much difficulty.

15.3 Stationery required at the counting tables:

Provide every counting table with the following articles of stationery:

- i. A knife or razor blade.
- ii. Pencils.
- iii. Two sheets of paper.
- iv. Twine or rubber bands and
- v. One or two paperweights (even small pieces of stone will do).

15.4 Appointment of counting assistants:

- i. The Election Authority in exercise of power under rule 35, Panchayati Raj Rule, 1996 allows you to appoint such staff as you may require for assisting you in the counting. It is advisable to make an order of appointment in writing for this purpose.
- ii. You should appoint as counting supervisors, as far as practicable, only experienced officials of the State Government. The counting assistant also should similarly be drawn from officers/ officials having experience in election work. They should be given intensive training in counting and be supplied with copies of "A pamphlet showing illustrative cases of valid and invalid ballot papers" brought out by the Election Authority.
- iii. At each table there should be one counting supervisor and two counting assistants.
- iv. In addition, appoint sufficient number of Class IV Government employees also as counting assistants to carry the ballot boxes to and from the counting tables.
- v. As far as possible the employees engaged as Presiding/Polling Officer may not be engaged for counting of votes for the constituencies in the Panchayat Halqa in which they have functioned as Presiding/Polling Officers.

15.5 Number of counting agents:

A Panch candidate will not be allowed to appoint a Counting agent. The Panch candidate shall himself act as his own counting agent and in case he is unable to attend to counting, he can depute his election agent for the purpose.

15.6 Maintenance of discipline and order at counting:

Post police constables on duty at the door or doors of the counting hall. Do not allow any person to enter or leave the room without your permission. You must ensure that complete order and discipline prevails and counting takes place in a businesslike manner. You may send out of the counting hall any person who persists in disobeying your directions. You shall not allow smoking inside the counting hall.

15.7 Warning about secrecy of ballot:

Explain the procedure for counting to the counting supervisors and assistants. Thereafter you should commence the counting.

15.8 Persons allowed in counting hall:

- i. Only the following persons can be allowed inside the counting hall :—
 - (a) Counting Supervisors and Counting Assistants ;
 - (b) Persons authorized by the Election Authority ;
 - (c) Public servants on duty in connection with the election ; and
 - (d) Candidates or their election agents.Before counting begins see that no one else is present in the room.
- ii. You should note that the term “Public Servants on duty in connection with election” does not normally include Police Officers, Such officers whether in uniform or in plain clothes should not, as a general rule, be allowed to enter inside the counting hall, unless you decide to call them in for the maintenance of law and order or some similar purpose. Their presence in the counting hall without any compelling reason on occasions gives rise to complaints by some candidates or parties who may allege that their agents get overawed by an un-necessary show of force.
- iii. You should also note that the above expression public servant on duty in connection with election does not include the Ministers, State Ministers and Deputy Ministers of the Union or the State. They should also not be allowed to be appointed as counting agents, as they have to be escorted by Security Guards who cannot be allowed entry into the Counting Hall.
- iv. Entry of persons should be strictly regulated as detailed above as otherwise the counting process may be vitiated by the presence of unauthorized persons. Their presence could lead to overcrowding and attendant confusion and law and order problem.
- v. If you or the Assistant Returning Officer or other Officers have a reasonable doubt about any person in the counting hall, you can have him searched if necessary, even though the person concerned may be in possession of a valid authority letter to enter the place of counting.
- vi. In the performance of your duties, you are only bound by the instructions of the Election Authority. You are not to take orders from or show any favour to your official superiors or political leaders including Ministers. Even in the matter of request for entry into the counting hall from these, you may allow them only if they possess a valid authority letter issued by the Election Authority.

15.9 Opening of ballot boxes:

- i. Counting of votes commences with the distribution of ballot boxes to the counting tables in serial order of the polling stations.
- ii. The work of distribution of ballot boxes on the various tables can be done keeping an account of such distribution with you for your information.
- iii. Along with the ballot box or boxes of each polling station, the counting table should also be supplied with the relative Ballot Paper Account and the Paper Seal Account in the appropriate form received from the polling station. All the boxes should not however, be opened simultaneously at a counting table. Only one box should be opened at a time.

15.10 Checking seals on ballot boxes:

- i. As soon as a ballot box has been placed on the counting tables allow the candidates or his election agents for the table to satisfy themselves that the seals on the ballot box are intact and have not been tampered with. Where a paper seal is used for closing a ballot box the outer seals of the ballot box are not vital and even if these outer seals are damaged but the inner paper seal is intact, the contents of the ballot box could not have been tampered with. If any candidate or his election agents raises any objection in respect of these outer seals, reject such objections and proceed with the counting.

- ii. Candidates or his election agents are entitled to check identity marks on paper seals. As each ballot box is opened, every candidate or his counting agents may check the identity of the box with reference to :—
 - (a) serial numbers of the ballot box ;
 - (b) the identity marks on the paper seal or the label or address tag as the case may be ;
 - and
 - (c) the serial number of the paper seal (where one is used for sealing a ballot box).

15.11 Comparison of serial numbers of paper seals :

- i. The serial number on the paper seal of each box should be compared with their numbers as given in the paper seal account sent to you by the Presiding Officer. Allow the candidates or his election agents to note these numbers also. If you find in any case on a comparison of the paper seal account and the paper seal actually found on a box that the numbers do not tally in respect of any particular box, there would be a prima facie suspicion that either the ballot box has been tampered with or that paper seal account contains a mistake. Decide the question after checking the serial numbers of the unused paper seals returned by the presiding officer and other relevant circumstances, including notes, if any, made by the candidates or his election agents at polling station, if available. If you find it to be a case of mistake, ignore the discrepancy. On the other hand, if you are satisfied that the ballot box has in fact been tampered with, you should keep that ballot box apart and the ballot papers contained therein should not be taken out. IN SUCH A CASE, IF MORE THAN ONE BALLOT BOX HAS BEEN USED AT THAT POLLING STATION. ALL OTHER BALLOT BOXES USED AT THAT POLLING STATION SHOULD ALSO BE KEPT APART. IF ANY SUCH BOX HAS ALREADY BEEN OPENED AND THE BALLOT PAPERS CONTAINED THEREIN TAKEN OUT AND MADE INTO BUNDLES, THE BALLOT PAPERS SO TAKEN OUT AND BUNDLED SHOULD BE PUT BACK IN THE BALLOT BOX AND THE BALLOT BOX SHOULD BE RESEALED. Thereafter, report the matter forthwith to the DPEO for necessary direction. If the DPEO directs a repoll in the affected polling station(s), arrange for such repoll.
 - (a) If the paper seals are found to have been tampered with in any box in such a way that the box is no longer secure and its contents could have been interfered with, and if you are further satisfied that the box has, in fact, been tampered with, you should not open the box or bring out its contents. Reseal the box without counting, wrap it up in cloth or gunny bag and keep it separate. IN SUCH A CASE, IF MORE THAN ONE BALLOT BOX HAS BEEN USED AT THAT POLLING STATION THEN ALL BOXES USED AT THAT POLLING STATION SHOULD ALSO BE KEPT APART. IF ANY SUCH BOX HAS ALREADY BEEN OPENED AND THE BALLOT PAPER CONTAINED THEREIN TAKEN OUT AND MADE INTO BUNDLES, THE BALLOT PAPERS SO TAKEN OUT AND BUNDLED SHOULD BE PUT BACK IN THE BALLOT BOX AND THE BALLOT BOX SHOULD BE RESEALED. Report the facts to the DPEO and take further action as may be directed by the DPEO.
 - (b) After the seals and the identity of the ballot boxes from a polling station have been checked in the manner detailed above and found to be in order, their contents should be taken out on the respective counting tables.
 - (c) Allow the candidate or his election agents to satisfy themselves that all ballot papers have been taken out from the boxes and that they are empty.
 - (d) The counting assistants should be careful to see that no ballot paper goes astray while being handled by them.

15.12 Counting not to be interrupted in case of any ballot box found tampered with:

Under the law, it is not necessary to adjourn the entire counting if a ballot box has been found by you to have been tampered with. You will not, of course, count any of the ballot boxes

tampered with, but you will proceed with the counting of ballot boxes from all other polling stations and report the matter forthwith to the DPEO for necessary direction. Do not declare the result of the election until such direction of the DPEO has been received by you. If the DPEO directs that a repoll shall be taken in the affected polling station(s) arrange for such repoll and the votes cast at such a repoll shall also be counted and taken into account by you before declaring the result of election.

15.13 Counting of votes:

- i. Generally there will be only one Polling Station for every Panch Constituency and it may have on an average used only one ballot box. However in those rare cases of having more than one Polling Station in a Panch Constituency or a particular polling station having used more than one ballot box, the following procedure be adopted :—
 - (a) The ballot boxes should be opened polling station wise.
 - (b) If there are more than one ballot box used at a polling station then all those ballot boxes be opened one after another after due checks and the total number of votes in these ballot boxes be tallied with the ballot paper account for that polling station ;
 - (c) Further keeping in mind the basic spirit of maintaining maximum possible secrecy of voting, it has been decided that if there are more than one polling stations in one Panch Constituency, then the votes of all those polling stations shall be mixed before the detailed counting ;
 - (d) Before mixing of ballot papers of different polling stations in a Panch Constituency it is absolutely necessary that the votes in the ballot boxes of these polling stations are individually tallied with their respective ballot paper accounts and discrepancy if any is brought to the notice of the Returning Officer ;
 - (e) In view of the small number of votes to be counted for one Panch constituency it is not found necessary to make these ballot papers into bundles before counting. However, if the number of ballot papers is exceptionally large the Returning Officer may direct the Counting Supervisor to make those into bundles before the start of counting.
- ii. To start detailed counting the second fold of the ballot paper should be opened by one counting assistant and then passed on to the Counting Supervisor who would keep the ballot paper according to voting in different heaps. The number of the heaps will be one more than the number of candidates, the extra heap being for doubtful invalid votes.
- iii. While keeping the votes in different heaps the contesting candidates or their election Agents should be allowed to satisfy that the vote is being kept in the appropriate heap.
- iv. After the votes are separated into different heaps they should be counted properly and their numbers recorded on a separate sheet. The total of the votes in all the heaps must equal the initial count. These should then be taken to the Returning Officer/Assistant Returning Officer in-charge of counting for final check and decision on doubtful votes.

15.14 Decision on doubtful votes:

- i. The Returning Officer/Assistant Returning Officer should then take decisions on the doubtful votes in presence of the candidates/their election agent and finalize the result.
- ii. The Returning Officer should instruct the counting staff that only those, ballot papers which are really doubtful or which the counting agents of the candidates desire to be treated as doubtful should be kept in the doubtful group so that the number of doubtful ballot papers to be decided by the Returning Officer will not be unnecessarily large.
- iii. Reject a ballot paper only :—
 - (a) When there is no mark at all on the front, or the mark is made otherwise than with the instrument supplied for the purpose ; or
 - (b) When the mark is in blank area, that is to say, at the back or entirely in the

- shaded area ; or
- (c) When there are marks against two or more candidates ; or
 - (d) When there is any writing or mark by which the voter can be identified ; or
 - (e) When the ballot paper is mutilated beyond recognition ; or
 - (f) When the ballot paper is not genuine or it is spurious.
- iv. You may provide yourself with “A pamphlet” showing illustrative cases of valid and invalid postal and ordinary ballot papers brought out by the Election Authority and keep it handy so that you can consult it as and when necessary.
 - v. You should endorse on every ballot paper which you so reject the word “Rejected” and the ground(s) for such rejection in abbreviated form either in your own hand or by means of a rubber stamp. You should also initial each such endorsement but you need not give the date.
 - vi. A rubber stamp in the following form specifying the various reasons for rejecting a ballot paper may be used. In that case what you are required to do is to affix this stamp which mentions all the reasons and make a tick mark against the particular reason for which the ballot paper is to be rejected and then affix your initial.

REJECTED

<ul style="list-style-type: none"> a. No marking. b. Mark on blank area. c. Multiple voting. d. Voter identifiable e. Mutilated. f. Not genuine. <p style="text-align: center; margin-top: 10px;">Returning Officer</p>
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- vii. Before finally rejecting any ballot paper give a reasonable opportunity to the candidate or his agent present at your table to inspect it. If the agents want to note down the serial number of any ballot paper on the ground that it is of doubtful validity for any reason or wrongly rejected by you; you may allow them to do so. But you may reject any unreasonable demands in this regard. Do not however allow them to handle any ballot paper physically.
- viii. Do not reject any ballot paper simply because :—
 - (a) more than one mark has been made in the column of one candidate ; or
 - (b) besides a clear mark in the column of not more than one candidate, there are marks on the back or inside the shaded area ; or
 - (c) the mark is only partially within the column of one candidate and the rest of mark is in the blank area ; or
 - (d) the original mark is patently in the column of one candidate but an impression due to wrong folding appears in the column of another candidate. The impression can be examined with reference to arrow cross mark rubber stamp. If an impression is made due to wrong folding the duplicate mark will be clock-wise and can be easily distinguished from the original mark which will be anti-clock-wise ; or
 - (e) there is a mark in the column of one candidate, but a smudge appears against that of another candidate ; or
 - (f) there is no distinguishing mark and signature provided you are satisfied that the omission has been due to any mistake or failure on the part of Presiding Officer or Polling Officer ;

or

- (g) the mark indicating the vote is indistinct or made more than once, if the intention that the votes is for a particular candidate clearly appears from the way the paper is marked ; or
 - (h) there is a faint undecipherable thumb impression or faint smudge impression on the ballot paper left inadvertently by the elector on the ballot paper while handling it because of the presence of some ink on his thumb which was put thereon for the purpose of obtaining his thumb impression on the counterfoil of the ballot paper.
- ix. Tendered votes not to be counted : It needs to be noted that the envelopes containing the tendered votes are not to be opened and the tendered votes are not to be included in the counting of votes.

15.15 Test Check of valid ballot papers:

- i. The Returning Officer must ensure that the bundles of valid ballot papers have been correctly sorted and do not contain any ballot paper which ought to be rejected or ought to be placed in the bundle of valid ballot papers of any other candidate. To ensure this, he must make a test check of the bundles of valid ballot papers. This test check may be done by turning the ballot papers like currency notes keeping an eye on the symbol of the candidate in whose favour the votes have been cast. This will ensure that the bundle does not contain any ballot paper which ought to be rejected or which ought to be placed in the bundle of any other candidate. On turning the ballot papers in a bundle as stated above if it is found that it contains ballot papers which ought to be rejected or ought to be placed in the bundle of ballot papers of any other candidate then he should count all the ballot papers of that bundle, and if as a result of such counting he has reasonable doubt that the counting staff by whom that bundle has been counted might have committed similar mistakes in other bundles counted by them, he may direct a recount of those bundles by a different set of counting staff. This test check must cover all the counting tables in each round.
- ii. The Returning Officer after ascertaining the position from the candidates present that there is case of no dispute, may ask the Counting Supervisor to prepare a formal statement of counting in **Form PEL 15**, check the same and sign the statement prepared by the Counting Supervisor. However, nothing stops the Returning Officer from making a physical verification or repeating the counting. He shall then announce the result accordingly and issue a certificate of election to the elected candidate in **FORM PEL 16** and issue copies of the detailed result to all the candidates.

15.16 Procedure to be followed in case of destruction, loss, etc. of ballot papers before completion of counting :

- i. It has been decided that the District Panchayat Election Officer will be competent to direct, after taking all material circumstances into account the counting of votes to be stopped and if necessary order fresh poll in case it is reported by the Returning Officer before completion of the counting of votes that any ballot papers used at a polling station have been—
 - (a) unlawfully taken out of his custody ; or
 - (b) accidentally or intentionally destroyed or lost ; or
 - (c) damaged or tampered with, to such an extent that the result of the poll at the polling station cannot be ascertained.
- ii. If any such occasion arises, you as the Returning Officer should forthwith report full facts of the case to the DPEO and await his directions in regard to the counting of votes polled at that polling station. The counting in respect of the other polling stations should however, be proceeded without interruption, but the results of counting be declared only after the result of repoll (if ordered) becomes available.

15.17 Recount :

- i. When the counting is completed, you should record in the Result Sheet in **Form PEL15** the total number of votes polled by each candidate and announce the same. You should

then pause for a minute or two. If during this period any candidate or in his absence, his election agent or any of the counting agents, asks for a recount, you should ascertain from him as to how much time he would require for making an application for recount in writing. If you consider that the time applied for is reasonable, allow it, and you should announce the exact hour and minute up to which you will wait for receiving the written application for recount. You should not complete and sign the Result Sheet in Form PEL15 until after the expiry of the time so announced. When an application for recount is made you should consider the grounds urged and decide the matter. You may allow the application in whole or in part if it is reasonable or you may reject it in *toto* if it appears to you to be frivolous or unreasonable. Your decision will be final but in every case you should record a brief statement of your reasons for your decision. If, in any case, you allow an application/applications for recount/recounts either wholly or in part, you should have the ballot papers counted over again in accordance with your decision. After each recount has been completed, amend the Result Sheet to the extent necessary. Announce the amendments so made by you. After the total number of votes polled by each candidate has been announced by you, complete and sign the Result Sheet.

- ii. As Returning officer your duty is to count accurately the votes and you have therefore always the right to order your staff to recount the votes. But the right of a candidate to demand a recount does not mean that recount can be granted for mere asking. The party demanding recount has to make out a prima facie case that the return was not accurate and recount is necessary in the interest of justice.
- iii. It would seem to be reasonable to allow a request for a recount in the case of a candidate about to lose his deposit or where the number of votes polled by him is close to the minimum required to save his deposit.
- iv. It would be unreasonable to demand a second recount if the first recount showed only minor variations from the first count and at the same time showed a very substantial majority in favour of one candidate. On the contrary, it would be reasonable to demand further recount where the voting is close and where previous recounts have shown differing results.
- v. But you would be justified in refusing a further recount when two **or** three recounts show the same result even though the difference between the contesting candidates may be very small.

15.18 Certificate of election:

A certificate of election shall be issued to the winning candidate by the Returning Officer in **Form PEL I6(appendix N-14)**, with copies to the concerned B.D.O. and District Panchayat Election Officer. In addition to this certificate, the election results for the entire Panchayat Halqa, are required to be issued in Form 3 in terms of rule 38 of the Rules. Copies of this statement in Form 3 shall be sent to the Election Authority and the District Panchayat Election Officer concerned. A consolidated statement for the district shall be subsequently prepared by the District Panchayat Election Officer in Form PEL 18(appendix N-16) and shall be sent to the Election Authority with copies to all concerned including the Director Rural Development and the State Government for record.

15.19 Counting after repoll :

If any repoll has been held at polling station you should fix the date, time and place for counting the votes recorded in such repoll and give notice of the same to every candidate or his election agent. You should follow the same procedure as detailed above for such further counting as far as it applies.

15.20 Safe custody of ballot papers:

- i. The papers relating to election of the conduct of Panchayat Elections require special attention in the matter of their preservation and safe custody. These papers are :—
 - (a) the packets of unused ballot papers with counterfoils attached thereto ;
 - (b) the packets of used ballot papers whether valid, tendered, or rejected ;
 - (c) the packets of the counterfoils of used ballot papers ;

- (d) the packets of the marked copy of the electoral roll ; and
- (e) the packet of all other papers relating to nominations, scrutiny & withdrawal of candidature, taking of poll and counting of votes.
- ii. The packets at items (b) shall be sealed by you with the brass seal supplied to you by the Election Authority immediately after the counting of the votes. You should point out to the candidate or their agents present that it is in their own interest to affix their seals on these packets to avoid any possibility of tampering with these packets.
- iii. All the packets under items (a), (c), (d), (e) and the packets of tendered votes which are received from the presiding officers of polling stations in sealed packets should be again sealed by you immediately from outside with suitable labels.
- iv. You should put a responsible Officer-in-Charge for the supervision of the actual sealing of these packets. Otherwise, there is possibility of important election papers going astray which would create complications and confusion if and when the Appellate Court Orders the production of these papers.

15.21 Preservation of election papers :

- i. After the elections are over the election papers in sealed packets as indicated in para 15.20 ante shall be reorganized in big packets as per instructions given below and kept in sealed trunks, separately for each Panchayat Halqa with the District Panchayat Election Officer, for safe custody for a period of 6 months, so that the record can be produced before the competent authority in case of an appeal.
 - (a) One large sealed cover containing the covers of different Panch constituencies having unused ballot papers, counterfoils of used ballot papers.
 - (b) One large sealed cover containing sealed covers for each of the Panch Constituencies, containing bundles of votes sorted out at the time of counting, for each of contesting Panch candidate and the invalid/rejected votes and kept in separate envelopes or fastened together with the help of rubber bands and the relevant counting sheets, and office copies of the result sheets & certificates of Elections.
 - (c) One large cover of separate covers containing marked copies of the electoral rolls, ballot paper account and presiding officer's diary separately for each Panch Constituency.
 - (d) One large sealed cover containing sealed covers for each of the Panch constituencies containing all the papers relating to nominations, scrutiny, withdrawal of candidature, taking of poll and counting of votes.
- ii. All the large covers of one Panchayat Halqa should be given marking of “cover A-PH.....”, “cover B-PH.....” etc., and then tagged together so that all the covers of one Panchayat Halqa remain together for convenience of retrieval. For keeping them in steel trunk etc., serial order of the Panchayat halqas, block wise may be followed. The steel trunks should be properly labeled and sealed by the District Panchayat Election Officer.

After expiry of the period and after ascertaining that no appeals are pending, the papers may be destroyed by tearing them off /shredding and sale as paper waste or alternatively by burning them. A certificate to that effect shall be furnished by the District Panchayat Election Officer to the Election Authority.

- iii. However DPEO's should note that receipts of fee and security deposits along with other papers relating to accounts matter should be destroyed only after the same are audited and audit objections, if any, are disposed of. The lists of elected candidates should not be destroyed in any case.

CHAPTER – XVI

RETURN AND FORFEITURE OF DEPOSITS

16.1 Introductory:

Every candidate whose nomination paper was found valid must have made the requisite deposit of Rs.100/- (The amount of deposit is half in the case of a candidate belonging to a Scheduled Caste or Scheduled Tribe or woman candidates). Some of the candidates, if not all, whose nomination papers were found invalid and were rejected by you must also have made the deposit. There would also be some validly nominated candidates who have withdrawn their candidatures according to law before the expiry of the time limit for such withdrawals. Lastly, some candidates would be defeated at the poll while one candidate would have been duly elected at the election. Deposits made by them have either to be returned to them or forfeited to Govt. in accordance with the law as described hereunder.

A deposit can be refunded only to the person in whose name it was made or his legal representative, if he is dead.

16.2 Conditions for Return :

The deposit made by a candidate shall be returned if the following conditions are satisfied :—

- (i) the candidate is not shown in the list of contesting candidates, that is to say either his nomination was rejected or after his nomination was accepted, he withdrew his candidature ; or
- (ii) he dies before the commencement of the poll ; or
- (iii) he is elected ; or
- (iv) he is not elected but gets more than 1/6th of the total No. of valid votes polled by all the candidates at the election.

- N.B.**
1. If the candidate has polled exactly 1/6th of the total number of valid votes polled by all the candidates, the deposit will not be refunded.
 2. If the candidate was elected, the deposit will be refunded even if he did not poll more than 1/6th of the total valid votes polled by all the candidates.

16.3 Return: when to be made:

If the candidate is not shown in the list of contesting candidates or if he dies before the commencement of the poll, the deposit should be returned as soon as practicable, after the publication of the list of contesting candidates or after his death, as the case may be. Some candidates may have made along with their second and subsequent nominations further security deposits. The second and subsequent deposits should be returned, as far as practicable after the publication of the list of contesting candidates. In other cases, the deposit should be returned as soon as practicable, after the result of the election is declared.

16.4 Form of application for return:

- i. The law does not prescribe any form in which a candidate may apply to you for the return of his security deposit. The candidate can make a simple application himself or through his election agent.
- ii. If the candidate has died, his legal representative can make the application.

16.5 Prompt settlement of applications for refund:

Complaints of considerable delay in returning/refunding the deposit must be avoided. The Election Authority impresses upon you that all such cases should be promptly settled. Any discrepancy found in the application for return of deposit should be immediately brought to the notice of the candidate who should be given all help in the matter.

16.6 Forfeiture of deposit:

- i. Forfeit to Government every deposit which is not refundable under any of the above paragraphs in this chapter.
- ii. The forfeited amount of the deposit shall be credited to revenues under the following head :
“0515-Other Rural Development Programmes – (101) Receipts under Panchayati Raj Act Other Receipts”

16.7 Refund to a candidate belonging to the Scheduled Caste or Scheduled tribe, or a woman candidate :

Where a candidate belonging to a Scheduled Caste or a Scheduled Tribe or a woman candidate contests an election, he is required to make a deposit of only half of the above noted amounts. If he deposits by mistake or otherwise, the full amount of instead of what he is required to deposit as above, he is always entitled to the refund of the excess amount actually deposited by him. You should satisfy yourself of his being a member of Scheduled Caste or a Scheduled Tribe before allowing such a refund.

You should keep (also refer instructions at para 7.5 of Chapter VII of this handbook) one copy of papers relating to nominations, scrutiny and withdrawals with you to facilitate refund of deposits as these papers have to be deposited with District Panchayat Election Officer by you.

Genuine

CHAPTER – XVII

ACCOUNTS OF ELECTION EXPENSES

17.1 Introductory :

- i. The Election Authority has notified vide Notification dated 11th March, 1999 that every candidate contesting in the election to the Panchayati Raj institutions is required to keep, either by himself or by his election agent, a separate and correct account of all expenditure in connection with the election incurred or authorised by him or by his election agent between the date on which he has been nominated and the date of declaration of result of the election, both dates inclusive.
- ii. Further, every contesting candidate has to lodge a true copy of the said account within 30 days from the date of declaration of result of the election, with the District Panchayat Election Officer or the Tehsildar authorized by him.
- iii. In order to ensure that all candidates comply with these requirements relating to maintenance of accounts of election expenses and filing of their returns of election expenses in the manner and within the time required you have been instructed in para 5.24 to invite the attention of each candidate to the above in writing. This should be done by addressing a letter to each candidate as in Appendix M-3 as soon as he files his nomination paper.
- iv. The Election Authority has prescribed the proforma for maintenance and lodging of accounts of election expenses by the candidates. The proforma consist of two parts- Part I for maintaining account from day to day and Part II for showing the total expenditure with required details on various items listed therein.
- v. The Election Authority has directed that as soon as a candidate files his nomination paper, a Register in the Standard proforma as given in Appendix M-4 shall be issued by the Returning Officer to the candidate or his duly authorised agent against a proper receipt thereof. Each register will be duly authenticated by the Returning Officer. The candidate shall maintain his day to day account of election in that Register itself and in no other document. That Register containing his account shall itself be filed by the candidate with the DPEO/Authorized Tehsildar as his account of election expenses within 30 days from the date of declaration of result of election. The day to day account in the Register shall also be accompanied by the account showing the total expenditure on various items listed in Part II of the expenditure register.
- vi. The account filed by a contesting candidate is also required to be accompanied by an affidavit from the candidate in the prescribed proforma which is also part of the model proforma given in Appendix M-4.

17.2 Only contesting candidates to lodge accounts:

It is only the contesting candidates who are required to lodge their accounts of election expenses.

17.3 Maintenance of account and particular to be entered in account:

The account should contain the following particulars: -

- (a) the date on which the expenditure was incurred or authorized ;
- (b) the nature of the expenditure (as for example, travelling, postage or printing and so on) ;
- (c) The amount of the expenditure, i.e.
 - (i) the amount paid.
 - (ii) the amount outstanding
- (d) the date of payment ;

- (e) name and address of the payee ;
- (f) the serial number of vouchers in case of amount paid ;
- (g) the serial number of bills, if any, in case of amount outstanding ;
- (h) the name and address of the person to whom the amount outstanding is payable.

N.B. The particulars mentioned in items (e) to (h) above need not be given in regard to any item of expenditure for which it is unnecessary to obtain vouchers under paragraph 17.6.

- i. The day-to-day account of expenditure showing the above particulars will be kept by the candidate in the Register supplied to him by the Returning Officer and in no other document.
- ii. All documents such as vouchers, receipts, acknowledgements, etc., in support of the expenditures incurred or authorized shall be obtained from day to day as the expenditure is incurred or authorized and shall be maintained in the correct chronological order along with the above mentioned Register showing day to day account.

17.4 Account to be made available by candidate for inspection:

- i. The day to day account as maintained by a candidate in the aforesaid Register together with the supporting documents shall be made available by the candidate for inspection at any time during the process of election to the District Panchayat Election Officer, Returning Officer, or any other such authority nominated by the Election Authority in this behalf.
- ii. Failure on the part of a candidate to produce the Register and the supporting documents for inspection on demand should be treated as major default on his part and he should be proceeded against under law.
- iii. While inspecting the accounts of the candidates at random, it must be ensured that the inspection does not become a source of harassment/oppression to the detriment of the electioneering of the candidate which is his legal right.

17.5 Manner of lodging the account:

- i. The Register supplied by the Returning Officer to each candidate in which the candidate has kept his account of election expenses shall itself be filed by the candidate with the DPEO/Authorised officer as his account of election expenses within 30 days from the date of declaration of result of election.
- ii. Further, the candidate is also required to furnish in Part II of the Expenditure Register given to him by the Returning Officer alongwith the said register the total expenditure on the various items listed therein. No column in the Register or in Part II of the proforma is to be left blank. If no expenditure has been incurred or authorised on any item listed therein, a nil entry should be made in the appropriate column.
- iii. Furthermore, each candidate while lodging return of his election expenditure in the prescribed proforma shall also file an affidavit on oath in support of his account of election expenses. The proforma of the affidavit to be filed by each candidate is a part of the model proforma mentioned above. In the affidavit, the candidate is to particularly state that the expenditure shown as nil, if any, on items listed in Part II of the proforma has not been incurred by him but by others. The affidavit will also clearly state that all election expenditure on listed items and relating thereto has been completely and unexceptionally included in the return and there is nothing that has not been disclosed.
- iv. The account which is filed should be a true and complete account kept by the candidate or his election agent and should be certified as such by the candidate himself. A certificate by his election agent is not sufficient and, therefore, even if the account is certified by the election agent, it should again be certified by the candidate himself.

17.6 Vouchers to be filed with accounts:

Every candidate should lodge along with the account a voucher for every item of expenditure unless the nature of the case is such that it is not practicable to obtain voucher, e.g.

postage, travel by railway and the like. All vouchers should be serially numbered by the candidate or his election agent.

17.7 Vouchers to be signed:

Each of the supporting vouchers lodged with the account shall be signed by the candidate or by the election agent, in full.

17.8 Last date for filing account :

The account should be lodged by the candidate within 30 days from the date of election of the returned candidate.

- i. In computing the period of 30 days, the date on which the Returning Officer declared the returned candidate elected should be excluded.
- ii. If the 30th day so computed is a Sunday or other holiday and if office is closed on that day, the account of election expenses may be lodged on the next day on which offices open. The account will be deemed to have been lodged in time in such a case.

17.9 Meaning of date of election:

The “date of election” of a returned candidate is the date on which the Returning Officer declared him to have been elected whether it was a contested or an uncontested election.

17.10 Issue of acknowledgment in token of receipt of account:

As soon as the account of election expenses is filed by a candidate, DPEO/Authorized Officer should acknowledge its receipt. If the account is received through post, such acknowledgement should be sent forthwith by post.

17.11 Notice of filing accounts:

Within two days from the date on which the candidate lodges his account of election expenses, the DPEO or the Officer authorized by him shall affix a notice on notice board specifying :

- i. the date on which the account has been lodged ;
- ii. the name of the candidate ; and
- iii. the time and place at which the account can be inspected.

17.12 Inspection and copies:

Any person can, on payment of a fee of rupee one, inspect the account lodged with DPEO/Authorized Officer by a candidate. Election Authority has fixed the fee of Rs. 1/- per folio or part of a folio chargeable for the supply of attested copies of the account of election expenses or of any part thereof.

17.13 After the last date for filing of accounts :

Immediately after the last date for filing of accounts of election expenses has expired, the DPEO/Authorized Officer shall prepare a list of defaulters and issue them a notice again to file the same. After all the candidates have filed the accounts the Officer shall examine them and ensure that they are in order. The authorised officer shall prepare the list of those candidates to send the same to District Panchayat Election Office. The DPEO will check that the statement of account submitted by the Contesting candidates has been accepted as correct and complete in all respects & report to the Election Authority accordingly.

Any violation by the candidate or his election agent or any political party by way of incurring expenditure in excess of the limit fixed or failure to submit the accounts as indicated herein above will be viewed seriously by the Election Authority and stringent action under rules shall be taken against the defaulter including action to institute criminal prosecution.

FORM NO. 1
(See rules 9 & 11)

NOMINATION PAPER

Block..... District.....

PART I

I..... nominate myself as a candidate for election to the Panch from..... Constituency of Panchayat Halqa.....

I hereby declare :

- (a) That my name is entered at S.No..... of electoral roll for constituency of Panchayat Halqa.
- (b) That I have completed years of age.
- (c) *That I am set up at this election by the..... party which is recognized National/State Party in the State of Jammu and Kashmir and the symbol reserved for the above political party be allotted to me ;
- (d) *That I am not set up by any recognized political Party and my choice of symbol in order of preference is :
 - (i)
 - (ii)
 - (iii)

Dated

*delete whichever not applicable.

(Signature of Candidate)

Name of the Candidate

(in block letters)

.....

Postal address

.....

PART II

Authorization of Agent

I a candidate at the above election hereby authorise
.....(name).....(full postal address)
to deliver this nomination paper.

Place
Date

Signature of candidate

I agree to act as such authorised agent

Place
Date

Signature of the agent

PART III

(Receipt for nomination paper)

This nomination paper was delivered to me at my office at (hours) on
..... (date) by the candidate/authorised agent. He has deposited the security amount
vide receipt No dated

Returning Officer

PART IV

**Decision of Returning Officer,
Accepting or Rejecting the nomination paper**

I have examined this nomination paper in accordance with the provisions of Jammu and Kashmir Panchayati Raj Act, 1989 and rules made there under and decide as follows;

Date

Returning Officer

.....cut out from here.....

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

The nomination paper of a candidate as a Panch from constituency of Panchayat Halqa was delivered to me at my office at (hours) on (date) by the candidate/authorised agent.

All nomination papers will be taken up for scrutiny on (date) at (hours) at (place).

Place

Date

Returning Officer

.....

FORM NO. 2
(See rule 12)

NOTICE OF WITHDRAWAL

Election to the Panch Constituency

From Halqa Panchayat

To

The Returning Officer

.....

I.....S/o..... a candidate nominated for Panch at the above election do hereby give notice that I withdraw my candidature.

Place

Date

Signature of the candidate

This notice was delivered to me at my office at (hours) on (dated) by(Name) the candidate.

Date

Returning Officer

RECEIPT FOR NOTICE OF WITHDRAWAL
(To be handed over to the person delivering the notice)

This notice of withdrawal of candidature by..... S/ocandidate at the election to the Halqa Panchayat for constituency No. was delivered to me said candidate/his authorised agent at my office at.....(hour) on (date).

Returning Officer

FORM NO. 3
(See rule 38)

ELECTION RESULTS

I declare the following as having been elected as Panch from the constituency indicated against each to the Halqa Panchayat Block..... District

S.No	Name of the Panch	Name of the Constituency
1	Mr/Mrs S/o/D/o/W/o R/o	
2	Mr/Mrs S/o/D/o/W/o R/o	
3	
4	
5	
6	
7	
8	
9	Mr/Mrs S/o/D/o/W/o R/o	
10	Mr/Mrs S/o/D/o/W/o R/o	

Signature of the Returning Officer

Date day of20...

FORM NO. 16

FORMAT OF BALLOT PAPER

J&K.Pyt. Elec.-2010	
Electoral Roll Part No.	<District Code><Sr. No. of Panchayat Halqa in district> <Name of Panchayat Halqa><Roman Sr. No. of Panch Constituency>
Serial No. of Elector:	
Sr.No:..... (of Ballot paper)	Signature/ Thumb Impression of the elector

Symbol	Name of the Candidate
Sr.No:J&K Pyt. Elec-2010-<District Code> - <Sr.No.of Panchayat Halqa in district> - <Name of Panchayat Halqa> - <Roman Sr. No.of Panch Constituency>.	
Symbol	_____
Symbol	Name of the Candidate
Symbol	_____
Symbol	_____

FORM No. 18

(See rule 30)

**Tendered voter list for the election of Panch from..... Constituency of
Panchayat Halqa.....**

S. No.	Name of Voter	Number in Electoral Roll	Signature/Thumb Impression of voter
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

Date

Signature of the Presiding Officer

FORM PEL 1
(See para 2.3, Chapter II)

LIST OF POLLING STATIONS

Panchayat Halqa Block..... District

S. No.	Location of Polling Station	Constituency	Village/ area covered	No. of voters
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				

Issued by District Panchayat Election Officer

District.....

FORM PEL 2
(See para 3.11 of Chapter III)

FORM OF APPOINTMENT OF THE POLLING STAFF

The following staff is hereby appointed for conduct of poll of

Panchayat Halqa Block..... District

S.No.	Location of polling station	Presiding Officer	Polling Officer
1		1	1 2
2			1 2
3		1	1 2
4			1 2
5		1	1 2
6			1 2
7		1	1 2
8			1 2
9		1	1 2
10			1 2

In the absence of Presiding Officer the Polling Officer at S.No.1 of the polling station concerned shall function as the Presiding Officer.

By order of the District Panchayat Election Officer

District

Signed

Date

Rubber stamp

FORM PEL 3
(See para 5.3 & 11, Chapter V)

PUBLIC NOTICE FOR PANCHAYAT ELECTION

Notice is hereby given that election to the seat of Panch Constituencies for the Panchayat Halqa Block as described below shall be held on (date), for which nomination papers shall be accepted by the undersigned/.....(name of ARO)....., Assistant Returning Officer, between 11:00 am and 03:00 pm on any working day upto (date), being the last date for filing the nomination papers, at..... (building/place)

S. No.	S. No. and name of the constituency
1	
2	
3	
4	
5	
6	
7	
.....	
.....	

Scrutiny of the nomination papers for all Constituencies of the Panchayat Halqa shall be conducted at.....(hour) on(date) at (place).

The allotment of symbols for conduct of polls, if needed, shall be made at.....(hour) on.....(date) at (place).

Dated

Signed.....

Returning Officer_____

FORM PEL 4
(See para 5.10, Chapter V)

AUTHORIZATION OF ELECTION AGENT

Election to the Panch Constituency of Panchayat Halqa
.....Block

To

Returning Officer

.....

I.....S/o.....R/o...
.....a candidate at the above election, do authorize
..... as my election agent from this date.

Place

Date

Signature of Candidate

I accept the above authorization.

Place

Date

Signature of Election Agent

FORM PEL 7
(See para 5.19, Chapter V)

NOTICE OF NOMINATION

Panchayat Halqa

Notice is hereby given that the following nomination papers have been received today up to 3.00 PM, in respect of the constituencies falling in the Panchayat Halqa.

Panch Constituency No.	S.No. & Name	S.No. & Part No. of Electoral Roll
1	1 2 3	
2	1 2 3	
3	1 2 3	
4	1 2 3	
5	1 2 3	
6	1 2 3	
7	1 2 3	
8	1 2 3	
9	1 2 3	
10	1 2 3	
11	1 2 3	

Signed

Date

Returning Officer

*** The Returning Officer may use more than one sheet if the space provided in the format is insufficient to accommodate names of all the candidates.**

FORM PEL 8
(See para 5.25, Chapter V)

FINAL NOTICE OF NOMINATION PAPER RECEIVED

Election of Panch

Panchayat Halqa

Constituency

Notice is hereby given that the following is the list of all the nominations received for the
aforementioned election, till 3 P.M. today being the last date for filing of the nomination papers :—

S. No.	Name	Parentage	Serial number in the electoral roll
1.			
2.			
3.			

Signed

Returning Officer

.....

Date.....

Appendix N-7
FORM PEL 9
(See para 6.12, Chapter VI)

LIST OF VALIDLY NOMINATED CANDIDATES

Election of Panch

Panchayat Halqa

Constituency

Notice is hereby given that the following is the list of validly nominated candidates at the
aforementioned election.

S.No.	Name and Particulars	Party
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

Signature.....

Returning Officer

.....

Date.....

FORM PEL 10
(See para 7.4, Chapter VII)

LIST OF CONTESTING CANDIDATES

Panchayat Halqa

Constituency

Notice is hereby given that the following is the list of contesting candidates (in alphabetical order) for the above constituency.

S.No.	Name	Party affiliation	Symbol allotted
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

Signed.....

Returning Officer.....

Date.....

FORM PEL 11

BALLOT PAPER ACCOUNT

Panchayat Halqa.....

Constituency.....

S. No. & Name of polling station.....

S. No.	For Panch from S. No.....to.....	Total
1. Ballot paper received		
2. Unused ballot papers : (a) With signature of Presiding Officer (b) Without signature of Presiding Officer Total (a+b)		
3. Ballot papers used at the Polling Station (1-2=3)		
4. Ballot paper used at the polling station but not inserted into the Ballot box: a) Cancelled ballot papers b) Tendered ballot papers Total (a+b)		
5. Ballot papers to be found in the ballot box (3-4=5)		

Signature of the Presiding Officer

Date:

FORM PEL 12

RECEIPT FOR FEE
(To be prepared in duplicate using carbon paper)

S. No.....

Shri.....polling agent of
Shri.....a candidate for election
to.....

(Constituency).....(Panchayat halqa) challenged the identity
of Shri/Smt(elector) registered at
serial number and deposited fee of Rs. 2 only which was forfeited
as after the enquiry the identity of the elector was found to be in order.

Signed

Presiding Officer P.S.

Date.....

FORM PEL 13
DECLARATION BY COMPANION

I.....S/o.....R/o...
.....acting as companion
to.....an elector registered at
.....polling station at serial number
.....do hereby declare that I have not acted as companion to any other elector
in today's poll and that I will maintain the secrecy of his/her vote.

Signed.....

Date

FORM PEL 14

PRESIDING OFFICER'S DIARY

1. Name of Panch Constituency
2. Name of Panchayat Halqa
3. Name and number of polling station
4. Number of ballot boxes used
5. Number of polling agents and number who arrived late.....
6. Number of ballot papers received :
.....
7. Number of electors who voted :
Men
Women
Total
8. Challenged votes
Number allowed
Amount forfeited Rs.
9. No. of tendered votes
10. Total number of ballot papers issued (including tendered votes and votes allowed in column 8) :
.....
11. No. of infirm voters
12. Whether it was necessary to adjourn the poll and if so, the reasons for such adjournment
13. Was the poll interrupted or obstructed by –
(a) Riot

- (b) Open violence
- (c) Natural calamity
- (d) Any other cause.....

14. Was the poll vitiated by –

- (1) Any box used at the polling station having been unlawfully taken out of the custody of the Presiding Officer
 - (a) Lost or destroyed
 - (b) Damaged or tampered with.
- (2) The ballot papers having been unlawfully marked by any person and deposited in the ballot box:
- (3) Ballot papers having been unlawfully taken away by any person

PLEASE GIVE DETAILS

15. Serious complaints, if any, made by the candidates.

16. Report of mistakes & irregularities committed at the polling station.

Presiding Officer

Place

Date

(This diary should be forwarded to the Returning Officer in a separate cover along with the ballot box)

FORM PEL 15
STATEMENT OF COUNTING OF VOTES

Election for Panch Constituency of (Panchayat Halqa)

S. No.	Name of candidate	No. of votes polled
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
Invalid votes		
Total		

Signed.....

Counting Supervisor

Date.....

Verified & signed

Returning Officer

Date.....

(J&K Seal)

FORM PEL 16

CERTIFICATE OF ELECTION

It is hereby certified that Shri/Smthas been declared
elected as Panch from the Constituency of Panchayat Halqa
.....Block..... District.....

Signed.....

Returning Officer

Date.....

Rubber stamp

Copy forwarded to :

1. District Panchayat Election Officer/Dy. Commissioner
District.
2. Block Development Officer Block.....
District.

FORM PEL 18

CONSOLIDATED STATEMENT OF ELECTION

Name of District

S. No.& name of block	S. No. & Name of Panchayat	S. No & Name of constituency	Name of winner candidate	Party affiliation
1.P	1.A (.....)	1.a 2.b 3.c 4.d		
	2.B (.....)	10.j 1.b 2.c 3.d		
	3.C (.....)	1.a 2.b		
	4.D	10.j		
2.Q	1.A	1.a 2.b . .		
	2.B	. .		
3.R	1.A	1.a		
4.S				
5.T				
. . .				

Signed

District Panchayat Election Officer

.....District

Date.....

Copy to the:

1. Election Authority, under Panchayati Raj Act, 1989.
2. Director Rural Development.
3. Director Panchayati Raj, J&K.

FORM FOR APPOINTMENT OF POLLING AGENT

Election to the Panch Constituency.....

Block

I a candidate for election at the above election
do hereby appoint Smt./Shri
of..... as a polling agent to attend polling station
No.....at (place fixed for poll).

Signature of candidate

I agree to act as such Polling Agent

Signature of Polling Agent

NOTICE OF COUNTING OF VOTES

Notice is hereby given for information of all the concerned that the counting of ballot papers of (Panchayat Halqa) for election of Panches shall take place at (place) on (date) at(time).

Returning Officer

..... Panchayat Halqa

Date.....

FORM FOR RECEIPT OF SECURITY DEPOSIT
(For Elections to Panchayati Raj Institutions)

COUNTER FOIL

Book No. _____ Place _____

Receipt No. _____ Dated _____

Received from Mr./Ms. _____ S/o /

D/o / W/o _____ an amount

of Rs. _____ (Rupees

_____) in Cash/B.D.

on A/c of Security deposit for contesting the Election of

Panch.

Returning Officer/Assistant Returning Officer
(with Seal)

FORM FOR RECEIPT OF SECURITY DEPOSIT
(For Elections to Panchayati Raj Institutions)

DEPOSITOR'S COPY

Book No. _____ Place _____

Receipt No. _____ Dated _____

Received from Mr./Ms. _____ S/o /

D/o / W/o _____ an amount

of Rs. _____ (Rupees

_____) in Cash/Bank

Draft on A/c of Security deposit for contesting the Election of Panch.

Returning Officer/Assistant Returning Officer
(with Seal)

FORM PEL - A

Communication with regard to Authorized persons to intimate name of Candidate set up by **Recognized National, or State Political Party or Registered Unrecognised Political Party**

(See Paragraph 10 of the Election Symbols (Reservation and Allotment) Order, 1998)

To

1. The District Panchayat Election Officer,
_____ (District)

2. The Returning Officer for the
_____ Constituency

Subject : Panchayat Elections in the State of Jammu and Kashmir - Allotment of Symbols - Authorization of persons to intimate names of candidates.

Sir, _____

In pursuance of paragraph 10 of the Election Symbols (Reservation and Allotment) Order, 1998 issued by the Election Authority under Panchayati Raj Act, 1989, I hereby communicate that the following person(s) has /have been authorized by the party, which is National party/ State party in the State of Jammu and Kashmir / Registered Un-Recognized Party to intimate the names of the candidates proposed to be set up by the party at the election cited above :

Name of the person authorized to send notice	Name of office held in the Party	District(s) area Constituency (Constituencies in respect of which he has been authorized)
1	2	3
1.		
2.		
3.		

The specimen signatures of the above mentioned person (s) so authorized are given below :—

1. Specimen Signatures of Shri _____
(i) _____ (ii) _____ (iii) _____

2. Specimen Signatures of Shri _____
(i) _____ (ii) _____ (iii) _____

3. Specimen Signatures of Shri _____

(i) _____ (ii) _____ (iii) _____

Yours faithfully,

President/Secretary
Name of the Party

Place _____

(Seal of the Party)

Date _____

NB.

1. This must be delivered to the Returning Officer and District Panchayat Election Officer not later than 3 p.m. on the last date for making nominations.
2. Form must be signed in ink by the office bearer(s) mentioned above. No facsimile signature or signature by means of rubber stamp, etc. of any office bearer shall be accepted.
3. No form transmitted by fax shall be accepted.

FORM PEL - B

Notice as to names of candidates set up by the Political Party

[See Paragraph 10 of the Election Symbols (Reservation and Allotment) Order, 1998]

To

1. The District Panchayat Election Officer,
_____ (District)
2. The Returning Officer for the
_____ Constituency

Subject : Panchayat Elections in the State of Jammu and Kashmir, year _____

Sir,

In pursuance of paragraph 10 of the Election Symbols (Reservation and Allotment) Order, 1998 issued by the Election Authority under Panchayati Raj Act, 1989, I hereby give notice that the following persons have been set up by _____ party as its candidates at the ensuing Panchayat Election from the constituency notice against each:

Name of the constituency	Name of the approved candidate	Father's/Husband's name of approved candidate	Postal address of approved candidate
1	2	3	4

Yours faithfully,

(Name and Signature of the Authorized Person of the Party)

Place _____
Date _____

(Seal of the Party)

NB.

1. This must be delivered to the Returning Officer and District Panchayat Election Officer not later than 3 p.m. on the last date for making nominations.
2. Form must be signed in ink by the office bearer(s) mentioned above. No facsimile signature or signature by means of rubber stamp, etc. of any office bearer shall be accepted.
3. No form transmitted by fax shall be accepted.

**OFFICE OF THE RETURNING OFFICER /ASSISTANT RETURNING OFFICER
PANCHAYAT HALQA BLOCK.....DISTRICT.....**

Shri
S/o.....
R/o.....
(Contesting candidate for Panch)

No. _____ Dated : _____
Subject : Panchayat Elections-Maintenance of Expenditure Registers.

Dear Sir,

Enclosed please find herewith a register bearing serial number for maintaining the record of expenditure incurred by you/to be incurred by you during the coming Panchayat Elections. Please go through the contents/formats and ensure submission of the accounts / register within 30 days of the conclusion of the elections. Please note that in case you fail to render the accounts within specified date the Election Authority shall be informed of the lapse of necessary action under law/rules.

Yours faithfully,

Encl: Register No:.....

Returning Officer/ Assistant
Returning Officer

ACKNOWLEDGEMENT FORM

The Returning officer,
.....
.....

Sir,

I acknowledge the receipt of your letter No.....dated alongwith its enclosure containing among other documents, a Register bearing S.No. for maintenance of my accounts of election expenses.

I have noted the requirement of law for maintenance of my accounts of election expenses and lodging of true copy of that account with the District Panchayat Election Officer/Authorised officer.

Yours faithfully,

Signature of the Candidate
(with date)

ABSTRACT STATEMENT OF ELECTION EXPENSES

S. No.	Item of Expenditure	Quantity/ number	Name of person/ political party/Body/ Association incurring or authorizing the expenditure	Amount of Expenditure	Remarks
1	2	3	4	5	6
1.	Expenditure on purchase of copy of electoral rolls				
2.	Expenditure on hiring of campaign offices				
3.	Expenditure on printing of manifesto.				
4.	Expenditure on printing of personal history				
5.	Expenditure on printing of posters				
6.	Expenditure on pasting of posters				
7.	Expenditure on distribution of hand bills.				
8.	Expenditure on publication of advertisements				
9.	Expenditure on public meetings.				
10.	Hire charges for places of public meetings/public pandals.				
11.	Hiring charges for loudspeakers				
12.	Hiring charges for photography.				
13.	Expenditure on playing video cassettes				
14.	Expenditure on visit of VIPs				
15.	Expenditure on construction of gates and arches				
16.	Expenditure on POL of vehicles				
17.	Remuneration/refreshment charges				
18.	Other Misc. expenses.				

Signature of the Contesting candidate

The contesting candidate shall furnish an affidavit without which the expenditure returned shall not be accepted.

In case the account is lodged by the agent, the same shall be countersigned by the contesting candidate.

(FORM OF AFFIDAVIT)
Before the District Panchayat Election Officer..... (District)

Affidavit

I son/daughter of aged years R/o do hereby solemnly and sincerely state and declare as under :

1. That I was a contesting candidate at the Panchayat Election..... (year)from..... Panch Constituency, the result of which was declared on
2. That I/my election agent kept a separate and correct account of all expenditure in connection with the above election incurred or authorised by me or my election agent between (the date on which I was nominated) and (the date of declaration of the result thereof, both days inclusive).
3. That the said account was maintained in the Register furnished by the Election Authority under Panchayati Raj Act 1989 for the purpose and the said register itself is annexed hereto with the supporting vouchers/bills mentioned in the said account.
4. That the account of my election expenditure as annexed hereto includes all items of election expenditure incurred or authorised by me or by my election agent and nothing has been concealed or withheld/suppressed thereof.
5. That the expenditure which is shown as nil on items listed in Part II of the account has not been incurred or authorised by me or by my election agent but by the political party which had nominated my candidature.
6. That the statements in the foregoing paragraphs (1) to (5) are true to my personal knowledge and that nothing is false and nothing in material has been concealed.

Deponent

Solemnly affirmed/sworn by at this day of

Before me

Proforma for furnishing information under Section 6(I) of Panchayati Raj Act 1989 by every candidate for Panchayat Election Year _____

From Panch Constituencyof Panchayat Halqa.....

Name of the candidate

Father/Mother/Husband's Name

1	Have you ever been convicted by a Court of Law	Yes/No
(i)	In any case specified Section 6(1) of the Panchayati Raj Act 1989	
(ii)	In any other case, and sentenced to imprisonment for not less than 2 years	
2	If yes, give details (in each case separately)as below	
(i)	Name of the Court by which convicted :	
(ii)	Date of Conviction	
(iii)	Nature of offence committed (with details of the relevant Act and Section)	
(iv)	Punishment imposed	
(v)	Period for which undergone imprisonment, if any	
(vi)	Date of release from prison	
3	Was any appeal/application for revision filed against above conviction	Yes/No
(i)	Reference No. of appeal/application for revision filed, if any	
(ii)	Date of filing of such appeal/application for revision	
(iii)	Name of the court before which the appeal/application for revision filed	
(iv)	Whether the said appeal/application for revision has been disposed of	Yes/No
(v)	If disposed of, (a) date of disposal (b) nature of order passed	
(vi)	Whether any bail granted during the pendency of appeal/application for revision.	Yes/No
(vii)	If Yes, period during which remained on bail	
4.	Have you been dismissed from the services of the Govt./Local Bodies/ Halqa Panchayat.	Yes/No

Place:

Date:

Signature of Candidate

Before the Returning Officer

For Panchayat Election, year

From Panch Constituency.

Panchayat Halqa

AFFIDAVIT

I, Son/daughter/wife of aged
..... years, resident ofdo hereby solemnly affirm
and declare as follows :

1. That I have filed my nomination paper(s) for the above election.
2. That in connection with my candidature for the above election, I am submitting herewith the information, as called for by the Returning Officer under section 6 (I) of the Panchayati Raj Act. 1989.
3. That the information furnished in the enclosed proforma is true to the best of my knowledge and belief and that nothing material has been concealed thereof.

Deponent

Place:

Date

Verified before me today

Date

(Signature of verifying authority with seal)

Memo for obtaining information on conviction

(See Para 5.17 Chapter V)

Memo No.....

Dated.....

From :- Returning officer forConstituency of Panchayat Halqa.....

To

.....
(Name of the candidate)

Subject : Election to Panch fromPanch Constituency.

1. In order to be satisfied that you are not suffering from disqualification mentioned under the section 6 of the Panchayati Raj Act, 1989, you are required hereby to furnish the information as asked for in the enclosed proforma (Appendix-M5), which should be supported by an affidavit (Appendix-M6), duly sworn before a Magistrate of the first class or an Oath Commissioner or a Notary Public.
2. It should be noted that furnishing of any wrong information by you will render you liable for action as per law.
3. It should also be noted that the required information must be furnished by you immediately and positively before hours on(Time and date fixed for scrutiny of nominations).

Signature

Returning Officer

Date

----- Perforation -----

Received the memo asking for furnishing of information alongwith affidavit from Returning OfficerConstituency.

Signature of candidate

LIST OF ELECTION MATERIAL FOR A POLLING PARTY/POLLING STATION

S.No.	Name of Article	Quantity required per polling station
1.	Ballot box	1 No.
2.	Self Inking Pad (purple)	1 No.
3.	Ball pointed pen (Red)	1 No.
4.	Ball pointed pen (Blue)	1 No.
5.	Fool Scape White Paper	1 Sheet
6.	Pins (packet of 50 pins)	1 Packet
7.	Sutli (plastic)	250 gm.
8.	Sealing Wax	2 Sticks
9.	Voting compartment	1 No.
10.	Pins for voting compartment	6 Nos.
11.	Gum paste (100 gm)	1 No.
12.	Thin Metal Pusher	1 No.
13.	Match Box	1 No.
14.	Blade	1 No.
15.	Plastic scale (1 feet)	1 No.
16.	Needle (big)	1 No.
17.	Arm band for Presiding Officers	1 No.
18.	Arm band for Polling Officers	2 Nos.
19.	Card Board pieces	2 Nos.
20.	Flexible wire	2 pieces
21.	Plastic cup to fix phial of indelible ink	1 No.
22.	Carbon paper	2 sheets
23.	Khadder cloth	½ metre per station
24.	Cloth lined envelope (big)	1 No.
25.	Ordinary envelope (small)	4 Nos.
26.	Polythene bag	1 No.
27.	Ordinary pencil	1 No.
28.	Indelible Ink Phial	1 No.
29.	Arrow cross Mark Rubber stamp	2 No.
30.	Cover for other unused ballot paper (No.1)	2 Nos.
31.	Cover for counterfoils of used ballot paper (No.2)	2 Nos.
32.	Cover for tendered ballot papers and the list in form No.18 (No.3)	2 Nos.
33.	Cover for returned and other cancelled Ballot papers on any account (No.4)	2 Nos.
34.	Cover for unused ballot papers signed By Presiding Officer (No.5)	2 Nos.
35.	Cover for unused paper seals (No.6)	1 No.
36.	Cover for ballot paper account and paper seal account (No.7)	1 No.
37.	Cover for the list of challenged votes (No.8)	1 No.
38.	Cover for appointment letters of Polling agents (No.9)	1 No.
39.	Cover for Presiding Officer Diary (No.10)	1 No.

40.	Cover for receipt of cash forfeited (No.11)	1 No.
41.	Cover for declaration by a companion of blind and infirm voters (No.12)	1 No.
42.	Cover for marked copy of electoral roll (No.13)	1 No.
43.	Cover for other copy of electoral roll (No.14)	1 No.

ELECTION AUTHORITY UNDER PANCHAYATI RAJ ACT, 1989

**THE PANCHAYAT ELECTIONS SYMBOLS (RESERVATION AND ALLOTMENT)
ORDER 1998**

Whereas, it is necessary and expedient in the interest of purity of elections to be conducted under the Panchayati Raj Act, 1989 and in the interest of conduct of such elections in a fair and efficient manner, to provide for the specification, reservation, choice and allotment of symbols for the recognition of political parties in relation thereto and for matter connected therewith.

Now, therefore, in exercise of the powers conferred by section 36 of the Jammu and Kashmir Panchayati Raj Act, 1989 and all other powers enabling it in this behalf, the Election Authority hereby makes the following order :

1. *Short title, application and commencement.*—(1) This order may be called the Symbols, (Reservation and Allotment) Order, 1998, and shall extend to whole of the, State of J&K and apply in relation to election to all Panchayati Constituencies in the State.
2. It shall come into force on the date of its publication in the Government Gazette which date is herein after referred to as the commencement date of this order.

DEFINITIONS AND INTERPRETATION :

In this order unless the context otherwise requires.

- (a) “clause” means a clause of the paragraph or sub-paragraph in which the words occur ;
- (b) “Election Authority” means the Election Authority under Panchayati Raj Act, 1989 ;
- (c) “Constituency” means a Constituency defined as such by the Competent Authority for elections to be conducted under the Panchayati Raj Act, 1989 ;
- (d) “Contested election” means an election held under the Panchayati Raj Act, 1989 where a poll is taken;
- (e) “Election” means an election to which this order applies ;
- (f) “Paragraph” means a paragraph of this order ;
- (g) “Political Party” means an association or body of individual citizens of India registered as a “Political Party” with Election Commission of India ;
- (h) “Sub-Paragraph” means a sub-paragraph of the paragraph in which the word occurs ; and
- (i) “Words and expressions” used but not defined in this order, but used in the Representation of People Act 1957 and J&K Panchayati Raj Act, 1989 or the Rules made thereunder shall have the meanings respectively assigned to them in these acts and rules.

3. ALLOTMENT OF SYMBOLS :

In every contested Panchayati election a symbol shall be allotted to a contesting candidate in accordance with the provision of this order and different symbols shall be allotted to different contesting candidates at an election in the same Panchayat Constituency.

4. CLASSIFICATION OF SYMBOLS :

- (1) For the purpose of this order symbols are either reserved or free ;
- (2) Save as otherwise provided in this order, a reserved symbol is a symbol which is reserved for a recognized political party for exclusive allotment to contesting candidates set up by that party ;
- (3) A free symbol is a symbol other than a reserved symbol.

5. CLASSIFICATION OF POLITICAL PARTIES :

1. For the purpose of this order and for such other purposes as the Election Authority may

specify as and when necessity thereof arises which of the political parties are recognized political parties or unrecognized political parties.

For the purpose of classification of a political party as :-

- (i) Recognized National Political Party ;
- (ii) Recognized State Party J&K State ;
- (iii) Registered Political Party.

The status accorded by Election Commission of India to the political parties prior to holding of Panchayati Elections shall form the basis for such categorization.

6. CHOICE OF SYMBOL BY CANDIDATES OF NATIONAL AND STATE PARTIES AND ALLOTMENT THEREOF :

- (1) A candidate set up by a National Party at any Panchayat election in any constituency shall choose and shall be allotted, the symbol reserved for that party and no other symbol.
- (2) A candidate set up by a State party at an election in any Panchayat constituency shall choose and shall be allotted the symbol reserved for that state party in the State and no other symbol.
- (3) A reserved symbol shall not be chosen by or allotted to any candidate in any constituency other than, candidate set up by a National Party for whom such symbol has been reserved or a candidate set up by a State party for whom such symbol has been reserved, even if no candidate has been set up by such National or State Party in that Constituency.

- (a) In the event of conduct of Panchayat Elections on Non-party basis, the Election Authority may in the interest of simplification of process issue directions through a special order to the effect that the contesting candidates will not choose the symbols but would get allotted one strictly in accordance with the serial number in which their name appears when arranged alphabetically on a ballot paper printed in advance.

7. CONCESSIONS TO CANDIDATES SET UP BY A PARTY WHICH IS A STATE PARTY IN A STATE OTHER THAN J&K :

A candidate set up by a party which is not a State Party in J&K will be treated as a candidate of a Registered Political Party for the purpose of allotment of symbols.

8. RESTRICTIONS ON THE CHOICE AND ALLOTMENT OF SYMBOLS:

Once a symbol has been reserved for a candidate set up by a political party that symbol shall not be allotted to any candidate at the Panchayat election unless such a candidate is a candidate set up by that political party.

9. CHOICE OF SYMBOL BY OTHER CANDIDATES AND ALLOTMENT THEREOF :

- (1) Any candidate at the Panchayat Election other than-
 - (a) A candidate set up by National Party ; or
 - (b) A candidate set up by a political Party which is a State Party ;shall choose 3 free symbols giving order of preference and shall be allotted in accordance with the provisions set out one of the free symbols as specified in this order in the notification issued under paragraph 12.
- (2) Where a free symbol has been chosen by only one candidate at such Panchayat election, the RO shall allot that symbol to that candidate and to none else.
- (3) Where the same free symbol has been chosen by several candidates at such election, then,—
 - (a) If of those several candidates only one is a candidate set up by an unrecognized political party, and all the rest are independent candidates, the Returning Officer shall allot that free symbol to the candidate set up by the unrecognized political party and to no one else, and if of those several candidates two or more are set up by different unrecognized political parties and the rest are independent candidates, the returning officer shall decide by lot to which of the two or more candidates set up by the different unrecognized political parties that free symbol shall be allotted and allot that free symbol to the candidate on whom the lot falls and to no one else;
 - (b) If of those several candidates being all independent candidates no one is set up by an

unrecognized political party the Returning Officer shall decide by a lot to which of those independent candidates that free symbol shall be allotted and allot that free symbol to the candidate on whom the lot falls and to no one else;

- (c) After taking decisions on allotment of symbols to all possible candidates according to their first choice as per procedure described in the foregoing sub-paragraphs, the Returning Officer shall consider the second choice of the remaining candidates and allot symbols in a similar manner.

10. WHEN A CANDIDATE SHALL BE DEEMED TO BE SET UP BY A POLITICAL PARTY :

A candidate shall be deemed to be set up by a political party if and only if ;

- (a) The candidate has made a declaration to that effect in his nomination paper ;
- (b) A notice in writing in Form PEL-B annexed to this order to that effect has, not later than 3 P.M. on the last day for making nominations, been delivered to the Returning Officer of the constituency and the name and specimen signature of such authorized persons are communicated to the Returning Officer of the constituency and the District Panchayat Election Officer concerned in Form PEL-A annexed to this order not later than 3 P.M. till the last date for making the nominations ; and
- (c) The said notice is signed by the authorised signatory of the party concerned.

11. The Election Authority shall have the power to issue instructions and directions for-

- (a) Any clarification of any of the provisions of this order ;
- (b) Removal of any difficulty which may be noticed or which may arise in relation to the implementation of any such provision ;
- (c) matter with respect to the reservations and allotment of symbol and recognition of political parties, for which this order makes no provision or has insufficient provision, but the provision is necessary in the opinion of the election Authority for the conduct of smooth and fair elections.

12. The Election Authority shall by one or more notifications in the J&K Govt. Gazette publish the list of :

- (a) National Parties with Symbols reserved for such National Parties ;
- (b) State Parties with Symbols reserved for such State Parties declared as such for the J&K State;
- (c) Free symbols

Given under my hand and the official seal on this 18th (day) of December (month) of 1998 (year).

**Election Authority
Under Panchayati Raj Act, 1989
Chief Electoral Officer, J&K**

SAMPLE OF BALLOT PAPER

J&K Pyt. Elec-2018	
Electoral Roll Part No:	<District Code> - <Sr.No. of Pyt. Halqa in district>
Serial No. of Elector:	<Name of Panchayat Halqa > - <Sr. No. of Panch Constituency>.
Signature/ Thumb Impression Sr. No..... of the elector	
Sr. No:J&K Pyt. Elec-2010-<District Code> - <Sr.No. of Panchayat Halqa> - <Name of Panchayat Halqa> - <Sr. No. of Panch Constituency>.	

**ELECTION AUTHORITY UNDER PANCHAYATI RAJ ACT, 1989
(CHIEF ELECTORAL OFFICER, JAMMU AND KASHMIR),
VIKAS BHAWAN, RAIL HEAD COMPLEX, JAMMU**

CODE OF CONDUCT FOR PANCHAYAT ELECTIONS

In exercise of powers conferred on him under section 36 of the Panchayat Raj Act 1989 the Election Authority (Chief Electoral Officer) issues the following Code of Conduct to promote free & fair Panchayat Elections :

- 1.1 This order shall be known as the Code of Conduct for Political Parties and contesting candidates.
- 1.2 This code shall come into force with effect from the elections are notified by the Election Authority under Panchayati Raj Act, 1989.

GENERAL :

- 2.1 No party or candidate shall indulge in any activity which may aggravate existing differences or create mutual hatred or cause tension between different castes and communities, religious or linguistic.
- 2.2 There shall be no appeal to Religion, Communal or Caste feelings for securing votes.
- 2.3 Places of worship such as Temples, Mosques, Churches, Gurudwara, Gompas etc., shall not be used as forum for election propaganda.
- 2.4 No criticism of any aspect of private life of a contesting candidate which is not connected with his public life or activities shall be made nor any such allegation be made which are based on unverified facts or incidents.
- 2.5 Criticism of a Political party when made shall be confined to their Policies and programme, past record and works and shall not be based on unverified allegations.
- 2.6 Organizing demonstration or picketing, before the house of individuals by way of protesting against their opinion or activity shall not be resorted to under any circumstances.
- 2.7 All parties and candidates shall avoid scrupulously all activities which are corrupt practices under the relevant provisions of Jammu and Kashmir Panchayati Raj Act, 1989 Panchayati Raj Rules, 1966
- 2.8 No party or candidate shall permit their followers for using any private property for erecting flag staffs, pasting notices, posters or slogans etc., or suspending banners without

written permission from the owner of the property concerned and further a copy of the same shall forthwith be sent to the District Election Authority.

- 2.9** No candidate or his workers shall remove or deface the flag erected or posters pasted by another candidate or Political Party.

POLLING DAY :

- 3.1** The identity slips given to voters shall be on plain (white) paper and shall not contain any symbol name of the candidate. The name of the voter, his fathers/husbands name, ward number, polling booth number and the serial number of the voter in the electoral roll shall only be written on the identity slip.
- 3.2** All Political parties/candidates shall refrains from serving liquor on the day of poll & the day previous to it.
- 3.3** Nobody except security personnel deployed on duty would be allowed to carry firearms within one hundred metres radius of a polling station or counting centre.
- 3.4** Every candidate and the political party shall co-operate with the Officers on Election Duty to ensure peaceful and orderly polling.

PUBLIC MEETINGS :

- 4.1** No party or candidate shall hold public meetings or take out processions without obtaining necessary permission from the Competent Authorities.
- 4.2** No party or candidate shall use loud speakers without obtaining necessary permission from the Competent Authority.
- 4.3** The loud speakers shall be used only between 07.00 a.m. and 09.00 p.m. The police are authorized to seize the offending equipment if anybody violates the same.

PARTY IN POWER :

- 5.1** If a Minister undertakes a tour of any area of the Districts where elections are taking place, such tour shall be deemed to be an election tour and no Government servant except those who are deployed for security purposes shall accompany the Minister. No Government vehicles or any other facility shall be made available for such tour.
- 5.2** No vehicles belonging to Government or local bodies or public undertakings or co-operation institution or any other institution receiving Government grants shall be provided to any Minister. Member of the Parliament or the Legislative Assembly/Legislative Council or a candidate for canvassing in election in any manner from the date of notification of election to the date of announcement of the results. However, Ministers and all other leaders of Political Parties will be allowed security as per the threat perceptions assessed by official agencies. The fuel expenses on the bullet

proof cars and all other cars used by these individuals will be borne by the individuals concerned and the expenditure on the security staff will be borne by the State Government.

- 5.3 The Ministers shall not combine their official visit with electioneering work and shall not make use of official machinery and personnel or other Government resources including Government vehicle for furtherance of interests of any candidate.
- 5.4 Ministers and other authorities shall not sanction grants out of discretionary funds from the time of elections are announced till the date of announcement of results, in any area where the elections are to take place. They should not sanction any new scheme or make an announcement of such scheme.
- 5.5 Laying of foundation stones or opening of any scheme or project shall not be done during the period of election.
- 5.6 Issue of advertisement at the cost of public exchequer in the newspaper and other media during the election period for partisan coverage intended to furthering the prospects of the party in power shall be scrupulously avoided.

The violation of these provisions, is liable for punishment under various laws.

PUBLIC SERVANT :

- 6.1 A public Servant shall remain absolutely impartial during the elections and he shall not indulge in any campaign activity for or against any contesting candidate or political party.
- 6.2 A Public Servant shall not participate or, accompany the Minister in any programme, organized at an individual house for which the Minister has accepted the invitation during his election tour.
- 6.3 Ordinarily, all meetings organized during election should be treated as election meetings and no Govt. money should be spent on them. No Government servant should attend any such meeting except those who are incharge of maintenance of law and order or those deployed for security duties.

PUBLIC PROPERTIES :

- 7.1 While granting permission for organizing an Election meeting at a public place, no distinction should be made between the candidate or the political parties. In case more than one candidate or party requests for holding meeting at the same place, date and time the permission should be granted to such candidate or party who has applied first.
- 7.2 Use of rest houses, circuit houses and other Government accommodation should be permitted to all the candidates and the political parties on the same terms and conditions

on which it is permissible for party in power. However, no candidate or party should be allowed to use building or its campus for the purpose of election propaganda.

ELECTION EXPENSES :

- 8.1** The contesting candidate shall maintain day-to-day expenditure record in the prescribed proforma which will be supplied to him free of cost on the date of acceptance of his candidature.
- 8.2** Every contesting candidate within 30 days of announcement of results shall submit true election expenditure account in the prescribed proforma to the authority prescribed.