

# THE MADHYA PRADESH PANCHAYAT NIRVAGHAN NIYAM, 1995

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**THE MADHYA PRADESH PANCHAYAT  
NIRVACHAN NIYAM, 1995**

[Notification No. B-1-40-95-XXII-P-2, dt. 23-12-1995; Pub. in M.P. Gaz., Ext., dt. 26-12-1995, p. 1210(93)].-In exercise of the powers conferred by sub-section (1) of Section 95 read with Section 43 of the Madhya Pradesh Panchayat Raj Adhiniyam, 1993 (No. 1 of 1994), the State Government hereby makes the following rules, the same having been previously published as required by sub-section (3) of Section 95 of the said Act, namely:—

As amended subsequently by the following notifications:-

1. No. B-1-40-95-XXII-P-2, dated 4th February 1998, Pub.in Rajpatra Ext. dated 4-2-1998, p.66(4);
2. No.F.I-40-95-XXII-P-2.-Dated 17-2-1999, Pub.in Rajpatra Ext. dated 17-2-1999, p.166(5);
3. No. F.I-40-95-XXII-P-2.-Dt 5-3-1999, Pub.in Rajpatra Ext. dated 5-3-1999, p. 230(1), as corrected by Corrigendum dated 11-3-1999;
4. No. F-1-40-95-XXII-P-2.-Dated 12-4-1999, Pub.in Rajpatra Ext. dated 12-4-1999, p.590 (1);
5. No. F-1-40-XXII-P-2.-Dated 10-4-2002, Pub.in Rajpatra Ext. dated 11-4-2002, p.354 (2);
6. No. F-1-3-2004-XXII-P-2.-Dated 20-9-2004, Pub.in Rajpatra Ext. dated 20-9-2004, p.774;
7. No. F-1-4-2004-XXII-P-2.-Dated 29-9-2004, Pub.in Rajpatra Ext. dated 29-9-2004, p.806;
8. No. F-1-6-2004-XXII-P-2.-Dated 22-12-2004, Pub.in Rajpatra Ext. dated 22-12-2004, p.1132;
9. No. F-2-1-2012-XXII-P-2,-Dated 21-9-2012, Pub.in Rajpatra Ext. dated 21-9-2012, p.818;
10. No. F-2-1-2014-XXII-P-2,-Dated 10-3-2014, Pub.in Rajpatra Ext. dated 10-3-2014, p.266;
11. No. F-2-1-2014-XXII-P-2,-Dated 25-3-2014, Pub.in Rajpatra Ext. dated 25-3-2014, p.318(7);
12. No. F-2-1-2014-XXII-P-2,-Dated 28-4-2014, Pub.in Rajpatra Ext. dated 28-4-2014, p.382; and
13. Notfn. dt. 26-6-14, pub. in M.P. Gaz. Ext., dt. 26-6-14, pg. 502(25).

**Note:-**In the footnotes appearing hereinafter the amending notifications are referred to by serial No. as given to them above.

**CHAPTER I - PRELIMINARY**

**1. Short title and commencement.**-(1) These rules may be called the **Madhya Pradesh Panchayat Nirvachan Niyam, 1995.**

(2) They shall come into force with effect from the date of their publication in the "Madhya Pradesh Gazette".

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

(a) "Act" means the Madhya Pradesh Panchayat Raj Adhiniyam, 1993 (No. 1 of 1994);

(b) "Appellate Authority" means the officer designated by the State Election Commission as Appellate Authority in consultation with the State Government to hear appeals under these rules;

- (c) "Commission" means the Madhya Pradesh State Election Commission constituted under article 243K of the Constitution.
- (d) "Constituency" means a Constituency of Janpad Panchayat within the Block and Zila Panchayat within the District;
- <sup>1</sup>[(e) "District Election Officer" means the officer appointed by the State Election Commission as District Election Officer (Panchayat) in consultation with the State Government for preparation of voters list and conduct of elections to Panchayats in a district].
- (f) "Form" means a form appended to these rules;
- (g) "Marked copy of the voters' list" means the copy of the voters' list set apart for the purpose of marking the names of voters to whom ballot papers are issued at an election;
- (h) "Registration Officer" means the Electoral Registration Officer appointed by State Election Commission, in consultation with the State Government for registration of voters' for election to Panchayats in a district and includes an Assistant Electoral Registration Officer;
- (i) "Returning Officer" means Returning Officer (Panchayat) appointed by the State Election Commission, or when so authorised by the State Election Commission, by the District Election Officer as a Returning Officer for election to any Panchayat;
- (j) "Voters' List" means the electoral roll or the list of voters of a ward or constituency of a Panchayat;
- (k) "Village" means a village as specified under Section 3 of the Act;
- (l) "Ward" means the ward of a village.

## CHAPTER II

### FORMATION OF WARDS AND CONSTITUENCIES AND RESERVATION

#### **3. Matters to be taken into consideration in formation of wards.**

<sup>2</sup>[(1) A "Village" shall be divided into wards in accordance with the provisions of Section 12 of the Act, on the following events,—

- (a) During the first election; or
- (b) in case limits of "Village" is altered by including therein any local area in the vicinity thereof or excluding therefrom any local area comprised therein; or
- (c) At the interval of every ten years, if the ratio between the population of Gram Panchayat area and number of wards is distorted in such a manner that it is not practicable to be the same as it is throughout the block].

(2) Where there are more than one ward in a village, the Collector shall form each ward so as to conform, as far as possible, to the order in which the houses of the voters fall in consecutive-order.

(3) Each ward shall be assigned a separate serial number.

(4) The wards formed under this rule shall be notified by the Collector by affixing a statement thereof on the notice Board of the Collector's

1 Subs. by No.1 [4-2-1998]

2 Subs. by No. 1 [3-3-1999].

as well as at a conspicuous place in each village of the Gram Panchayat area.

(5) Any adult inhabitant of the Gram Panchayat area may, if he objects to anything contained in statement affixed under sub-rule (4), submit his objection in writing to the Collector within five days from the date of the affixture of the statement.

(6) On receipt of the objections, if any, the Collector shall hold a summary inquiry into every objection and shall record his decision thereon.

(7) The Collector shall thereafter amend the statement according to his decision the number of wards and seats reserved for the members of scheduled castes, scheduled tribes, other backward classes and for women and they shall be finally notified by him in the manner prescribed in sub-rule (4).

<sup>1</sup>[(8) Once the number of wards and their area is determined by the Collector, in the manner prescribed in sub-rules (1) to (7), the number of wards and their area shall remain the same in subsequent elections, unless any of the events mentioned in sub-rule (1) happens and in subsequent elections, the Collector shall notify and publish a statement of wards and the area thereof number of wards reserved for Scheduled Castes, Scheduled Tribes, Other Backward Classes and women in the manner prescribed in sub-rule (4).]

**4. Powers of Collector to determine reserved seats for wards.**-(1) Subject to the provisions of Section 13, the ward or wards in which seats shall be reserved for women and the members of the Scheduled castes or Scheduled tribes or other backward classes shall be determined by the Collector:

<sup>2</sup>[Provided that in Scheduled areas the seats for Scheduled Castes, Scheduled Tribes and Other Backward Classes shall be reserved in accordance with the provisions of Section 129-E of the Act.]

(2) The total number of seats to be reserved for the members of scheduled castes or scheduled tribes shall be in proportion to the total population of such caste and tribe with the total population of the Gram Panchayat area. Fraction less than half shall be ignored and half and more than half shall be counted as one.

<sup>3</sup>[(3) Seats reserved either for the Scheduled Castes or the Scheduled Tribes shall as far as practicable, be allotted in the wards in which the percentage of population of the Scheduled Castes or the Scheduled Tribes, as the case may be, worked out by the Collector is found by him to be correspondingly higher in descending number:

Provided that in Scheduled areas, at first instance, reservation of seats for Scheduled Tribes shall be determined in accordance with the provision of sub-rule (3) and if any shortfall remains, remainder seats shall be reserved for Scheduled Tribes by drawing of lots and by rotation].

(4) In a Gram Panchayat where fifty per cent or less than fifty per cent wards have been reserved both for the scheduled castes and for scheduled tribes, twenty five per cent of the total number of seats shall be reserved

1 Ins. by No.3 [5-3-1999].

2 Added by No.4 [12-4-1999].

3 Subs. by No.4 [12-4-1999].

for other backward classes and such seats shall be allotted by the Collector in the wards excluding the wards reserved for the scheduled castes and the scheduled tribes by rotation and drawing of lots:

<sup>1</sup>[Provided that in Gram Panchayat in Scheduled areas, such number of seats shall be reserved for persons belonging to Other Backward Classes, which together with the seats, already reserved for Scheduled Castes, and Scheduled Tribes if any, shall not exceed three fourths of all the seats in that Gram Panchayat, by rotation and drawing of lots.]

(5) Out of the wards reserved for women in accordance with sub-section (5) of Section 13 number of wards shall be reserved for women of scheduled castes or scheduled tribes and/or other backward classes as may bear, as nearly as may be, the same proportion to the total number of seats reserved for women as the total number of wards reserved for scheduled castes or scheduled tribes and/or other backward classes bear to the total number of wards in the Gram Panchayat area. Seats for women belonging to scheduled castes, scheduled tribes and/or other backward classes shall be allotted from out of the wards reserved for scheduled castes and/or scheduled tribes and/or other backward classes under sub-rule (3) and under sub-rule (4). Seats belonging to women of general category be allotted from out of the remaining wards.

(6) (a) The prescribed authority shall, for the purpose of fixing the wards in which seats shall be allotted, under sub-rules <sup>2</sup>[xxx] (4) and (5) draw lots separately for the wards reserved for <sup>3</sup>[x x x] other backward classes and for women.

(b) For the purpose of allotting wards the prescribed authority shall publish a notice at a conspicuous place at the headquarter of the concerned gram panchayat stating that the lots shall be drawn in the office to be named in such notice and on the date and at the time specified therein before the persons who are present to witness the drawal of lots.

(c) For the purposes of allotment of wards for women separate chits shall be prepared for general wards and wards reserved for scheduled castes and/or scheduled tribes and/or other backward classes giving the individual number of wards on each of such chit. All the chits meant for general wards shall be kept in one-pot and those chits for reserved wards shall be kept in separate pot/pots. As many chits as are required for allotment of seats for women of general category shall be drawn out and the number of wards written on the chits, shall be read out before the persons witnessing the draw. Similar procedure shall be adopted for drawing chits from the pots meant for allotment of wards for women belonging to scheduled castes, scheduled tribes and/or other backward classes.

(d) The proceedings shall be recorded in writing and signed by the prescribed authority. Signatures of atleast two non-official persons witnessing the drawal of lots shall also be obtained on proceedings. Their names and addresses shall be written below their signatures.

<sup>4</sup>[(e) For the categories of seats which are to be reserved by drawing lots and by rotation, in subsequent general election of Gram Panchayat,

1 Added by No.4 [12-4-1999].

2 Omitted by No.4 [12-4-1999].

3 Omitted by No.4 [12-4-1999].

4 Subs. by No.4 [12-4-1999].

the wards previously reserved shall be excluded from drawing lots, for that category till all such wards are exhausted].

**5. Matters to be taken into consideration in formation of constituencies of Janpad Panchayat and Zila Panchayat.**-<sup>1</sup>[(1) A 'Block' and a 'District' shall be divided into constituencies in accordance with the provision of section 23 and section 30 respectively, on the following events,—

- (a) During the first election; or
- (b) In case limits of 'Block' or 'District' as the case may be, altered by including therein any local area in the vicinity thereof or by excluding therefrom any local area comprised therein; or
- (c) If ratio between the population of each constituency and the number of seat allotted to it, is practicable not to be throughout the panchayat area].

(2) The population of each constituency shall as far as possible be the same.

(3) A village in any constituency shall be completely included and all the villages included in a constituency shall as far as practicable be in consecutive order.

(4) Every constituency of Janpad Panchayat and Zila Panchayat shall be assigned a serial number in the name of Janpad Panchayat and Zila Panchayat as the case may be.

(5) The constituencies formed under this rule shall, with their description be notified by affixing a statement as follows:—

- (i) On the notice board of the Collector's Office.
- (ii) On the notice board of office of Zila Panchayat.
- (iii) On the notice board of Block Development Office.
- (iv) On the notice board of Janpad Panchayat Office.
- (v) On the notice board of Tahsildar's Office.

(6) Any adult inhabitant may, if he objects to anything contained in the statement affixed under sub-rule (5) submit his objection in writing to the Collector within seven days from the date of affixture of the statement.

(7) On receiving the objection, if any, the Collector shall hold a summary enquiry into every objection and shall record in writing his decision thereon.

(8) The Collector shall thereafter amend the statement according to his decision and determine the number of constituencies and seats reserved for the members of the scheduled castes, scheduled tribes, other backward classes and women and they shall be finally notified by him in the manner prescribed in sub-rule (5).

<sup>2</sup>[(9) Once the number of constituencies and their area is determined by the Collector, in the manner prescribed in above sub-rules, the number of constituencies and their area shall remain the same in subsequent elections, unless any of the events mentioned in sub-rule (1) happens and in subsequent elections, Collector shall notify and publish a statement of constituencies and their area and number of constituencies reserved for Scheduled Castes, Scheduled Tribes, Other Backward Classes and

1 Subs. by No.3 [5-3-1999].

2 Ins. by No.3 [5-3-1999].

Women in the manner prescribed in sub-rule (5).]

**6. Reservation of Constituencies.**-(1) Subject to the provisions of Section 23 in the case of Janpad Panchayat and Section 30 in case of Zila Panchayat, the constituencies in which seats shall be reserved for the members of scheduled castes, scheduled tribes, other backward classes and women shall be determined:

<sup>1</sup>[Provided that in the Scheduled areas the seats for Scheduled Castes, Scheduled Tribes and Other Backward Classes shall be reserved in accordance with the provision of Section 129-E of the Act.]

(2) The total number of seats to be reserved for scheduled castes, or scheduled tribes shall be in proportion to the total population of such caste and tribe with the total population of Janpad Panchayat or Zila Panchayat as the case may be. Fraction less than half shall be ignored and half or more than half shall be counted as one.

<sup>2</sup>[(3) Seats reserved either for the Scheduled Castes or the Scheduled Tribes shall, as far as practicable, be allotted in the constituencies in which the percentage of population of the Scheduled Castes or the Scheduled Tribes, as the case may be, worked out by the Collector is found by him to be correspondingly higher in descending number:

Provided that in Scheduled areas, at first instance, reservation of seats for Scheduled Tribes shall be determined in accordance with the provisions of sub-rule (3) and if any short fall remains, remainder seats reserved for Scheduled Tribes shall be determined by drawing of lots and by rotation].

(4) In a Janpad and Zila Panchayat where fifty per cent or less than fifty per cent seats have been reserved for scheduled castes and scheduled tribes, twenty five per cent of the total number of seats shall be reserved for other backward classes and such seats shall be allotted by the Prescribed Authority in the constituencies excluding the constituencies reserved for the Scheduled Castes and Scheduled Tribes by rotation and drawal of lots:

<sup>3</sup>[Proviso that in a Zila Panchayat or Janpad Panchayat, as the case may be, in Scheduled Areas such number of seats shall be reserved for persons belonging to Other Backward Classes, which together with the seats, already reserved for Scheduled Castes and Scheduled Tribes, if any, shall not exceed three fourth of all the seats in Scheduled areas of that Zila Panchayat or Janpad Panchayat, as the case may be, by rotation and drawing of lots.]

(5) Out of the constituencies reserved for women under section 23 in case of Janpad Panchayat and Section 30 in case of Zila Panchayat, such number of constituencies shall be reserved for women belonging to scheduled castes, scheduled tribes and/or other backward classes as may bear, as nearly as may be, the same proportion to the total number of constituencies reserved for women as the total number of seats reserved for scheduled castes, scheduled tribes and/or other backward classes bears to the total number of constituencies in a Janpad Panchayat or Zila Panchayat as the case may be. Seats for women belonging to scheduled castes, scheduled tribes and/or other backward classes shall be allotted from out of the constituencies reserved for such castes, tribes, and/or

1 Ins. by No.4 [12-4-1999].

2 Subs. by No.4 [12-4-1999].

3 Ins. by No.4 [12-4-1999].

backward classes. Seats belonging to women of general category shall be allotted from the remaining constituencies.

- (6) (a) The prescribed authority shall, for the purpose of fixing the constituencies in which seats shall be allotted under sub-rule <sup>1</sup>[xxx] (4) and (5) draw lots separately for the constituencies reserved for <sup>2</sup>[x x x] other backward classes and for women.
- (b) The prescribed authority shall, for the purpose of allotting the constituencies, publish a notice stating that the lots shall be drawn in the office to be named in such notice and on the date and at the time specified therein before the persons who are present to witness the drawal of lots. Such notice shall be published at the places specified in sub-rule (5) of rule 5.
- (c) For the purpose of allotting the constituencies for women separate chits shall be prepared for general constituencies and constituencies reserved for Scheduled Castes, Scheduled Tribes and/or other backward classes, giving the number of constituencies on each such chit. Chits of each of such category shall be kept in separate pots and such number of chits shall be drawn from each pot as may be required for women belonging to that category and the number of constituencies written on the chit shall be read out before the persons witnessing the draw.
- (d) The proceeding shall be recorded in writing and signed by the prescribed authority. Signatures of atleast two non-official persons witnessing the drawal of lots shall also be obtained on such proceeding. Their names and addresses shall be written below their signatures.
- <sup>3</sup>(e) For the categories of seats which are to be reserved by drawing of lots and by rotation, in subsequent general election of Zila Panchayat or Taluqa Panchayat, as the case may be, the constituencies previously reserved shall be excluded from drawing lots, for that category till such constituencies are not exhausted]

### CHAPTER III

#### RESERVATION OF <sup>4</sup>[POST] FOR SARPANCH

**7. Determination of reserved seats for Sarpanch.**-(1) The Panchayats in which seats shall be reserved for Scheduled Castes, Scheduled Tribes, Other Backward Classes and Women as Sarpanch of the Gram Panchayats in accordance with the provisions of Section 17 for Gram Panchayats within the Block shall be determined by the prescribed authority:

<sup>5</sup>[Provided that in the Scheduled area, the post of Sarpanch shall be reserved for Scheduled Tribes in accordance with the provisions of Section 129-E of the Act.]

(2) **The prescribed authority.**-(i) shall for the purpose of allotment of seats of Sarpanch of Gram Panchayat to Scheduled Castes, Scheduled Tribes or Backward Classes keep the chits of the names of all Gram

1 Omitted by No.4 [12-4-1999].

2 Omitted by No.4 [12-4-1999].

3 Subs. by No.4 [12-4-1999].

4 Subs. for 'Seat' by No.4 [12-4-1999].

5 Ins. by No.4 [12-4-1999].

Panchayats within the Block in a pot and draw lots therefrom to the extent necessary for fulfilling the requirement of reservation under sub-section (2) of Section 17 in the following order, namely:—

- (a) Scheduled Castes;
- (b) Scheduled tribes; and
- (c) Other Backward Classes.

(ii) shall for the purpose of allotment of seats of Sarpanch of Gram Panchayats to women belonging to Scheduled Castes, Scheduled Tribes, other Backward Classes and General Category, keep chits bearing the name of the Gram Panchayats reserved for the candidates belonging to Scheduled Castes, Scheduled Tribes, other Backward Classes and General Category in different pots and draw lots therefrom, to the extent necessary for fulfilling the requirement of reservation for women under sub-section (3) of Section 17.

(3) For the purpose of drawal of lots a notice in which the place, date and time for drawal of lots has been described shall be exhibited at least five days before the date of drawal of lots by the prescribed authority in relation to Gram Panchayat—

- (a) on the notice board of Collector's Office;
- (b) on the notice board of the office of the Tahsil Office within which the block lies;
- (c) on the notice board of the office of concerned Janpad Panchayat; and
- (d) on the notice board of every Gram Panchayat within the block concerned.

(4) Proceedings regarding drawal of lots shall be recorded in writing and shall be signed by the Prescribed Authority, Signatures of at least two non-official persons present at the time of drawal of lots shall be obtained and the names and addresses of persons signing on such proceeding shall be written below their signatures.

<sup>1</sup>[(5) In the subsequent general election of Gram Panchayat, the Gram Panchayat previously reserved shall be excluded from drawal of lots, for that particular category, till all such Gram Panchayat are not exhausted].

## C O M M E N T A R Y

**Election of Sarpanch on reserved post.**—Election of the respondent to post of Sarpanch against the post reserved for S.T. category was called in question by the election petitioner. Respondent belonged to OBC category and not S.T. If the benefits are claimed or enjoyed without entitlement, the same can be enquired into at any point of time. It is well within the powers of the Election Tribunal to decide the same. *Leelawati v. Kanhaiyalal*, 2011(4) MPLJ 131 = 2012(1) JI 33.

**8. Assistance in the matter of reservation.**—The State Government, Director of Panchayat and Social Welfare, Collector and the prescribed authority may take necessary assistance from their subordinate officers in the matter of formation of wards, reservation and allotment of seats.

<sup>1</sup> Subs. by No.4 [12-4-1999].

## CHAPTER IV

### LIST OF VOTERS

**9. Preparation of voters list.**-(1) The Commission shall subject to the provisions of Section 5, cause to be prepared in Form-1, ward-wise list of voters in Hindi written in the Devnagri Script, for each Gram Panchayat.

(2) The Commission shall appoint, in consultation with the State Government, a Registration Officer for Panchayats in a district and one or more Assistant Registration Officers, as may be found necessary to assist the Registration Officer in the preparation of voters' list for Panchayats.

(3) Every Assistant Registration Officer shall, subject to the control of the Registration Officer, be competent to perform all or any of the functions of the Registration Officer.

<sup>1</sup>**10. Publication of voter's list for inviting claims and objections.**-(1) As soon as the voter's list is ready, the Registration Officer shall give a public notice inviting claims for inclusion of names in the list and objections to any entry therein, in such form as may be prescribed by the Commission and shall get the notice displayed on the notice board in the office of:—

(a) Registration Officer,

(b) Gram Panchayat concerned, and

(c) Janpad Panchayat within which the Gram Panchayat lies.

(2) The notice under sub-rule (1) shall specify the period during which and the offices at which objections or claims may be lodged.

(3) Simultaneously with the publication of notice under sub-rule (1), the Registration Officer shall make available a copy of the voter's list for inspection of public, free of charge, for a period of at least five days from the day of publication of the notice, during office hours at his office and at the office of the Gram Panchayat concerned.

(4) Copy of voter's list may be supplied to any person on payment of such fee as may be fixed by the Commission by a General or Special Order].

## C O M M E N T A R Y

**Amendment in voters' list.**-[1] No amendment is permissible in voters' list after issuance of election notice under Rule 28. As such voters' list cannot be challenged in writ petition after the election is over. *Khumano Bai v. State of M.P., 1995 MPLJ 67.*

[2] From the scheme of Rr. 10, 13 and 27, it is clear that after claims and objections are disposed of the voter's list attains finality and no correction, inclusion or exclusion thereafter is permissible. 1995 MPLJ 67 Relied on. *Anjana Mulkalwar v. State of M.P., 1998 (2) J LJ 328.*

**11. Claims and Objections.**-(1) Any person, whose name is not entered in the voters' list or is entered at an incorrect place or with incorrect particulars or any person whose name is entered in the list and who objects to the inclusion of his own name or the name of any person in that list, may prefer a claim or objection by delivering to the Registration

<sup>1</sup> Subs. by No.2 [17-2-1999].

Officer an application in writing duly signed not later than 3.0 Clock in the afternoon of the last specified day in the notice under rule 10 and no claim or objection received thereafter shall be entertained.

(2) Every claim or objection shall be preferred in such form as may be prescribed by the Commission and shall either be presented to the Registration Officer or to such other Officer as may be nominated by him in this behalf.

(3) A claim or objection may be accompanied by any documents on which the claimant or objector relies.

## C O M M E N T A R Y

**Amendment in voters' list.**- No amendment is permissible in voters' list after issuance of election notice under Rule 28. As such voters' list cannot be challenged in writ petition after the election is over. *Khumano Bai v. State of M.P., 1995 MPLJ 67.*

**12. Disposal of claims and objections.**-(1) The Registration Officer shall, after holding such summary inquiry into the claims or objections as he thinks fit, record his decision in writing and shall make available on demand copy of such decision to the objector free of charge forthwith.

(2) No person shall be presented by any legal practitioner in any proceeding under this rule.

(3) The Registration Officer shall amend the voters' list in accordance with his decision.

(4) The voters' list so amended shall subject to decision in appeal, if any, be final and a copy thereof duly signed by the Registration Officer shall be kept in his office and another copy deposited in the office of District Election Officer.

(5) Any person aggrieved by the decision of the Registration Officer may prefer an appeal to the Appellate Authority within five days of such decision. Every appeal shall be in such form as may be prescribed by the Commission and presented to the Appellate Authority accompanied with a copy of the decision of the Registration Officer. The Appellate Authority, after giving the appellate an opportunity of hearing and making such enquiry as it deems fit, shall pass suitable orders expeditiously and in the event of the appeal succeeding, direct the Registration Officer to amend the voters' list to give effect to its decision. The decision of the Appellate Authority shall be final:

Provided that no amendment shall be carried out in the voters' list according to the decision of the Appellate Authority after the last date and time fixed for making nominations in the notice issued under rule-28 and before the completion of election.

## C O M M E N T A R Y

**Amendment in voters' list.**- No amendment is permissible in voters' list after issuance of election notice under Rule 28. As such voters' list cannot be challenged in writ petition after the election is over. *Khumano Bai v. State of M.P., 1995 MPLJ 67.*

**Revision of voter's list.**-[1] Revision of voter's list can be made when Bye-election or General election is due or when there is a change in limits of village etc. *Anjana Mulkalwar v. State of M.P., 1998 (2) JLJ 328.*

[2] Where voter's list is sought to be revised under sub-rule (2), the provisions of Rr. 8,9 and 10 become applicable. *Anjana Mulkalwar v. State of M.P., 1998 (2) JLJ 328.*

[3] Under sub-rule (2), name of a single voter cannot be modified or deleted. *Anjana Mulkalwar v. State of M.P., 1998 (2) JLJ 328.*

**13. Inspection and issue of certified copies.**-(1) Every member of the public shall have the right to inspect the voters' list referred to in sub-rule (4) of rule 12 on payment of a fee of two rupees and certified copies of the same may be issued by the Registration Officer to an applicant on payment of the same fees as are prescribed for copies of revenue records.

**14. Duration of voters' list and its revision.**-(1) The Voters' list referred to in sub-rule (4) of Rule 12 shall remain in force until revised in accordance with sub-rule (2) or sub-rule (3).

(2) Every such list shall be liable to revision by reference to the first day of January of the year in which it is so revised—

(i) before each general election to the Panchayats; or as the case may be;

(ii) before each bye election to fill a seat in a Panchayat.

(3) Notwithstanding anything contained in sub-rule (2) it shall not be necessary to revise such list before a bye-election, if such bye-election is held during the calendar year in relation to the first day of January whereof the list has been originally prepared:

Provided that the Commission may for reasons considered sufficient by it direct revision of such list before holding a bye-election.

(4) Notwithstanding anything contained in the foregoing provisions, the validity or continued operation of the Voters' list referred to in sub-rule (4) of rule 12 shall not in any way be affected by non-revision of any such list under sub-rule (2) or when so directed by the Commission under proviso to sub-rule (3).

<sup>1</sup>[ **15. Finalisation of voter's list.**-Subject to the provision of rule 15A no correction in any entry of inclusion or deletion of any name shall be made in the voter's list after its finalisation under rule 12:

Provided that clerical, technical or printing error or omission, apparent on the face of the record, regarding a voter may be corrected by the Registration officer at any time before the last date and time fixed for making nomination under rule 28].

<sup>2</sup>[ **15A. Deletion of entries in the voters list in certain cases.**- (1) If the Registration Officer on application made to him or on his own motion, is satisfied after such inquiry as he thinks fit, that the name of any person in the voter's list of a Panchayat after its finalisation under rule 12 should be deleted on the ground that the person concerned is registered in the

1 Subs. by No.1 [4-2-1998].

2 Ins. by No.1 [4-2-1998].

voter's list of any other Panchayat or of any Municipality, the Registration Officer shall, subject to such general or special direction, if any, as may be given by the Commission in this behalf, delete the entry:

Provided that before taking any action in this behalf, the Registration Officer shall give the person concerned reasonable opportunity of being heard in respect of the action proposed to be taken in relation to him.

(2) No deletion of any entry shall be made under sub-rule (1) after the last date fixed for making nomination in the notice issued under rule 28 for the election in that ward or in the constituency of any Panchayat within which that ward is comprised and before the completion of that election.

(3) The Registration Officer shall record in writing the reasons for his decision to delete an entry under sub-rule (1) and shall make available, on demand, a copy of such decision to the person concerned free of charge, forthwith.

(4) Any person aggrieved by the decision of the Registration Officer under sub-rule (1) may prefer an appeal to the District Election Officer within fifteen days of such decision.

(5) The District Election Officer after giving the appellant an opportunity of hearing and making such enquiry as he deems fit, shall pass suitable order on the appeal. The decision of the District Election Officer shall be final.]

<sup>1</sup>[ **16. Custody and destruction of papers.**-The preliminary voter's list published under rule 10, the claims and objections received under rule 11 along with the order of the Registration Officer or Appellate Authority thereon and the papers relation to the proceedings under rule 15A shall be preserved in the record room of the District Election Officer until after the next revision of the list and shall then be destroyed].

**17. Officers and staff for conducting elections.**-(1) The State Government shall, when so requested by the commission make available to the commission such officers and staff as may be necessary for the discharge of functions conferred on the commission under the Act and these Rules.

(2) All the Officers and members of the staff appointed or deployed for preparation of voters' list and conduct of election to Panchayats under the act or these Rules shall function under the superintendence, direction and control of the commission.

<sup>2</sup>[(3) The Commission may assign such duties and functions to the officers and members of staff appointed or deployed under sub-rule (1) and invest them with such powers, in relation to such areas as it may deem necessary or consider fit, in relation to conduct of elections and matters connected therewith or incidental thereto.]

<sup>3</sup>[ **17-A. Requisition of vehicles etc. for Panchayat election purposes.**-(1) The District Election Officer may, if it appears to him necessary in connection with election under the Madhya Pradesh Panchayat Raj Avam Gram Swaraj Adhiniyam, 1993 that any vehicle, vessel or animal is needed or is likely to be needed for the purpose of transport of ballot boxes to or from any polling station or transport of members of the police force for

1 Subs. by No.1 [4-2-1998].

2 Added by No.2 [17-2-1999].

3 Rule 17-A to 17-D ins. by No. 5 [11-4-2002].

maintaining law and order during the conduct of such election, or transport of any officer or other person for performance of any duties in connection with such election, he may by order in writing requisition such vehicle, vessel or animal and may make such further orders as may appear to him to be necessary and expedient in connection with such requisition.

(2) Such requisition shall be effected by an order in writing addressed to the person deemed by the District Election Officer to be the owner or person in possession of the property and such order shall be served on the person to whom it is addressed.

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

**Explanation.**-For the purposes of this rule "vehicle" means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise.

**17-B. Payment of compensation.**-Whenever in pursuance of rule 17-A any vehicle, vessel or animal is requisitioned, there shall be paid to the owner thereof compensation, the amount of which shall be determined by the District Election Officer on the basis of the rate fixed by the Chief Electoral Officer for such vehicle, vessel or animal for the State Assembly Election:

Provided that any person interested, being aggrieved by the amount of compensation determined by District Election Officer, may apply within thirty days from the date of issue of the order determining the compensation to the Divisional Commissioner for a review. The decision of the Divisional Commissioner shall be final.

**17-C. Manner of serving order on requisition of vehicles, vessels and animals.**-An order of requisition under 17-A shall be served:—

- (a) Where a person to whom such order is addressed is a corporation or firm, in the manner provided for the service of summons in rule 2 of order XXIX or rule 3 of order XXX, as the case may be, in the first Schedule of the Code of Civil Procedure, 1908 (No. V of 1908); and
- (b) Where a person to whom such order is addressed is an individual,—
  - (i) personally by delivering or tendering the order, or
  - (ii) by registered post with acknowledgement due, or
  - (iii) if a person cannot be found, by leaving an authentic copy of the order with any adult member of his family, or by affixing such on some conspicuous part of the premises in which he is known to have last resided or carried on business, or personally worked for a gain.

**17-D. Penalty for contravention of any order regarding.**-If any person contravenes any order made under rule 17-A he shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to rupees five hundred or with both.]

**18. Commission's power to issue General or Special orders or directions.**-Notwithstanding anything contained in these rules, the Commission may issue such special or general orders or directions which may

not be inconsistent with the provisions of the Act for fair and free elections.

## C O M M E N T A R Y

**Jurisdiction of Election Commission.**- Under the provisions of this rule, the Election Commission gets no jurisdiction to set aside the order of the Returning Officer, either rejecting or accepting any nomination paper, even if the same is done illegally. *State Election Commission M.P. v. Ras Bihari, 1995 JLJ 651=AIR 1995 MP 245 (DB).*

### **19. District Election Officer and Deputy District Election Officer.**

(1) The Commission shall in consultation with the State Government appoint a District Election Officer for each district and one or more Deputy District Election Officers as may be found necessary to assist the District Election Officer in the conduct of elections of Panchayats in the district.

(2) Subject to the superintendence, direction and control of the Commission, the District Election Officer shall coordinate and supervise all work in the district in connection with the conduct of all elections to Panchayats in the district.

(3) The District Election Officer shall also be Ex-officio Returning Officer for elections to Zila Panchayat.

<sup>1</sup>[ **19-A. Observers.**-(1) The Commission may nominate an Observer to watch the conduct of election or elections in a Panchayat or a group of panchayats and to perform such other functions as may be entrusted to him by the Commission.

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

(3) Where an observer has directed the Returning Officer under this rule to stop counting of votes or not to declare the result, the observer shall forthwith report the matter to the Commission and thereupon the Commission shall, after taking all material circumstances into account, issue appropriate direction under rule 72.

**Explanation.**-The expression 'booth capturing' shall have the meaning assigned to it in Section 14-D of the Madhya Pradesh Local Authorities (Electoral Offences) Act, 1964.]

**20. Appointment of Returning Officer.**-The commission or when so authorised by Commission, the District Election Officer shall appoint an officer of the State Government not below the rank of a Naib Tahsildar as a Returning Officer for every election to fill a seat in any Panchayat other than the Zila Panchayat:

Provided that nothing in this rule shall prevent the commission or the District Election Officer from appointing same person to be a Returning Officer for election of more than one Panchayat.

**21. Appointment of Assistant Returning Officer.**-(1) The Commission or when so authorised by the commission, the District Election Officer may appoint one or more persons as Assistant Returning Officer to assist the Returning Officer in the performance of his functions.

(2) Every Assistant Returning Officer shall, subject to the control of the Returning Officer, be competent to perform all or any of the functions of the Returning Officer.

(3) Any reference in these rules to the Returning Officer shall, unless the context otherwise requires, be deemed to include an Assistant Returning Officer.

## C O M M E N T A R Y

**1. Materially affected.**-Election petitioner lost the election by margin of one vote. His name was erroneously printed in the ballot paper, there remained no doubt that the election of the petitioner was materially affected. *Ranjora Ahirwar v. State of M.P.*, 2001 (3) MPLJ 452.

**2. Re-election of Sarpanch.**-In the election of Sarpanch the specified officer held that there had been grave error in the printing of ballot papers and the name of the petitioner was not correctly described and voting pattern was affected. Refusal to give direction for re-election solely on the ground that it will cause financial burden to the exchequer, not justified. Re-election directed. *Ranjora Ahirwar v. State of M.P.*, 2001 (3) MPLJ 452.

**22. General duty of Returning Officer.**-It shall be the general duty of the Returning Officer in any election to perform all such acts and things as may be necessary for effectively conducting the election in the manner provided by these rules.

<sup>1</sup>[**23. Polling stations.**-(1) The District Election Officer shall provide sufficient number of polling stations for every election under these rules and shall publish at least 20 days before the date of poll, a list showing the polling stations and the polling areas for which they will be set-up.

(2) The list prepared under sub-rule (1) shall be published by affixing a copy thereof on the notice board in the office of:-

- (a) District Election Officer,
- (b) Returning Officer,
- (c) Panchayat concerned.

(3) No change shall be made by the District Election Officer in the location of any polling station notified under sub-rule (1) without previous approval of the Commission:

Provided that if a change in the location of any polling station is approved by the Commission, then such change shall be—

<sup>1</sup> Subs. by No.2 [17-2-1999].

- (a) published for general information in the Gram Panchayat affected by the change, and
- (b) communicated in writing to the concerned candidates by the Returning Officer as expeditiously as possible].

**24. Appointment of Presiding and Polling Officers.**-(1) The Returning Officer shall with the prior approval of the District Election Officer, appoint a presiding officer for each polling station and such polling officer or officers to assist the presiding officer, as he thinks necessary:

<sup>1</sup>[Provided that no person who is not,—

- (i) a Government servant; or
- (ii) a servant of local authority; or
- (iii) a servant of a University established or incorporated by or under a Provincial or State Act; or
- (iv) any other institution, concern or undertaking which is established by or under a Provincial or State Act or which is not controlled, or not financed wholly or substantially by funds provided directly or indirectly, by the State Government.

Shall not be appointed as Presiding Officer.]

Provided further that if a Polling Officer is absent from the polling station, the Presiding Officer may appoint any person, who is present at the polling station other than a person who has been employed by or on behalf of, or has been otherwise working for, a candidate in or about the election, to be the polling Officer during the absence of the former officer, and inform the Returning Officer accordingly.

(2) A polling officer shall subject to the directions of the commission if so authorised by the Presiding Officer, perform all or any of the functions of Presiding Officer under these rules.

(3) If the Presiding Officer, owing to illness or any other unavoidable cause, is obliged to absent himself from the polling station, his functions shall be performed by such polling officer as has been previously authorised by the Returning Officer to perform such functions during any such absence.

(4) Reference in these rules to the presiding officer shall, unless the context otherwise requires, be deemed to include any person performing any function which he is authorised to perform under sub-rule (2), or as the case may be, under sub-rule (3).

**25. General duty of Presiding Officer.**-It shall be the general duty of the Presiding Officer at a polling station to maintain order thereat and to see that the poll is fairly taken.

**26. Duty of a Polling Officer.**-It shall be the duty of every polling officer at a polling station to assist the presiding officer for such Station in the performance of his functions.

**27. Control of District Election Officer.**-The Returning Officer, Assistant Returning Officer, Presiding Officer, polling officers and all other persons appointed in accordance with these rules shall, within the over all direction and control of the Commission, work under the control of District Election Officer.

<sup>1</sup>[27-A. **Returning Officer, Presiding Officer, etc. deemed to be on deputation to Election Commission.**-The Returning Officer, Assistant Returning officer, Presiding Officer, Polling Officer and any other Officer appointed under this Chapter for the conduct of any election shall be deemed to be on deputation to the Commission for the period commencing on and from the date of notice of election and ending with the date of declaration of the results of such election and such officers shall be under the control, superintendence and discipline of the Commission during that period.]

## CHAPTER VI

### CONDUCT OF ELECTION

**28. Notice of election and time schedule therefor.**-In accordance with the time schedule prescribed by the Commission, the District Election Officer shall by notice in Form 2 or 3 as the case may be, specify—

(a) the last date, time and place for making nominations which shall be the seventh day after the date of publication of the notice, or if that day is a public holiday, the next succeeding day which is not a public holiday;

(b) the date, time and place for the scrutiny of nominations and such date shall be the day next following the last date appointed for making nominations, or if that day is a public holiday, the next succeeding day which is not a public holiday;

(c) the date for withdrawal of candidature which 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 on which and the time during which the poll shall, if necessary, be taken; and

(e) the date, time and place for the counting of votes.

<sup>2</sup>[(f) The date, time and place for tabulation and declaration of election result.]

**Note.**-“Public Holiday” means any day which is declared to be a holiday by the State Government for its offices as well as the Government Treasuries and sub-treasuries in the State.

## COMMENTARY

**Amendment in voters' list.**- No amendment is permissible in voters' list after issuance of election notice under Rule 28. As such voters' list cannot be challenged in writ petition after the election is over. *Khumano Bai v. State of M.P.*, 1995 MPLJ 67.

<sup>3</sup>[**29. Manner of publication of notice under rule 28.**-Notice under rule 28 shall be published atleast 20 days before the date appointed for the poll by affixing a copy thereof on the notice board in the office of—

(a) District Election Officer,

(b) Returning Officer, and

1 Ins. by No.2 [17-2-1999].

2 Ins. by No.1 [4-2-1998].

3 Subs. by No.2 [17-2-1999].

(c) Panchayat concerned].

<sup>1</sup>[**29-A. Publication of notice regarding reservation/status of seats.** -

(1) The District Election Officer shall, simultaneously with the publication of notice of election under rule 28, shall publish a notice in Form 3A or 3B as the case may be showing the status of reservation of every seat in a Panchayat for which election is to be held, by affixing a copy thereof on the notice board in the office of:—

- (a) District Election Officer,
- (b) Returning Officer, and
- (c) Panchayat concerned.

(2) The District Election Officer shall issue, on demand by any member of public, a certified copy of the notice referred to in sub-rule (1), forthwith on payment of the same fee as prescribed for copies of revenue records.]

**30. Extension of time for completion of election.** -It shall be competent for the Commission, for reasons which it considers sufficient, to extend the time for completion of any election by making necessary amendments in the time schedule prescribed by it under rule 28.

**31. Nomination of candidates.** - (1) Any person may be nominated as a candidate for election to fill a seat if he is qualified to be elected to fill that seat under the provisions of the Act:

Provided that in the case of a seat reserved for the Scheduled Castes or Scheduled Tribes or other Backward Classes or a woman, no person who is not a member of a Scheduled Castes or Scheduled Tribes or other Backward Classes or is not a woman, as the case may be, shall be qualified to be elected to such a seat.

(2) Every nomination paper presented under rule 32 shall be—

- (i) in the case of election of a panch, in Form 4-A;
- (ii) in the case of election of a sarpanch, in Form 4-B;
- (iii) in case of election of member of Janpad Panchayat, in Form 4-C; and
- (iv) in case of election of member of Zila Panchayat, in Form 4- D.

(3) A nomination paper shall be supplied by the Returning Officer, to any voter on demand.

<sup>2</sup>[**31-A. Information of criminal record, properties, liabilities and educational qualifications etc. of candidates:**-(1) Every candidate for the post of Panch shall submit a declaration in a form as prescribed by the State Election Commission along with nomination paper which shall include information about his educational qualification, criminal cases pending/decided, his/her assets and liabilities and that of his/her spouse and dependents, his/her number of living children and information about whether he/she is an encroacher on Government Land.

(2) -Every candidate for the post of Sarpanch, member of Janpad Panchayat and Zila Panchayat shall submit an affidavit, in a form as prescribed by the State Election Commission along with nomination paper which shall include information about educational qualifications, criminal cases pending/decided, his/her assets and liabilities and that of his/her spouse and dependents, the number of his/her living children and

1 Ins. by No.2 [17-2-1999].

2 Ins. by No. 6. [20-9-2004].

whether he/she is an encroacher on Government Land. The affidavit shall be sworn before competent Notary, Magistrate or Oath Commissioner.

(3) A copy of affidavit/declaration of candidates for the post of Panch, Sarpanch, Member of Janpad Panchayat and Zila Panchayat shall be exhibited on the notice board in the office of the Returning Officer. Its copy shall be made available to any citizen on demand on payment of prescribed fee.]

## C O M M E N T A R Y

**Scope and effect of non-compliance of Rule 31-A.**-[1] Rule 31-A requires a candidate in mandatory manner to furnish information in the declaration/affidavit in the prescribed format about various matters including the assets. But this rule does not provide for the consequence of its non-observance. Clause-C of sub-rule (2) of Rule 35 of Nirvachan Niyam empowers a returning officer while making scrutiny of nomination paper to reject it on the ground that provisions of Rule 31-A have not been complied with. Sub-rule (3) of Rule 31-A requires that affidavit/declaration of a candidate shall be affixed on the notice board and its copy would be made available on demand on payment of prescribed fees. Objections to nomination papers are to be decided in exercise of powers under sub-rule (2) of Rule 35. Accordingly, the nomination papers may be rejected on the ground of non-compliance of Rule 31-A in exercise of powers under Clause-C of sub-rule (2) of Rule 35 at the time of scrutiny. If such objection is not successfully raised, nomination paper shall not be rejected. Non-consideration of such objection or rejection of valid objection to nomination paper may vitiate the further proceedings of election.

Suppression of assets in the declaration/affidavit could have provided a ground for rejection of nomination paper but after a nomination paper is accepted despite non-compliance of Rule 31-A for want of objection it would not be fatal unless it is shown that the result of returned candidate has been materially affected due to such improper acceptance of the nomination paper. Rule 31-A cannot be construed as a mandatory provision beyond the aforesaid extent. *Mehboob Khan v. Lallu Bhai*, AIR 2009 (NOC) 532 MP = 2008 (4) MPLJ 198 = 2008(3) JLJ 307 = 2008(5) MPHT 95.

[2] Returned candidate lady superseded fact of having nine children, it would not have caused any disqualification to her, therefore the result of the election is not materially affected and the improper acceptance of nomination paper due to incomplete information in the declaration did not provide a ground to set aside the election. *Siyawati v. Phoolwati*, 2009(1) MPHT 301 = 2009(1) JLJ 431 = AIR 2009 (NOC) 425 MP = 2008 (4) MPLJ 437.

**32. Presentation of nomination papers.**-(1) On or before the date appointed under clause (a) of rule 28 each candidate shall either in person or by his proposer deliver to the Returning Officer or Assistant Returning Officer so authorised by the Returning Officer for that purpose, during the time and at the place specified in the notice issued under rule 28 a duly

completed nomination paper in the prescribed form and signed by the candidate and in case of—

- (a) election of panch, by a voter of the concerned ward of village;
- (b) election of sarpanch, by a voter of the concerned village;
- (c) election of member of Janpad Panchayat, by a voter of any village within the block; and
- (d) election of member of Zila Panchayat, by a voter of any village within the district, as proposer:

Provided that any person who is subject to any disqualification as a voter under the Act shall not be eligible to sign any nomination paper as proposer.

(2) nothing in this rule shall prevent any candidate from being nominated by more than one nomination paper for election to any office:

Provided that not more than two nomination papers shall be presented by or on behalf of any candidate or accepted by the Returning Officer for election to any office.

## C O M M E N T A R Y

Where nomination paper of appellant was forcibly taken from her by the returned candidate, thus not allowing her to file her nomination, held that election was not validly conducted. *Surinder Kaur v. State of Punjab*, 1996 MPWN (II) 131 (SC).

<sup>1</sup>[**33. Security Deposit.**-(1) A candidate shall not be deemed to be duly nominated by election unless he has deposited or caused to be deposited in cash either before or at the time of presentation of nomination paper under rule 32 to the Returning Officer, the following amount as security, namely:-

- (a) in case of Panch from any ward <sup>2</sup>[Rs. 200/-],
- (b) in case of Sarpanch of a Gram Panchayat <sup>3</sup>[Rs. 1000/-],
- (c) in case of member of a Janpad Panchayat <sup>4</sup>[Rs. 2000/-] and
- (d) in case of member of a Zila Panchayat <sup>5</sup>[Rs. 4000/-]:

Provided that where a candidate is a woman or a member of Scheduled Caste or Scheduled Tribe or Other Backward Class, he/shall be required to deposit only half of the above amount as security under this rule.

(2) If a candidate presents more than one nomination paper for election to the same seat, not more than one deposit shall be required of him under sub-rule (1)].

**34. Notice of nomination and time and place for Scrutiny.**-(1) On presentation of a nomination paper under sub-rule (1) of rule 32, the Returning Officer shall satisfy himself that the serial number and the name of the candidate and his proposer as entered in the nomination paper are the same as those entered in the Voter's list:

1 Subs. by No.2 [17-2-1999].

2 Subs. for the words "Rs. 100/-" by No. 9 [21-9-2012].

3 Subs. for the words "Rs. 500/-" by No. 9 [21-9-2012].

4 Subs. for the words "Rs. 1000/-" by No. 9 [21-9-2012].

5 Subs. for the words "Rs. 2000/-" by No. 9 [21-9-2012].

Provided that the Returning Officer shall permit any misnomer or inaccurate description or clerical or technical error to be corrected and where necessary, shall overlook any such misnomer or inaccurate description or clerical or technical error in the nomination paper.

(2) The Returning Officer shall inform the person delivering the nomination paper, of the date, time and place fixed for the scrutiny of nominations and shall enter on the nomination paper its serial number and sign thereon a certificate stating the date on which and the hour at which the nomination paper has delivered to him, and shall, as soon as may be thereafter, cause to be affixed on the notice board in his office a notice of the nomination containing descriptions similar to those contained in the nomination paper, both of the candidate and of the proposer.

**35. Scrutiny of nomination papers.**-(1) On the date fixed for the scrutiny of nomination papers under rule 28, the candidates, their election agents, one proposer of each candidate, and one other person duly authorised in writing by each candidate, but not other person, may attend at the time and place appointed in this behalf under rule 28 and the Returning Officer shall give them all reasonable facilities for examining the nomination papers of all candidates which have been delivered as required by rule 32.

(2) The Returning Officer shall then examine the nomination papers and shall decide all objections which may be made to any nomination and may either on such objections or his own motion, after such summary inquiry, if any, as he thinks necessary, reject any nomination paper on any of the following grounds, that is to say—

- (a) that the candidate is disqualified for being elected to fill the seat by or under the Act;
- (b) that the proposer is disqualified from subscribing a nomination paper;
- <sup>1</sup>[(c) that the provisions of Rule 31, 31-A, 32 or 33 have not been complied with;] and
- (d) that the signature of the candidate or the proposer on the nomination paper is not genuine.

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

(4) The Returning Officer shall not reject any nomination paper on the ground of mere clerical or printing error or any defect which is not of a substantial character.

(5) The Returning Officer shall hold the scrutiny on the date appointed in this behalf under clause (b) of rule 28 and shall not allow any adjournment of the proceedings except when such proceedings are interrupted or obstructed by riot or open violence or by causes beyond his control:

Provided that in case any objection is raised by the Returning Officer or is made by any other person, the candidate may be allowed time to rebut it not later than the next day, and the Returning Officer shall record his

<sup>1</sup> Subs. by No. 6 [20-9-2004] for the following :—

(c) that there has been a failure to comply with any of the provisions of rules 31, 32 or 33."

decision on the date to which the proceedings have been adjourned.

(6) The Returning Officer shall endorse on each nomination paper his decision regarding accepting or rejecting the same and, if the nomination paper is rejected, shall record in writing a brief statement of his reasons for such rejection. The order passed by the Returning Officer shall, subject to the result of revision, if any under rule 36, be final.

(7) For the purposes of this rule the production of a certified copy of an entry made in the Voters' list of the relevant Gram Panchayat shall be conclusive evidence of the right of any voter named in that entry to stand for election, unless it is proved that the candidate is disqualified.

(8) Immediately after all the nomination papers have been scrutinised and decisions accepting or rejecting the same have been recorded, the Returning Officer shall prepare ward wise or constituency-wise lists of candidates whose nominations have been accepted in form 5 and affix the lists on the notice board of his office, duly recording the date and time of affixture below his signature.

(9) If nomination of a candidate has been accepted by the Returning Officer for more than one ward of constituency through oversight or for want of objection or for any other reason whatsoever, the Returning Officer shall after giving an opportunity of hearing to such candidate or his election agent, recognise the nomination tendered first in point of time and delete or cause to be deleted from the list of validity nominated candidates in Form 5, the name of such candidate from every other ward or constituency and record this fact in writing.

The Returning Officer shall also affix a copy of the revised list of validly nominated candidates in Form 5 on the notice board in his office, duly recording the date and time of such affixture below his signature.

## COMMENTARY

**1. Eligibility to contest election for post of 'panch'.**-The petitioner is entitled to file material to satisfy Election Tribunal that order passed by the Returning Officer in accepting his nomination form is just and proper. *Hukum Singh v. Collector, Panna, 2002 (1) MPLJ 233=AIR 2002 MP 32=2001 (2) JLJ 270.*

**1-A. Effect of objection to nomination paper.**-Objections to nomination papers are to be decided in exercise of powers under sub-rule (2) of Rule 35. Accordingly, the nomination papers may be rejected on the ground of non-compliance of Rule 31-A in exercise of powers under Clause-C of sub-rule (2) of Rule 35 at the time of scrutiny. If such objection is not successfully raised, nomination paper shall not be rejected. Non-consideration of such objection or rejection of valid objection to nomination paper may vitiate the further proceedings of election but after a nomination paper is accepted despite non-compliance of Rule 31-A for want of objection it would not be fatal unless it is shown that the result of returned candidate has been materially affected due to such improper acceptance of the nomination paper. *Mehboob Khan v. Lallu Bhai, AIR 2009 (NOC) 532 MP = 2008 (4) MPLJ 198 = 2008(3) JLJ 307 = 2008(5) MPHT 95.*

**2. Sub-rule (6)- Review of order of rejection of nomination paper by Election Commission.**- The scheme of Article 243-O(b) read in the light of Rule 35(6) is that the decision of the Returning Officer shall be final, subject to review only by the Election Tribunal in a duly filed election petition. The order passed by the Returning Officer accepting or rejecting the nomination paper is not susceptible to review at any other stage or by any authority other than Election Tribunal. It is significant to note that the rules do not provide any appeal to the Commission or revision suo motu or otherwise to the Commission against the order of the Returning Officer. These circumstances make it clear that whatever be the amplitude of the power vested in the Commission under Art.243-K and section 42 of the Act, it does not take in the power of up-setting the final decision arrived at by the Returning Officer accepting or rejecting the nomination paper. The Election Commission has no jurisdiction to interfere at that stage in that matter. AIR 1952 SC 64, AIR 1978 SC 851, AIR 1984 SC 921, (1985) 4 SCC 628 & (1994) 3 SCC 1 Discussed and followed. *State Election Commission M.P. v. Ras Bihari*, 1995 J LJ 651=AIR 1995 MP 245 (DB).

**Note.**- It may however be noted that the above case was decided under Rule 33(6) of the Rules of 1994 which have now been replaced by Rules of 1995. Under the new rules, provision for revision is made vide rule 36 in a case where due to result of rejection of nomination papers by the Returning Officer, there remains only one candidate in the field. But the power of revision under the new Rules is also not vested in the Election Commission and as such the decision given above apply with full force even under the new rules.

**3. Sub-rule (8).**- Looking to the provisions contained in sub-rule (8), once a nomination paper is accepted and included in the list prepared under sub-rule (8), its acceptance cannot be set at naught by the Returning Officer. There is no provision in the rules authorising him to take such an action. *Ranvir Singh v. State of M.P.*, AIR 1995 MP 271.

**36. Revision of rejected nomination papers in certain cases.**-(1) If for any seat, after the scrutiny of nomination papers under rule 35, there remains only one candidate in the field as a result of rejection of nomination papers of all other candidates, the Returning Officer shall forthwith report the fact to the following authority, herein after referred to as Revisional Authority, namely:—

- (i) in case of election of a panch or a sarpanch of a gram panchayat, to the Sub-Divisional Officer (Revenue).
- (ii) in case of election of a member of Janpad Panchayat, to the Collector; and
- (iii) in case of election of a member of Zila Panchayat, to the Divisional Commissioner, and shall
  - (a) affix a notice in form 5-A on the notice board of his office, for information of all candidates for the seat in question, that his order rejecting a nomination paper is subject to the order passed by the Revisional Authority and any candidate ag-

grieved by his order is free to appear before such Authority, on the date, time and place mentioned in the notice, and

- (b) submit all papers relating to nominations received for the seat in question to the Revisional Authority so as to reach him latest by 11.00 A.M. on the next day.

(2) The day for consideration of the cases under sub-rule (1) by the Revisional Authority shall be the day next following the date for scrutiny of nominations which shall include a public holiday.

(3) It shall be the duty of every candidate to take cognizance of the notice published under sub-rule (1) and no separate notice shall be issued by the Revisional Authority to any candidate before considering a case.

(4) Every candidate or his proposer for the seat in question, shall be entitled to be present and heard by the Revisional Authority.

(5) On the date and at the place specified in the notice in Form 5-A under sub-rule (1), the Revisional Authority shall take-up examination of the nomination papers rejected by the Returning Officer one by one and if it finds that any nomination paper has been rejected wrongly, it shall revise the order of the Returning Officer for reasons to be recorded in writing and declare such nomination paper as valid.

(6) The Revisional Authority shall dispose of every case received by it under sub-rule (1) expeditiously and return the case-file along with an authenticated copy of its order to the Returning Officer in the quickest possible manner, so as to reach him before 2.00 P.M. on the last date fixed for withdrawal of candidature:

Provided that if the Revisional Authority fails to dispose-off the case within the aforesaid time limit, the Returning Officer shall stay the election for the seat in question and report the matter to the Commission, through the District Election Officer.

(7) On receipt of an order of the Revisional Authority declaring the nomination of a candidate to be valid, the Returning Officer shall include the name of such candidate in the list of validity nominated candidates in Form-5 prepared under rule 35 and affix a copy of the revised list in Form-5 on the notice board in his office, duly recording the date and time of such affixture below his signature.

**37. Withdrawal of candidature.**-(1) Any candidate may withdraw his candidature by delivering an application in Form 6 to the Returning Officer, on the date and by the hour appointed under clause (c) of rule 28.

<sup>1</sup>(2) The application may be given either by the candidate in person or by the proposer or election agent who has been authorised in this behalf in writing by the candidate and the application shall be presented along with the receipt of the nomination paper given by the candidate or his proposer at the time of presentation of the nomination paper under rule 32.]

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

(4) The Returning Officer shall, on being satisfied as to the genuineness of an application of withdrawal and the identity of person delivering it under sub-rule (2), cause a notice in Form 7, giving particulars of the

candidates who have withdrawn their candidature, to be affixed on the notice-board in his office.

**38. Preparation of list of contesting candidates.**-(1) Immediately after the expiry of the period within which candidature may be withdrawn under rule 28, the Returning Officer, shall prepare a list of contesting candidates, that is to say, candidates whose nomination papers have been finally accepted and who have not withdrawn their candidature within the said period, in Form 8A, 8B, 8C and 8D for the office of Panch, Sarpanch, Member of Janpad Panchayat or Zila Panchayat as the case may be.

(2) The said list shall, subject to the provisions of sub-rule (3), contain the names in alphabetical order and the addresses of the contesting candidates as given in the nomination papers and shall be prepared in Hindi in the Devnagri Script.

(3) The alphabetical order referred to in sub-rule (2) shall be determined with reference to the names and or surnames of the candidates in such manner as may be prescribed by the Commission.

## C O M M E N T A R Y

Contesting candidate is one whose name find place in the list prepared under this rule. Such a list is prepared after rejection and withdrawal of nomination. *Harishankar Suryavanshi v. State of M.P., 1998 (2) Vidhi Bhaswar 225.*

**39. Allotment of Symbols for election.**-(1) Where a poll becomes necessary the Returning Officer shall assign to each candidate any one of the symbols determined by the Commission in the manner prescribed by it.

<sup>1</sup>[(2) The allotment by the Returning Officer of any symbol to a candidate shall be final, except which is inconsistent with any order or instructions issued by the Commission in this behalf in case of election of a Panch or Sarpanch of a Gram Panchayat, the District Election Officer and in case of a Member of Janpad Panchayat and Zila Panchayat, the State Election Commission, may revise the allotment in such manner as it deems fit.]

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

**40. Publication of list of contesting candidates.**-The Returning Officer shall cause a copy of the list of contesting candidates prepared under rule 38, to be published immediately after allotment of symbols to Candidates, by affixture on the notice-board in his office and shall also supply a copy thereof, to each contesting candidate or his election agent.

<sup>2</sup>[**40-A. Stay on elections in certain cases.**-(1) Notwithstanding anything contained in these rules, if it comes to the notice of the Returning Officer at any time prior to the date of poll that the nomination of any candidate who, prima facie, does not belong to a Scheduled Caste, Scheduled Tribe or Other Backward Class, has been accepted for a seat which is reserved for Scheduled Castes, Scheduled Tribes or Other Backward Classes as the case may be, through oversight or want of objection or for any other reason, he shall

1 Subs. by No. 5 [11-4-2002].

2 Ins. by No.2 [17-2-1999].

forthwith issue a notice to such candidate, asking him to file an affidavit that he belongs to the category for which the seat is reserved.

(2) In case the candidate concerned files an affidavit, the Returning Officer shall make no further inquiry into the matter and treat the nomination as valid.

(3) In case the concerned candidate fails to file an affidavit on or before the date specified in the notice, it shall be presumed that he does not belong to the category for which the seat is reserved and the Returning Officer shall report full facts to the following competent authority, as the case may be and seek its permission to review his own order, regarding the validity of the nomination, namely:—

- (i) Sub-Divisional Officer (Revenue) in case of election of a Panch or Sarpanch of a Gram Panchayat,
- (ii) Collector in case of election of a member of Janpad Panchayat; and
- (iii) Divisional Commissioner in case of a member of Zila Panchayat.

(4) The Competent Authority, shall immediately, dispose off every case referred to it under sub-rule (3), and communicate its order to the Returning Officer, as soon as possible.

(5) After receiving the permission of the Competent Authority, the Returning Officer, may review his own order and exclude the name of the concerned candidate from the list of validly nominated candidates prepared under rule 35 and from the list of contesting candidates, if such list has already been prepared and published the Returning Officer shall prepare a revised list of contesting candidates and publish it in accordance with the provisions of Rule 40:

Provided that if the concerned candidate has in the meanwhile submitted an affidavit in response of the notice issued under sub-rule (1), the Returning Officer shall not review his order.

(6) If the Competent Authority fails to dispose off the case referred to it under sub-rule (3) at least five days before the day of poll or the mistake in acceptance of nomination as specified in sub-rule (1), comes to the notice of the Returning Officer on a day whereafter a period of less than seven days is left for the day of poll, the Returning Officer shall postpone the election of such seat and report the matter to the Commission through the District Election Officer.

(7) The Commission shall, after satisfying itself that the Returning Officer has duly reviewed his order, issue revised time schedule for completion of election for the seat in question.]

## CHAPTER VII

### CANDIDATES AND THEIR AGENTS

**41. Appointment of election agent and revocation of such appointment.**— (1) If a candidate desires to appoint an election agent, such appointment shall subject to the provisions of sub-rules (2) and (3), be made in Form 9 either at the time of delivering the nomination paper or at any time before election.

(2) The appointment of the election agent may be revoked by the candidate at any time by a declaration in writing signed by him and lodged with the Returning Officer. Such revocation shall take effect from the date

on which it is lodged. In the event of such revocation or in the event of the election agent dying before or during the period of the election, the candidate may appoint a new election agent in accordance with the provisions of sub-rule (1).

(3) No person, who is for the time being disqualified under the Act from being elected or from voting at any election of Panchayat shall, so long as the disqualification subsists, be appointed as an election agent.

**42. Appointment of polling agent.**-(1) At an election at which poll is to take place, any contesting candidate, or his election agent, may appoint one agent to act as polling agent of such candidate at each polling station. Such appointment shall be made by a letter in writing in duplicate in Form 10 signed by the candidate or his election agent.

(2) The candidate or his election agent shall deliver the duplicate copy of the letter of appointment to the polling agent who shall, on the date fixed for the poll present it to, and sign the declaration contained therein, before the Presiding Officer, the Presiding Officer shall retain the duplicate copy presented to him in his custody. No polling agent shall be allowed to perform any duty at the polling station unless he has complied with the provisions of this sub-rule.

**43. Appointment of counting agent.**-(1) Each contesting candidate or his election agent may appoint an agent to act as counting agent of such candidate by a letter in writing in duplicate in Form 11 signed by the candidate or his election agent.

(2) The candidate or his election agent shall also deliver the duplicate copy of the letter of appointment to the counting agent who shall on the date fixed for counting of votes, present it to, and sign the declaration contained therein before, the Returning Officer or such other officer authorised by him under rule 73. Such Officer shall retain the duplicate copy presented to him in his custody. No counting agent shall be allowed to perform any duty at the place fixed for the counting of votes, unless he has complied with the provisions of this sub-rule.

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

(2) Such declaration shall—

- (a) in the case where the appointment is revoked not less than seven days before the commencement of the poll be lodged with the Returning Officer.
- (b) in any other case, be lodged with the Returning Officer or the Presiding Officer of the polling station where the polling agent was appointed for duty.

(3) If the polling agent of a candidate dies before the commencement of the poll, the candidate or his election agent shall forthwith report in writing, the fact of such death—

- (a) in case where the death takes place less than seven days before the commencement of the poll, to the Returning Officer, and
- (b) in any other case to the Returning Officer or the Presiding Officer of the polling station where the polling agent was appointed for duty.

(4) Whenever the Returning Officer receives any declaration or report made under sub-rule (1) or (2) he shall forthwith communicate such declaration or report, as the case may be, to the Presiding Officer of the polling station where such polling agent was appointed for duty.

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

Provided that the letter appointing new polling agent shall—

- (a) in the case where such appointment is made not less than seven days before the commencement of the poll be given to the Returning Officer, and
- (b) in any other case, be given to the Returning Officer or the Presiding Officer of the polling station where the new polling agent is appointed.

(6) The provisions of sub-rule (2) of rule 42 shall apply in relation to a polling agent appointed under sub-rule (5) as they apply in relation to a polling agent appointed under sub-rule (1) of rule 42.

**45. Revocation of the appointment or death of the counting agent.**-(1) The appointment of the counting agent may be revoked by the candidate at any time before the commencement of the counting of votes by a declaration in writing signed by him. Such declaration shall be lodged with the Returning Officer or such other officer authorised by him.

(2) If the counting agent of a candidate dies before the completion of the counting of votes, the candidate or his election agent shall forthwith report the death in writing to the Returning Officer or such other officer authorised by him.

(3) Where the appointment of counting agent is revoked under sub-rule (1) or where the counting agent dies before the completion of the counting of votes, the candidate or his election agent may appoint a new counting agent in the manner laid down in sub-rule (1) of rule 43.

(4) The provisions of sub-rule (2) of rule 43 shall apply in relation to a counting agent appointed under sub-rule (3) as they apply in relation to counting agent appointed under sub-rule (1) of rule 43.

## CHAPTER VIII

### GENERAL PROCEDURE OF ELECTION

**46. Death of candidate before poll.**-Poll shall not be countermanded due to death of a contesting candidate before the commencement of poll. But if as a result of death of a contesting candidate for any seat, there remains only one contesting candidate, the Returning Officer shall, upon being satisfied of the fact of death of the candidate, countermand the poll and report the fact to the Commission through the District Election Officer and all proceedings with reference to the election shall be commenced anew in all respects as if for a new election in accordance with the rules hereinbefore:

Provided that—

- (i) no further nomination shall be necessary in case of a person who was a contesting candidate at the time of the countermanding of the poll; and

- (ii) no person who has given a notice of withdrawal of his candidature under sub-rule (1) of rule 37 before the countermanding of the poll, shall be ineligible for being nominated as a candidate for the election after such- countermanding.

## C O M M E N T A R Y

**Cancellation of election.**- This rule is a specific provision to deal with case of death of a candidate in all cases. The powers vested in the Election Commission under this rule cannot be exercised in a situation where nomination papers of all the candidates except one are rejected particularly in view of Art. 243-O(f) of the Constitution and Rule 35(6). *State Election Commission M.P. v. Ras Bihari, 1995 J.L.J 651=AIR 1995 MP 245 (DB).*

**47. Uncontested Elections.**-(1) If for any seat, after the date and time fixed for withdrawal of nomination paper there remains only one candidate whose nomination paper is found to be valid, the Returning Officer shall forthwith declare in form 24 the candidate duly elected to fill such seat and inform the Commission through District Election Officer of the same.

(2) If no nomination paper has been filed for any seat or if no candidate has been duly nominated for any seat, the Returning Officer shall send a report of this fact to the Commission through the District Election Officer, which shall take further action to fill such seat in accordance with the provision of the Act and these rules.

**48. Contested Elections.**-In cases other than those covered by rule 47 a poll shall take place.

## CHAPTER IX

### POLL AND VOTING FOR ELECTION

**49. Manner of voting at election.**-At every election where a poll is taken votes shall be given by ballot in the manner hereinafter provided and no voter shall be received by proxy.

**50. Ballot Box.**-Every ballot box shall, subject to general or special orders of the Commission be of such design that ballot papers can be inserted therein but cannot be withdrawn therefrom with the box being unlocked and the seals being broken.

<sup>1</sup>**[50A. Voting Machine at Elections.**-Notwithstanding anything contained in the Rules, the State Election Commission may order that in specified Wards/ Panchayats, the giving and recording of votes shall be by voting machines in the manner as specified hereafter.

**Explanation.**-For the purpose of this rule "Voting Machine" means any machine or apparatus whether operated electronically or otherwise, used for giving and recording of votes and any reference to a ballot box or ballot paper in the rules, shall, save as otherwise provided, be construed as including a reference to such voting machine wherever such voting machine is used in the election.]

**51. Form of ballot paper.**-(1) Every ballot paper shall have a counter-foil attached thereto and shall be in such form and have such particulars

as may be determined by the Commission.

(2) The ballot paper shall contain the names of candidates in Hindi in the Devnagri Script arranged in the same order in which they appear in the list of contesting candidates, against their election symbols.

**52. Arrangement at the polling station.**-(1) The District Election Officer shall provide at each polling station sufficient number of ballot boxes and ballot papers, copies of voters' lists in respect of the polling area, articles necessary for voters to mark the ballot papers as well as such other instruments and accessories as may be required for taking the poll.

(2) Each polling station shall be provided with one or more voting compartment in which voters can, one after another, cast their voters screened from observation, and no voter shall be allowed to enter such voting compartment when another voter is inside the same for the purpose of recording his vote.

**53. Notice at the polling station.**-Outside each polling station there shall be displayed prominently—

(a) a notice specifying the polling area, the voters of which are entitled to vote at the polling station; and

(b) a notice giving the name of each candidate in Hindi in the Devnagri Script in the same order in which the names of such candidate appear in the list of contesting candidates published under rule 35.

**54. Admission to polling station.**-The Presiding Officer shall regulate the number of voters to be admitted at any one time inside the polling station and shall exclude therefrom all persons other than—

(a) Polling Officers;

(b) Public servants on duty in connection with the election;

(c) Persons authorised by the Commission, District Election Officer or the Returning Officer;

(d) candidates, their election agents and, subject to the provisions of these rules, one polling agent of each candidate;

(e) a child in arms accompanying a voter;

(f) a person accompanying a blind or infirm voter who cannot move without help; and

(g) such other person as the Returning Officer or the Presiding Officer may employ for the purpose of identifying the voters;

**55. Ballot boxes to be locked and sealed before the commencement of poll.**-(1) The Presiding Officer at each polling station shall, immediately before the commencement of the poll, allow inspection of each ballot box to be used at the poll, by the candidates, their election agents and their polling agents who may be present at such station and demonstrate to them and to all other persons present, that it is empty.

(2) The Presiding Officer shall, after complying with the provisions of sub-rule (1), secure and seal the box in such manner that the slit in the box for insertion of ballot papers therein remains open and shall also allow the candidates or their election or polling agents, who may be present to affix their own seals on the space in the box meant therefor, if they so desire.

(3) The seals to be used for ballot box shall be affixed in such manner that it shall not be possible to open the box again without breaking such seal or any thread on which the seals have been affixed.

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

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

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

<sup>1</sup>[(1-a) The State Election Commission may give such direction regarding identification of voter, as it may deem proper and if any voter fails to establish his identification in accordance with such directions, the ballot-paper shall not be issued to him and he shall be deprived from right of polling.]

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

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

**58. Challenging of identity.**-(1) Any candidate or election agent or polling agent may challenge the identity of a person claiming to be a particular voter by first depositing a sum of Rupees five in cash with the Presiding Officer for each such challenge.

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

- (a) Warn the person challenged of the penalty for impersonation;
- (b) read the relevant entry in the voters, list in full and ask him whether he is the person referred to in that entry;
- (c) enter his name and address in the list of challenged votes in Form 12; and
- (d) require him to affix his signature in the said list.

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

- (a) require the challenger to adduce evidence in proof of the challenge and the person challenged to adduce evidence in proof of his identity;
- (b) put to the person challenged any questions necessary for the purpose of establishing his identity and require him to answer them on oath; and
- (c) administer on oath to the person challenged and other person offering to give evidence.

(4) If, after the inquiry, the Presiding Officer considers that the challenge has not been established, he shall allow the person challenged to

vote; and if he considers that the challenge has been established, he shall debar the person challenged from voting.

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

**59. Safeguards against personation.**-(1) Every voter about whose identity the presiding officer or the polling officer, as the case may be, is satisfied, shall allow his left forefinger to be inspected by the presiding officer or polling officer and an indelible ink mark to be put on it as far as possible just below the root of the nail so that the ink also spreads on the ridge between the skin and the root of the nail.

(2) If any voter refuses to allow his left forefinger to be inspected or marked in accordance with sub-rule (1) or has already such a mark on his left forefinger or does any act to remove the ink mark, he shall not be supplied with any ballot paper or allowed to vote.

**Explanation.**-Any reference in this rule to the left forefinger of a voter shall in the case where the voter has his left forefinger missing, be construed as a reference to any other finger of his left hand, and shall in the case, where all the fingers of his left hand, are missing, be construed as a reference to the forefinger or any other fingers of his right hand, and shall in the case where all his fingers of both the hands are missing be construed as a reference to such extremity of his left or right arm as he possesses.

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

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

(3) Every ballot paper, before it is issued to a voter and the counterfoil attached thereto shall be stamped on the back with such distinguishing mark as the Commission may direct, and every ballot paper, before it is issued, shall be signed in full in its back by the presiding officer.

(4) At the time of issuing a ballot paper to a voter, the polling officer shall—

- (a) record on its counterfoil, the electoral roll number of the voter as entered in the marked copy of the voters' list;
- (b) obtain the signature or thumb impression of that voter on the said counterfoil; and
- (c) underline the entry relating to a voter in the marked copy of the voters' list to indicate that a ballot paper has been issued to him, without however recording therein the serial number of the ballot paper issued to that voter:

-Provided that no ballot paper shall be delivered to a voter unless he has put his signature or thumb impression on the counterfoil of that ballot paper.

(5) No person in the polling station shall note down the serial number of the ballot paper issued to a particular voter.

(6) In a polling station set-up for more than one ward of a Gram Panchayat, a voter shall be provided with the ballot paper meant for the

ward of which he is a voter and of no other ward.

**61. Voting procedure.**-(1) A voter on receipt of the ballot paper, shall forthwith proceed to the voting compartment; there make a mark on the ballot paper with the instrument supplied for the purpose in or near the symbol of the candidate for whom he intends to vote; fold the ballot paper so as to conceal his vote; insert the folded ballot paper into the ballot box and quit the polling station.

(2) No voter shall remain in the polling station longer than what is reasonably necessary for casting his vote.

**62. Recording of vote by blind or infirm voter.**-(1) If the Presiding Officer is satisfied that owing to blindness or other physical infirmity, a voter is unable to recognise the symbols on the ballot paper or to make a mark thereon without assistance, the Presiding Officer shall permit the voter to take with him a companion of not less than eighteen years of age to the voting compartment for recording the vote on the ballot paper on his behalf and in accordance with his wishes, and if necessary, for folding the ballot paper so as to conceal the vote and inserting it into the ballot box:

Provided that before any person is permitted to act as the companion of a voter under this rule, the person shall be required to declare in Form 13A that he will keep secret the vote recorded by him on behalf of the voter and that he has not already acted as the companion of any other voter at any polling station on that day.

(2) The Presiding Officer shall keep a record in Form 13-B of all cases under this rule.

**63. Spoiled and returned ballot papers and ballot papers found out side ballot boxes.**-(1) A voter who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on returning it to the Presiding Officer and on satisfying him of the inadvertence be given another ballot paper and the ballot paper so returned and the Counterfoil of such ballot paper shall be marked "spoiled- cancelled" by the Presiding Officer.

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

(3) All ballot papers concerning election in different wards and constituencies cancelled under sub-rule (1) or sub-rule (2) shall be kept in separate packets.

(4) If any ballot paper, which has been issued to a voter not been inserted by him into any ballot box, but is found anywhere in or near the Polling Station, whether within or outside the voting compartment, it shall be deemed to have been returned to the Presiding Officer under sub-rule (2) and dealt with accordingly.

**64. Tendered votes.**-(1) If a person representing himself to be a particular voter named in the voters' list applies for a ballot paper after another person has already voted as such voter, the applicant shall after duly answering such questions as the Presiding Officer may ask, be entitled to receive a ballot paper, referred to herein after as a "tendered ballot paper" in the same manner as any other voter.

(2) Every person shall before being supplied with a tendered ballot paper affix his signatures or thumb impression against the entry relating

to him in a list in Form 14.

(3) A tendered ballot paper shall be the same as any other ballot paper used at the polling station except that—

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

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

(5) Separate covers shall be used for keeping the tendered ballot papers for election to the offices of Panch, Sarpanch and Member of Janpad Panchayat and Zila Panchayat.

**65. Closing of poll.**-(1) The Presiding Officer shall close a polling station at the hour fixed in that behalf under clause (d) of rule 28 and shall not thereafter admit any voter into the Polling Station:

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

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

**66. Sealing of ballot boxes after poll.**-(1) As soon as practicable after the closing of poll, the Presiding Officer shall, in the presence of candidates or their election or polling agents, close the slit of the ballot box and where the ballot box does not contain any mechanical device for closing the slit, he shall seal up the slit and also allow any candidate, Election Agent or Polling Agent present to affix his seal.

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

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

(4) Notwithstanding anything contained in this rule, in case a second ballot box is not used by reason of the first box getting full and counting is to be done at the Polling Station itself immediately after the conclusion of the poll, it would not be necessary to seal the ballot box.

**67. Account of ballot papers.**-(1) The Presiding Officer shall, at the close of the poll prepare a separate ballot paper account in Form 15 for election to the office of Panch from each ward, Sarpanch, Member of Janpad Panchayat and Member of Zila Panchayat.

(2) The ballot paper accounts prepared under sub-rule (1) shall be enclosed in separate covers with the words "Ballot Paper Account" super-scribed thereon, alongwith ward number and name of Gram Panchayat for election of Panch, name of Gram Panchayat for election of Sarpanch and constituency number for election of Member of Janpad Panchayat or Zila

Panchayat, as the case may be.

<sup>1</sup>[(3) <sup>2</sup>[If counting of votes is not conducted at the polling station, then] the Presiding Officer shall furnish to every candidate or his polling agent, present at the close of the poll a true copy of the entries made in the relevant ballot paper account after obtaining a receipt there for and shall also attest it as a true copy.]

**68. Sealing of other packets.**-(1) The Presiding Officer shall, after preparation of ballot paper account under rule 67, put into separate packets—

- (i) the marked copy of the voters' list;
- (ii) the counterfoils of the used ballot papers;
- (iii) the ballot papers not issued to the voters;
- (iv) the tendered ballot papers in Form 14 along with their list;
- (v) the cancelled ballot papers;
- (vi) any other papers directed by the Commission to be kept in a separate packet.

**Explanation.**-Separate packet shall be prepared for election to the office of Panch, Sarpanch, Member of Janpad Panchayat and Member of Zila Panchayat.

(2) Each such packet shall be sealed with the seals of the Presiding Officer and of those candidates or their election or polling agents present who may desire to affix their seals thereon.

**69. Delivery of ballot boxes, packets etc. to the Returning Officer.**

(1) The Presiding Officer shall deliver or cause to be delivered to the Returning Officer at such place as the Returning Officer or such other officer authorised by him in this behalf may direct—

- (a) the ballot boxes;
- (b) the ballot papers account;
- (c) the sealed packets referred to in rule 68; and
- (d) all other papers used at the poll.

(2) The Returning Officer or such authorised officer shall make adequate arrangements for the safe transport of all ballot boxes, packets and other papers and for their safe custody until the commencement of the counting of votes.

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

(2) Whenever a poll is adjourned under sub-rule (1), the Returning Officer shall immediately report the circumstances to the Commission through the District Election Officer which shall, as soon as may be, fix the day on which the poll shall recommence and fix the polling station at

1 Sub-rule (3) ins. by No. 5 [11-4-2002].

2 Ins. by No. 7 [29-9-2004].

which and the hours during which, the poll shall be taken. The Returning Officer shall not count the votes cast at such election until such adjourned poll shall have been completed.

(3) The Presiding Officer shall follow, as far as practicable, the provisions of rules 66 to 69 in the matter of sealing the ballot boxes and other packets. Preparation of accounts of ballot papers and delivery of the ballot boxes and other polled material, in the case of the adjourned poll, as if the poll were closed at the hour initially fixed in that behalf under rule 28.

(4) In every such case as aforesaid, the District Election Officer shall publish the date, place and hours of the poll fixed under sub-rule (2) in the manner laid down in rule 29 and the provisions of the rules governing the original poll shall mutatis mutandis apply to the fresh poll taken under this rule.

**71. Recommencement of adjourned poll.**-(1) When a poll which was adjourned under rule 70 is recommenced, the voters who have already voted at the poll so adjourned shall not be allowed to vote again.

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

(3) The Presiding Officer shall open the sealed packet containing the marked copy of the voters' list in the presence of the candidates or their election agents or polling agents present and use the same for marking the names of the remaining voters to whom the ballot papers are issued at the adjourned poll, without, however, recording therein the serial number of ballot papers.

(4) The provisions of rules 49 to 69 shall apply in relation to the conduct of an adjourned poll as they apply in relation to the poll before it was so adjourned.

**72. Fresh poll in case of destruction, tempering etc. of ballot boxes or due to procedural irregularity.**-(1) If at any election—

- (a) any ballot box used at a polling station is unlawfully taken out of the custody of the Presiding Officer or the Returning Officer, or is accidentally or intentionally destroyed or lost or is damaged or tampered with to such an extent, that the result of the poll at that polling station cannot be ascertained, or
- (b) any such error or irregularity in procedure as is likely to vitiate the poll is committed at a polling station. The Returning Officer shall forthwith report the matter to the Commission through the District Election Officer.

(2) The Commission shall on receipt of a report under sub-rule (1) and after taking all material circumstances into account, either—

- (a) declare the poll at the polling station to be void, appoint a day and fix the hours, for taking a fresh poll at that polling station and direct the District Election Officer to notify the day so appointed and the hours so fixed in such manner as it may deem fit, or
- (b) if satisfied that the result of a fresh poll at that polling station will not, in any way affect the result of the election or that the error or irregularity in procedure is not material, issue such directions to the District Election Officer as it may deem proper for the further conduct and completion of the election.

(3) In every case covered by clause (a) of sub-rule (2), the District Election Officer shall proceed to conduct the fresh poll, in accordance with the directions of the Commission and the provisions of this chapter shall apply to such fresh poll.

## <sup>1</sup>CHAPTER IX-A

### VOTING BY VOTING MACHINES

**72A. Design of voting machines.**-Every voting machine shall have a control unit and a balloting unit and shall be of such design as may be approved by the Election Commission.

**72B. Preparation of voting machine by the Returning Officer.**-(1) The balloting unit of the voting machine shall contain such particulars and such language as the Election Commission may specify.

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

(3) If two or more candidates bear the same name, they shall be distinguished by the addition of their surname, fathers name, occupation or residence etc. or in some other manner.

(4) Subject to the foregoing provisions of this rule, the returning officer shall,—

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

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

**72C. Arrangements at the polling stations.**-(1) Outside each polling station there shall be displayed prominently by the returning officer:—

(a) a notice specifying the polling area, the electors of which are entitled to vote at the polling station and when the polling area has more than one polling station, the particulars of the electors so entitled to vote; and

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

(2) At each polling station there shall be set up one or more voting compartments in which the electors can record their votes secretly.

(3) The returning officer shall provide at each polling station such number of voting machines so as to accommodate and exhibit required particulars of all the contesting candidates of a ward and copies of relevant part of the <sup>2</sup>[voter list] and such other election material as may be necessary for taking the poll and in case more than one machine are provided at a polling station, they shall be connected with each other so as to form it a single balloting unit at that polling station.

(4) Without prejudice to the provisions of sub-rule (3), the returning officer may, with the previous approval of the Election Commission, provide one common voting machine for two or more polling stations

1 Chp. IX-A, Rule 72A to 72U ins. by No. 11 [25-3-2014].

2 The words 'electoral roll' substituted by No. 13 [26-6-2014].

located in the same premises.

**72D. Admission to polling station.**—The presiding officer shall regulate the number of electors, to be admitted at any one time inside the polling station and shall remove there from all persons other than,—

- (a) polling officers;
- (b) public servants on duty in connection with election;
- (c) persons authorized by the Election Commission;
- (d) candidates, their election agents and subject to the provisions of rule 42, one polling agent of each candidate;
- (e) a child in arms accompanying an elector;
- (f) a person accompanying a blind or infirm elector who cannot move without help; and
- (g) such other person as the Returning Officer or the Presiding Officer may employ under sub-rule (2) of rule 72F or sub-rule (1) of rule 72G.

**72E. Preparation of voting machine for poll.**—(1) The control unit and balloting unit of every voting machine used at polling station shall bear a label marked with,—

- (a) the serial number, if any and the name of the ward;
- (b) the serial number and the name of the polling station or stations, as the case may be;
- (c) the serial number of the unit; and
- (d) the date of poll.

(2) Immediately before the commencement of the poll, the Presiding Officer shall demonstrate to the polling agents and other persons present that no voter has been already recorded in the voting machine and it bears the label as referred to in sub-rule (4) of rule 72B.

(3) A paper seal shall be used for securing the control unit of the voting machine and the Presiding Officer shall affix his own signature on the paper seal and obtain thereon the signature of such of the polling agents present as are desirous of affixing the same.

(4) The Presiding Officer shall thereafter fix the paper seal so signed in the space meant therefore in the control unit of the voting machine and shall secure, and seal the same.

(5) The seal used for securing the control unit shall be fixed in such manner that after the unit has been sealed, it is not possible to press the "Result Button" without breaking the seal.

(6) The control unit shall be closed and secured and placed in full view of the Presiding Officer and the polling agents and the balloting unit placed in the voting compartment.

**72F. Facilities for women electors.**—(1) Where a polling station is for both man and woman electors, the Presiding Officer may direct, that they shall be admitted into the polling station alternately in separate batches.

(2) The Returning Officer or the Presiding Officer may appoint a woman to serve as an attendant at any polling station to assist woman electors and also to assist the presiding officer generally in taking the poll in respect of woman electors and in particular, to help for searching any woman elector in case it becomes necessary.

**72G. Identification of electors.**-(1) The Presiding Officer may employ at the polling station such person as he thinks fit to help in the identification of the electors or to assist him otherwise in conducting the poll.

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

(3) In determining the right of a person to cast his vote, the Presiding Officer or the Polling Officer, as the case may be shall overlook the clerical or printing errors. In an entry in the electoral roll if he is satisfied that such person is identical with the elector to whom such entry relates.

**72H. Challenging of identity.**-(1) Any polling agent may challenge the identity of a person claiming to be a particular elector by first depositing a sum of five rupees in cash with the presiding officer for each such challenging.

(2) On such deposit being made, the presiding officer shall,—

(a) warn the person challenged of the penalty for wrongfully personation;

(b) read the relevant entry in the <sup>1</sup>[voter list] in full and ask him whether he is the person referred to in that entry;

(c) enter his name and address in the list of challenged votes in Form 12; and

<sup>2</sup>[(d) require him to affix his signature or mark his thumb impression in the said list.]

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

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

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

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

(4) If, after the inquiry, the presiding officer considers that the challenge has not been established, he shall allow the person challenged to vote and if he considers that the challenge has been established he shall debar the person challenged from voting.

(5) If the presiding officer is of the opinion that the challenge is frivolous or has not been made in good faith, he shall direct that the deposit made under sub-rule (1) be forfeited to Government and in any other case, return to the challenger at the conclusion of the inquiry.

**72I. Safeguards against wrongfully personation.**-(1) Every elector about whose identity the Presiding Officer or the Polling Officer, as the case may be, is satisfied, shall allow his left forefinger to be inspected by the Presiding Officer or Polling Officer and an indelible ink mark to be put on it.

(2) If any elector refuses to allow his left forefinger to be inspected or marked in accordance with sub-rule (1) or has already such a mark on his left forefinger or does any act with a view to removing the ink mark, he shall not be allowed to vote.

1 The words 'electoral roll' substituted by No. 13 [26-6-2014].

2 Clause (d) substituted by No. 13 [26-6-2014].

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

**72J. Procedure for Voting by Voting Machines.**-(1) Before permitting an elector to vote, the polling officer shall,—

- <sup>1</sup>[(a) record the voter number of the elector as entered in the marked copy of the voter list in a register in form 14 A of voters as provided in rule 60(4)(a);]
- (b) obtain the signature or the thumb impression of the elector on the said register of voters; and
- (c) mark the name of the elector in the marked copy of the <sup>2</sup>[voter list] to indicate that he has been allowed to vote:

Provided that no elector shall be allowed to vote unless he has his signature or thumb impression on the register of voters.

(2) Notwithstanding anything contained in any other rule for the time being in force, it shall not be required for any presiding officer or polling officer or any other officer to attest the thumb impression of the register of voters.

**72K. Maintenance of Secrecy of Voting by electors within the Polling Station and Voting Procedures.**-(1) Every elector who has been permitted to vote shall maintain secrecy of voting within the polling station and for that voting procedure hereinafter laid down:

(2) Immediately on being permitted to vote, the elector shall proceed to the Presiding Officer or the Polling Officer incharge of the control unit of the voting machine who shall, by pressing the appropriate button on the control unit, activate the balloting unit for recording of elector's vote.

(3) The Elector shall thereafter forthwith,—

- (a) proceed to the voting compartment;
- (b) record his vote by pressing the button on the balloting unit against the name and symbol of the candidate for whom he intends to vote; and
- (c) come out of the voting compartment and leave the polling station.

(4) every elector shall vote without undue delay.

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

(6) If an elector who has been permitted to vote, refuses, after warning given by the Presiding Officer to procedure laid down in the rules, the Presiding Officer or a Polling Officer after the direction of the Presiding Officer shall not allow such elector to vote.

(7) Where an elector is not allowed to vote, a remark to the effect that voting procedure has been violated be made against the elector's name in the register of voters by the Presiding Officer under his signature.

**72L. Recording of Votes of Blind or infirm Electors.**-(1) If the Presiding Officer is satisfied that owing to blindness or other physical infirmities

1 Clause (a) substituted by No. 13 [26-6-2014].

2 The words 'electoral roll' substituted by No. 13 [26-6-2014].

an elector is unable to recognize the symbol of the balloting unit of the ballot machine or unable to record his vote by pressing the appropriate button thereon without assistance, the Presiding Officer shall permit the elector to take with him a companion of not less than eighteen years of age to voting compartment for recording the vote on his behalf and in accordance with his wishes:

Provided that no person shall be permitted to act as the companion of more than one elector at any polling station on the same day:

Provided further that before any person is permitted to act as the companion of an elector on any day under that rule. That person shall be required to <sup>1</sup>[declare in form 13A] that he will keep secret the vote recorded by him on behalf of the elector and that he has not already acted as the companion of any other elector at any other polling station on that day.

(2) The presiding officer shall keep a record in <sup>2</sup>[Form 13-B] of all cases under this rule.

**72M. Tendered votes.**-(1) If a person representing himself to be a particular elector seeks to vote after which a person has already voted as such elector, he shall, on satisfactorily answering such questions relating to his identity as the Presiding Officer may ask, be, instead of being allowed to vote through the balloting unit. Supplied with a tendered ballot paper which shall be of such design and the particulars of which shall be in such language or languages as the Election Commission may specify.

(2) Every such elector shall, before being supplied with tendered ballot paper. Write his name against the entry relating to him in Form 14.

(3) On receiving the ballot paper, he shall forthwith—

- (a) proceed to the voting compartment;
- (b) record there his vote on the ballot paper by placing a cross mark 'X' with the instrument or article supplied for the purpose on or near the symbol of the candidate for whom he intends to vote;
- (c) fold the ballot paper so as to conceal his vote;
- (d) show to the Presiding Officer if required, the distinguishing mark on the ballot paper;
- (e) give it to the Presiding Officer who shall place it in a cover specially kept for the purpose; and
- (f) Leave the polling station.

(4) If owing to blindness or physical infirmities, such elector is unable to record his vote without assistance, the Presiding Officer shall permit him to take with him a companion. subject to the same condition and after following the same procedure as laid down in rule <sup>3</sup>[72L] for recording the vote in accordance with his wishes.

**72N. Presiding Officer's entry in the voting compartment during poll.**-(1) The presiding officer may, whenever he considers it necessary to do so enter the voting compartment during poll and take such steps as may be necessary to ensure that the balloting unit is not tampered or interfered with in any way.

1 The word 'declare' substituted by No. 13 [26-6-2014].

2 The word and figures 'Form 14' substituted by No. 13 [26-6-2014].

3 The figure '72' substituted by No. 13 [26-6-2014].

(2) If the Presiding Officer has reason to suspect that an elector who has entered the voting compartment is tampering or otherwise interfering with the balloting unit or has remained inside the voting compartment for unduly long period, he shall enter the voting compartment and take such steps as may be necessary to ensure the smooth and orderly progress of the poll.

(3) Whenever the Presiding Officer enters the voting compartment under this rule he shall permit the polling agents present to accompany him if they so desire.

**72O. Closing the poll.**-(1) The Presiding Officer shall close a polling station at the hour fixed in this behalf and he shall not thereafter admit any elector into the polling station:

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

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

**72P. Account of votes recorded.**-The Presiding Officer shall, at the close of the poll, prepare an account of votes recorded in <sup>1</sup>[Form 15A] and enclose it in a separate cover with the words "Account of Votes Recorded superscribed thereon.

**72Q. Sealing of voting machine after poll.**-(1) As soon as practicable after the closing of the poll, the Presiding Officer shall close the control unit to ensure that no further votes can be recorded and shall detach the balloting unit from the control unit.

(2) The control unit and the ballot unit shall thereafter be sealed and secured separately in such manner as the Election Commission may direct and the seal used for securing them shall be so affixed that it will not be possible to open the units without breaking the seals.

(3) The polling agents present at the polling station who desire to affix their seal shall also be permitted to do so.

**72R. Sealing of other packets.**-(1) The Presiding Officer shall, then make into separate packets—

- (a) the marked copy of electoral roll;
- (b) the register of voters;
- (c) the cover containing the tendered ballot papers;
- (d) the list of challenged votes
- (e) the unused ballot papers kept for issue as tendered ballot paper; and
- (f) any other papers directed by the Election Commission to be kept in a sealed packet.

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

**72S. Transmission of voting machines etc. to the Returning Officer.**-

(1) The Presiding Officer shall then deliver or cause to be delivered to the returning officer, at such place as the Returning Officer may direct.—

- (a) the voting machine;

<sup>1</sup> The word and figures 'Form 18' substituted by No. 13 [26-6-2014].

- (b) the account of votes recorded;
- (c) the sealed packets referred to in rule 72 R; and
- (d) all other papers used at the poll.

(2) The Returning Officer shall make adequate arrangements for the safe transport of the voting machine, packets and other papers for the safe custody until the commencement of the counting of votes.

**72T. Procedure of adjournment of poll.** -If at any election the polling is adjourned in emergency the procedure provided in rule 70 and 71 shall be followed.

**72 U. Closing of voting machine in case of booth capturing.** -Where the presiding officer is of opinion that booth capturing is taking place at a polling station or at a place fixed for the poll, he shall immediately close the control unit of the voting machine to ensure that no further votes can be recorded and shall detach the balloting unit from the control unit.]

## CHAPTER X

### COUNTING OF VOTES

**73. Supervision of counting of votes.** -At every election where a poll is taken, votes shall be counted under the supervision and direction of either the Returning Officer or such other Officer as may be authorised by him in this behalf and each contesting candidate, or his election agent and his counting agents shall have a right to be present at the time of counting.

**74. Admission to the place fixed for counting.** - (1) The Returning Officer or such other officers authorised by him in this behalf, shall exclude from the place fixed for counting of votes all persons except—

- (a) Such persons, to be known as counting supervisors and counting assistants, as he may appoint to assist him in the counting;
- (b) person authorised by the Commission or the District Election Officer;
- (c) Public servants on duty in connection with the election; and
- (d) candidates, their election agents and counting agents.

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

(3) The Returning Officer or such other officers authorised by him in this behalf, shall decide which counting agent or agents shall watch the counting at any particular counting table or tables.

(4) Any person, who during the counting of votes misconducts himself or fails to obey the lawful directions of the Returning Officer or such other officer authorised by him in this behalf may be removed from the place where the votes are being counted, by the Returning Officer or such other officer authorised by him or by any police officer on duty.

**75. Scrutiny and opening of ballot boxes.** - (1) The Returning Officer or such other officers authorised by him, may have the ballot boxes used at a polling station, opened and their contents counted simultaneously.

(2) Before any ballot box is opened at a counting table, a candidate or his election agent or counting agent present at the table shall be allowed to inspect the paper seal or such other seal as might have been affixed thereon and to satisfy himself that it is intact.

(3) The Returning Officer or such other officer authorised by him, shall satisfy himself that none of the ballot boxes has in fact been tampered with.

(4) If the Returning Officer or such other officer authorised by him, is satisfied that any ballot box has in fact been tampered with, he shall not count the ballot papers contained in that box and shall follow the procedure laid down in rule 72, in respect of that polling station.

**76. Scrutiny and rejection of ballot papers.**-(1) A ballot paper contained in a ballot box shall be rejected if—

- (a) it bears any mark or writing by which the voter can be identified; or
- (b) it is a spurious ballot paper; or
- (c) it has been so damaged or mutilated that its identity as a genuine ballot paper cannot be established; or
- (d) it bears a serial number, or is of a design, different from the serial numbers of, as the case may be or design of the ballot paper authorised for use at the particular polling station; or
- (e) it does not bear any mark which it should have borne under the provisions of sub-rule (3) of rule 60; or
- (f) it has not been marked; or
- (g) it has been marked in the columns of more than one candidate; or
- (h) it has been marked by an equipment and in the manner other than the equipment and the manner prescribed for that purpose:

Provided that where Returning Officer or such other officer authorised by him, on being satisfied that any such defect as is mentioned in clause (d) or clause (e) has in respect of all or any ballot papers used at a polling station been caused by the mistake or failure on the part of the Presiding Officer or Polling Officer concerned, has directed that the defect should be over-looked, a ballot paper shall not be rejected only on the ground of such defect under clause (d) or clause (e).

(2) Before rejecting any ballot paper under sub-rule (1) the Returning Officer or such other officer authorised by him, shall allow each counting agent present a reasonable opportunity to inspect the ballot paper but shall not allow him to handle it or any other ballot paper.

(3) The Returning Officer or such other officer authorised by him, shall record on every ballot paper which he rejects the letter 'R' and the grounds of rejection in abbreviated form whether in his own hand or by means of a rubber stamp.

(4) All ballot papers rejected under this rule shall be bundled together.

## C O M M E N T A R Y

**1. Finding of fact not interfered.**-[1] Ballot papers on which there was marking by lead pen were not such by which the voter could be identified. Hence they were not rejected. Finding being of fact, therefore no interference could be made. *Gokul Prasad Patel v. Specified Officer, SDO, 2003 (4) MPLJ 339=2003 (5) MPHT 137.*

[2] Signature of Presiding Officer on ballot paper merely establishes the authenticity of a ballot paper as well as the exercise of right to vote. Nothing more is conveyed by the signature of the Presiding Officer. *Sunita Patel v. Collector, 2008 (3) MPLJ 248 = 2008(1) MPHT 302 = 2008(2) JLJ 26 = AIR 2008 (NOC) 802 MP.*

[3] **Thumb impression on ballot paper.**-If there was some mark of thumb on the ballot paper, then until and unless a case is made out that the voter can be indentified by the aforesaid mark, the ballot paper under Rule 76(1) of the Rules cannot be rejected. *Shyam Bai v. State of M.P.*, 2006(3) MPLJ 554.

**2. Recounting of votes.**-From sub-rule (2) it clearly appears that at the very first available opportunity an aggrieved candidate must move an application for recount. If such an application is not made, then prayer for recount shall not be accepted by the Courts. Since the Tribunal had no jurisdiction to order recount, it could not see the rejected ballot papers also. It matters little whether the ballot papers were kept properly under Rule 81 when the Tribunal had no jurisdiction to see them. *Ramsujan Sharma v. Krishna Bihari*, 2000 (1) MPWN 15. But now the decision seems to be of no value in view of the latest Supreme Court decision given in *Sohanlal v. Babu Gandhi*, 2003 (2) MPLJ 215=AIR 2003 SC 320=2003 (1) MPHT 292=2003 (1) SCC 108 (SC).

**77. Counting of votes.**-(1) Every ballot paper which is not rejected under rule 76 shall be counted:

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

(2) After the counting of votes in respect of a polling station has been completed, the Returning Officer or such other officer authorised by him, shall make the entries in result sheet in Form 16 for Panchas and in Part one of the result sheet in Form 17, 18 and 19 for sarpanch, members of Janpad Panchayat and Zila panchayat respectively and announce the total number of votes polled by each candidate.

(3) All valid ballot papers shall be bundled together and kept along with the bundle of rejected ballot papers in a separate packet which shall be sealed and on which shall be recorded the following particulars, namely:—

- (a) the number of the ward and name of Gram Panchayat in case of election of Panch, the name of Gram Panchayat in case of election of Sarpanch, the number of constituency of Janpad Panchayat or Zila Panchayat as the case may be, in case of election of member of Janpad Panchayat or Zila Panchayat;
- (b) the number and name of the polling station where the ballot papers have been used; and
- (c) the date of counting.

<sup>1</sup>[(4) The Returning Officer or the Officer authorised by him shall furnish to every candidate or his counting agent, present at the close of the counting, a true copy of the relevant result sheet prepared under sub-rule (2) after obtaining a receipt there for and shall also attest it as a true copy.]

<sup>2</sup>**[77A. Scrutiny and inspection of voting machines.**-(1) The Returning Officer shall have the control units of the voting machines used at more than one polling stations taken up for scrutiny and inspection and votes recorded in such units, counted simultaneously.

(2) Before the votes recorded in any control unit of a voting machine are counted under sub-rule (1) the candidate, or his counting agent present at the counting table shall be allowed to inspect the paper seal and

1 Ins. by No. 5 [11-4-2002].

2 Rule 77A, 77B and 77C ins. by No. 11 [25-3-2014].

such other vital seals as might have been affixed on the unit and to satisfy themselves that the seals are intact.

(3) The Returning Officer shall satisfy himself that none of the voting machines have in fact been tampered with.

(4) If the Returning Officer is satisfied that any voting machine has in fact been tampered with, he shall not count the votes recorded in that machine and shall follow the procedure laid down in rule 72 as may be applicable in respect of the polling station where that machine was used.

**77B. Counting of votes when Electronic Voting Machine are used.-**

(1) After the Returning Officer is satisfied that a voting machine has in fact not been tampered with, he shall have the votes recorded therein counted by pressing the appropriate button marked "Result" provided in the control unit whereby the total votes polled and votes polled to each candidate shall be displayed in respect of each such candidate on the display panel provided for this purpose in the unit.

(2) As the votes casted to each candidate are displayed on the control unit the Returning Officer shall have—

(a) the number of such votes recorded separately in respect of each candidate;

<sup>1</sup>[(b) corresponding entries made in a result sheet in Form 16A, 17A, 18A, 19A and particulars so entered in the result sheet shall be announced in form 20A, 21A, 22A and 23A.]

**77C. Sealing of voting machines.-**(1) After the result of voting recorded in the control unit has been ascertained candidate wise and entered in <sup>2</sup>[Form 16A, 17A, 18A and 19A] under rule 77(2), the Returning Officer shall reseal the unit with his seal and the seals of such of candidates or the election agents as are present who may desire to affix their seals thereon in such a way that the result of Voting recorded in the unit is not obliterated and the unit retains the memory of such result.

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

(a) the name of the Ward;

(b) the particulars of polling station or stations where the control unit has been used;

(c) serial number of the control unit;

(d) date of poll; and

(e) date of counting.]

<sup>3</sup>[(3) There is a provision to fix the Control Unit "Detachable Memory Module (D.M.M.)" of the E.V.M. approved by the Commission. Along with the Control Unit the voting data is recorded in D.M.M. also. After the declaration of election results, by keeping the voting data secured in D.M.M., the Control Unit can be used in other election proceeding. The Commission shall prescribe the procedure to seal the D.M.M. used in Control Unit by detaching the same from the Control Unit. The sealed D.M.M. may be used in judicial and other purposes according to the

1 Clause (b) substituted by No. 13 [26-6-2014].

2 The word and figures 'Form 14' substituted by No. 13 [26-6-2014].

3 Sub-rule (3) added by No. 13 [26-6-2014].

urgen y. Control Unit and Ballot Unit shall be used for other election.]

**78. Counting to be continuous.**-The Returning Officer or such other officer authorised by him, shall as far as practicable, proceed continuously with the counting of votes and shall, during any intervals when the counting has to be suspended, keep the ballot papers, packets and other papers relating to the election sealed with his own seal and the seals of such candidates or their election or counting agents as may be desirous of affixing their seals and shall cause adequate precautions to be taken for their safe custody during such intervals.

**79. Re-commencement of counting after fresh poll.**-(1) If a fresh poll is held under rule 72, the Returning Officer or such other officer authorised by him, shall after completion of that poll recommence the counting of votes on the date and at the time and place which have been fixed in that behalf and of which notice has been previously given to the candidates or their election agents.

(2) The provisions of rules 76 and 77 shall apply so far as may be practicable to such further counting.

**80. Recount of votes.**-(1) After an announcement has been made by the Returning Officer or such other officer authorised by him, of the total number of votes polled by each candidate under sub-rule (2) of rule 77, a candidate or, in his absence, his election agent or his counting agent may apply in writing to the Returning Officer or such officer authorised by him, for a recount of all or any of the votes already counted, stating the grounds on which he demands such recount.

(2) On such an application being made the Returning Officer or such other officer authorised by him shall decide the matter and may allow the application in whole or in part or may reject it in toto if it appears to him to be frivolous or unreasonable.

(3) Every decision of the Returning Officer or such other officer authorised by him, under sub-rule (2) shall be in writing and contain the reasons therefor.

(4) If the Returning Officer or such other officer authorised by him, decides under sub-rule (2) to allow an application either in whole or in part, he shall—

- (a) count the ballot papers again in accordance with his decision;
- (b) amend the result sheet to the extent necessary after such recount; and
- (c) announce the amendment so made by him.

(5) After the total number of votes polled by each candidate has been announced under sub-rule (2) of rule 77 or sub-rule (4) the Returning Officer or such other officer authorised by him shall complete and sign the result sheet and no application for a recount shall be entertained thereafter:

Provided that no step under this sub-rule shall be taken on the completion of the counting until the candidates and election agents present at the completion thereof have been given a reasonable opportunity to exercise the right conferred by sub-rule (1).

(6) The counted ballot papers shall be bundled and kept in the manner mentioned in sub-rule (3) of rule 77.

(7) Result sheets in Form 16, 17, 18 and 19 for Panch, Sarpanch, Member of Janpad Panchayat and Member of Zila Panchayat respectively,

prepared by such other officers as are authorised by the Returning Officer, shall be submitted by them, in separate envelopes to the Returning Officer for compilation and tabulation of votes polled by each candidate.

(8) The Returning Officer on receipt of result sheets under sub-rule (7) shall enter of cause to be entered the total number of votes polled by each candidate contesting for a seat of Sarpanch, Member of Janpad Panchayat or Member of Zila Panchayat at each polling station of the concerned constituency in subsequent part or parts of Form 17, 18 and 19 respectively and complete and sign the result sheet.

## C O M M E N T A R Y

**1. Basic requirements for recounting.**-[1] Election for the post of Sarpanch of Gram Panchayat. Recounting of votes, basic requirements discussed. Held, order for recounting of votes cannot be made as a matter of course. *Rameshchandra Bhilala v. Bashir*, 2010(4) MPLJ 563=2011(1) MPHT 35.

[2] **Consideration.**-Mere rejection of an application under Rule 80 filed by the petitioner is not a sufficient ground for ordering recount of votes. *Vidhyawati Lilhare v. Sub-Divisional Officer-cum-Prescribed Officer, Lanji, Balaghat*, 2010(1) MPLJ 115 = 2010(4) MPHT 92 = 2010(2) JLJ 29.

**3.** Certain votes were declared to be invalid in an election of Sarpanch of Gram Panchayat. Election petition was filed by the aggrieved candidate. There is nothing on record to show that the petitioner filed an application for recounting of votes after declaration of result. Order of recounting of votes quashed. *Mohansingh v. Satendra Singh*, 2003 (1) MPLJ 234.

**4. Rr.80-84-Powers of Returning Officer.**-Once result is declared, the Returning Officer has no power either to direct re-count or to change the result of the election. The only remedy of an aggrieved party is an election petition under section 122. *Sohanlal v. Babu Gandhi*, 2003 (2) MPLJ 215=AIR 2003 SC 320=2003 (1) MPHT 292=2003 (1) SCC 108 (SC).

**5. Election petition- Court or Tribunal not prohibited from directing recounting.**-It is a wrong proposition to say that the Court or Tribunal in an election petition cannot direct re-counting of votes, if the petitioner or the aggrieved party had not applied for recounting of votes in writing after declaration of result at the initial stage. After the result is declared, it is not possible for a party to apply for re-counting since his only remedy lies in the election petition. In such a case, the Court or the Tribunal is bound to consider the plea and where a case is made out, it may direct recount of votes depending upon the evidence led by the parties. AIR 1997 SC 3072, OVERRULED. This decision impliedly also overrules the M.P. decisions given in 2001(2) MPLJ 135, 2001 (2) MPLJ 622, 2002 (3) MPLJ 41 (DB)=2003 (3) MPLJ Notes 5 and *Dukkhhu Singh v. Raisingh*, 2003 (2) MPLJ 5 (DB). *Sohanlal v. Babu Gandhi*, 2003 (2) MPLJ 215=AIR 2003 SC 320=2003 (1) MPHT 292=2003 (1) SCC 108 (SC).

**6. Recounting of votes.**-[1] Recounting of votes cannot be ordered by consent of parties. Clear averments in this respect should be made in the application made in this behalf. It should not be ordered unless it is essential for the just decision and a finding should be recorded. Secrecy of ballot is sacrosanct in democracy. *Chironjilal v. S.D.O. Vijaypur*, 1996 (I) MPWN 109. See also *Chandra Bai v. State of M.P.*, 2002 (1) JLJ 407.

[2] Recounting of votes should be in presence of both the parties or their representatives. *Ramkunwar Lodhi v. Smt. Biniya*, 1996 MPWN (II) 167.

[3] **Recounting order proper.**-The pleadings and proof in the matter of recount have relevance for the purpose of determining the question of jurisdiction to permit or not to permit recount. Since the polling and counting both performed in absence of sufficient light therefore recounting order was proper. *Rajesh Kumar Banshkar v. Malti Parmar*, AIR 2009 (NOC) 751 (M.P.) = 2009(2) MPHT 391 = 2008 (4) MPLJ 375 = 2009(1) MPWN 11.

[4] **Proper order for recounting of votes.**-Electricity failed twice and votes were counted in candle light. Sufficient circumstances to order for recount. *Rakib Mohammad v. District Collector*, AIR 2003 MP 39=2002 (3) MPLJ 415=2002 (5) MPHT 487 (DB). In another case, also included more allegations that the valid votes were kept in the rejected votes and some invalid votes of votes cast in favour of respondent no.1 were kept in the bundle of votes of the petitioner hence recounting order passed by the High Court. See: *Ramavtar Budhouwa v. Smt. Susheela Singh*, 2007(1) JLJ 54.

[5] **Tendered votes can be opened.**-Tendered votes can be opened, if it is established on evidence that the person casting the tendered vote was a genuine voter. *Kailashi v. Bharosi Bai*, 2008 (2) MPLJ 218 = 2008(5) MPHT 204 = 2008(1) MPWN 106 = AIR 2008 (NOC) 1536 MP.

[6] **Decision must be in writing - No need to examine Returning Officer and to call him in evidence.** -Sub-rule (3) of Rule 80 that every decision of the Returning Officer or such other officer authorised by him under sub-rule (2) shall be in writing and contain the reasons therefor. Thus there is no need to examine the Returning Officer by the specified officer in suo motu powers for deciding whether he has passed any written order or not, it can be established by filing copy of the order. *Kailashi v. Bharosi Bai*, 2008 (2) MPLJ 218 = 2008(5) MPHT 204 = 2008(1) MPWN 106 = AIR 2008 (NOC) 1536 MP.

[7] Recounting order was not proper since the Tribunal failed to appreciate factual scenario in proper perspective. Further more, delegation of power of recount to a Committee and non- verification of ballot papers by Tribunal itself, is illegal and impermissible in absence of any such provision. *Smt. Sampat Devi v. S.D.O. cum Prescribed Authority Niwadi, Tikamgarh*, AIR 2007 (NOC) 2652 MP = 2007(3) MPHT 462 = 2007(3) JLJ 301 [DB].

[8] Without pleading and no proper evidence in support, recounting order cannot be passed. *Rafik Khan v. S.D.O. cum Pres. Authority*, 2007(3) JLJ 244.

[9] See also: *Ramavtar Budhouwa v. Smt. Susheela Singh*, 2007(1) JLJ 54; *Rooprani (Smt.) v. Sub-Divisional Officer, Damoh*, 2007(3) JLJ 173.

**7. Interpretations on procedure of Rule 80 - meaning of words 'frivolous' and 'unreasonable' & guide line to follow.**-Rule 80 of the Rules provided the grounds on which the recounting may be demanded. Sub-rule (2) provides that on receiving the application, the authorised officer shall decide the application and may allow the application in whole or in part or may reject it in toto, if it appears to him to be frivolous or unreasonable. the words 'frivolous' and 'unreasonable' are very material in sub-rule (2). At the time of counting, if such an application is filed not only the Presiding Officer, but the Counting Officer, the election agent and the candidates present in counting are having fresh memory in respect of events during counting. In these circumstances only when the allegations are frivolous or unreasonable, prayer for recounting may be rejected otherwise if the application is in accordance with the ground enumerated in sub-rule (1) of Rule 80, it has to be allowed by the Returning Officer. But in this case, the Returning Officer has not assigned any reason in writing for rejecting the application. At the time of hearing of the election

petition, the election tribunal has to consider the reason on which the prayer of recounting was rejected or allowed, if there is a decision on merits with reasons. But in absence of this, the Tribunal has to examine the case of merits and if it is found that the grounds enumerated in sub-rule (1) of Rule 80 of the Rules were existing at the time of prayer of recounting and the application ought not to be rejected by the Counting Officer, then the entire approach of election Tribunal will be different because the application was wrongly rejected. *Shyam Bai v. State of M.P. & Others, 2006(3) MPLJ 554*. See also: *Rooprani (Smt.) v. Sub-Divisional Officer, Damoh, 2007(3) JLJ 173*.

**81. Preparation of return of election and declaration of result.**- (1) The Returning Officer shall prepare a return of election to the office of—

- (a) Panch in Form 20 on the basis of result sheet compiled in Form 16;
- (b) Sarpanch in Form 21 on the basis of result sheet compiled in Form 17;
- (c) Member of Janpad Panchayat in Form 22 on the basis of the result sheet compiled in Form 18;
- (d) Member of Zila Panchayat in Form 23, of the basis of the result sheet compiled in Form 19.

and declare the candidate who has received the largest number of valid votes elected.

(2) The return of election and declaration made under sub-rule (1) shall be subject to the order passed by the District Election Officer under rule 84, if any.

(3) The Returning Officer shall send two signed copies of every return under sub-rule (1) to the District Election Officer who shall retain one copy in his office and send the other copy to the Commission forthwith.

## COM M E N T A R Y

**Result of election of Sarpanch to be notified by the prescribed authority.** Returning officers are only authorised to declare such election.-The provisions of Rule 81 (1)(b) is clear on the point that as far as declaration of result of a Sarpanch is concerned, it is to be made by the Returning Officer while under Rule 90, the elections are to be notified by the Commission. *Sugnabai v. Election Officer, 1996 MPLJ 134=1996 JLJ 48*.

**82. Equality of votes.**-If, after the counting of votes is completed, equality of votes is found to exist between any candidates and an addition of one vote will entitle any of those candidates to be declared elected, the Returning Officer shall forthwith decide between those candidates by lot and proceed as if the candidate on whom the lot falls has received one additional vote. In such a case the Returning Officer shall add the following words at the end of the return in Form 20, 21, 22 or 23 as the case may be, namely, "by draw of lot".

**83. Grant of certificate of election to the returned candidate.**- As soon as may be after a candidate has been declared elected under rule 81, the Returning Officer shall grant to such candidate a certificate of election in Form 25 and obtain from the candidate an acknowledgment of its

receipt duly signed by him.

**84. Powers of District Election Officer to correct clerical or arithmetical mistakes or errors.**-(1) The District Election Officer may at any time but not later than 15 days from the day of declaration of result under rule 81, either suo motu or on a report of the Returning Officer, correct, by an order any clerical or arithmetical mistake or error in the result sheet in Form 16, 17, 18 or 19 or in the return of election in Form 20, 21, 22 or 23 as the case may be:

Provided that no correction or amendment shall be made except after giving a notice to all contesting candidates from the ward or constituency in question, about the date, time and place for taking up the matter for such correction.

(2) An order passed by the District Election Officer under sub-rule (1) shall be in writing and contain reasons therefor and a corrected copy of the return of election in Form 20, 21, 22 or 23 as the case may be, duly signed and certified by the District Election Officer shall be sent to the Returning Officer for grant of certificate of election to the candidate declared elected as a result of such correction.

(3) Nothing in sub-rule (1) shall confer any power or authority upon the District Election Officer to open any envelope containing counted ballot papers or to direct re-counting of votes.

(4) The certificate of election in Form 25 under rule 83, if already granted by the Returning Officer to a candidate before an order is passed by the District Election Officer under sub-rule (1), shall be deemed to have been recalled and cancelled.

## C O M M E N T A R Y

Petition filed by the petitioner challenging the order passed by the SDO allowing the election petition of the respondent No. 2 and declaring her elected as Sarpanch. Sub Divisional Officer found that arithmetical error was committed at the time of tabulation and the petitioner was wrongly declared as elected. Record shows that 257 votes were polled in favour of the respondent No. 2 and only 6 votes were polled in favour of the petitioner but subsequently at the time of tabulation instead of 6 votes, 205 votes were added in favour of the petitioner. Petitioner failed to bring any material on record to indicate that in fact 205 votes were polled in her favour and not the 6 votes. Record indicates that undisputedly the respondent No. 2 has received highest votes. Respondent No. 2 has rightly been declared elected by the Sub Divisional Officer. *Fundibai w/o Narbadsingh v. Sub Divisional Officer and Prescribed Authority (Revenue)*, Kannod, 2012(3) MPLJ 261.

## CHAPTER XI

### MISCELLANEOUS

**85. Return or forfeiture of Security deposits.**-(1) The Security deposit made under rule 33 shall either be returned to the person making it or his legal representative or be forfeited to the State Government in accordance with the provisions of this rule.

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

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

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

<sup>1</sup>[(5) Notwithstanding anything contained in this rule, the security deposit made under Rule 33 shall not be returned and shall stand forfeited to the State Government, if a claim therefor is not preferred by the person making it or through his legal representative, as the case may be within six months from the date of declaration of result of election.]

**86. Custody of papers relating to election.**-The District Election Officer shall keep in custody the packets referred to in rules 67 and 68 and all other papers relating to the election.

## C O M M E N T A R Y

**Marking of ballot paper.**- Putting of mark on the ballot paper in the manner other than the one prescribed, the vote becomes void. AIR 1990 SC 838 & AIR 1983 SC 1293 Ref., AIR 1977 A.P.286 Disting. *ravi Thakur v. Shivshankar*, AIR 1997 MP 136=1997 (2) MPLJ 649.

**87. Production and inspection of election papers.**-While in the custody of the District Election Officer—

- (a) the packets of unused ballot papers;
- (b) the packets of used ballot papers whether valid, tendered or rejected;
- (c) the packets of the counterfoils of used ballot papers; and
- (d) the packets of marked copies of the voters lists;

shall not be opened and their contents shall not be inspected by, or produced before, any person or authority except under the order of a Competent Court or Authority.

**88. Disposal of Election Papers.**-(1) The packets referred to in rule 87 shall be retained for a period of six months and shall thereafter be destroyed subject to any direction to the contrary given by the Commission or by a Competent court or Authority, or pending legal proceedings.

(2) All other papers relating to an election shall be retained for such period as the Commission may direct by a general or special order.

**89. Casual vacancies in Panchayats.**-(1) When any vacancy occurs due to any reason such as death, disqualification, resignation, absence without leave, setting aside of election etc. of a member of a Panchayat, or Sarpanch the Secretary of the Gram Panchayat or the Chief Executive Officer of the Janpad Panchayat or the Zila Panchayat as the case may be, shall inform the District Election Officer about such vacancy within seven days from the date of its occurrence.

(2) The District Election Officer shall ensure due observance of sub-rule (1) and send to the Commission, in the first week of every month a consolidated statement of vacancies in the various Panchayats of the District, whereupon, the Commission shall take necessary action to fill the vacant seats and the provisions of these rules shall, mutatis-mutandis apply to fresh poll taken to fill such seats.

**90. Manner of notifying election.**-The Commission shall notify or cause to be notified—

(a) every election of a Panch and Sarpanch of a Gram Panchayat, by affixing a notice in Form 26-A on the notice board in the office of the Gram Panchayat concerned and in the office of the Janpad Panchayat within such Gram Panchayat is situate;

(b) every election of a member of a Janpad Panchayat, by affixing a notice in Form 26-B on the notice board in the office of the Janpad Panchayat concerned and in the office of the District Election Officer, and

(c) every election of a member of a Zila Panchayat, by affixing a notice in Form 26-C on the notice board in the office of the Zila Panchayat and in the office of the District Election Officer.

### COMMENTARY

**Result of election of Sarpanch to be notified by the prescribed authority.**-Returning officers are only authorised to declare such election.-The provisions of Rule 81 (1)(b) is clear on the point that as far as declaration of result of a Sarpanch is concerned, it is to be made by the Returning Officer while under Rule 90, the elections are to be notified by the Commission. *Sugnabai v. Election Officer, 1996 MPLJ 134=1996 JLJ 48.*

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**91. Repeal.**-The Madhya Pradesh Panchayat Nirvachan Niyam, 1994, are hereby repealed.

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PANCHAYAT ELECTION**FORM-1**

[See rule 9(1)]

Name of Gram panchayat..... Block..... District..... Ward No.....

Serial Number	House No. (if any)	Name of Voter	Name of Father/Husband	Male/Female/Other	Age	Photo of Voter
(1)	(2)	(3)	(4)	(5)	(6)	(7)

.....  
Registration Officer**Supplementary Voters' List**

Ward No.....

**(1) List of Additions**

Serial Number	House No. (if any)	Name of Voter	Name of Father/Husband	Male/Female/Other	Age	Photo of Voter
(1)	(2)	(3)	(4)	(5)	(6)	(7)

**(2) List of Corrections**

Serial Number of Main list	Name of Voter	Existing entry (which is to be corrected)	Corrected entry
(1)	(2)	(3)	(4)

**(3) List of Deletions**

Serial Number of Main List	Name of voter
(1)	(2)

.....  
Registration Officer**FORM 1-A**

[See rule 10(1)]

**Office of the Registration Officer**

Place.....

Date.....

**Notice:-Publication of Voter's list of Panchayats.**

The residents within the area of Gram Panchayat are hereby noticed that wardwise voter's lists of the Gram Panchayats situated in my jurisdiction have been published

today. The voter's list which is being published alongwith this notice, is available in my office and the office of the concerned Gram Panchayat and Janpad Panchayat for free inspection.

2. Any one who may like to submit any objection or claim regarding the voters' list, may submit an application in writing in my office by 3 O'clock up to....(date) during office hours. No objection or claim submitted after the prescribed time shall be considered.

Seal

Signature (Asstt. Registration Officer).

[FORM 2

[See rule 28]

OFFICE OF THE DISTRICT ELECTION OFFICER (PANCHAYAT)
NOTICE OF ELECTION OF SARPANCH AND PANCH OF GRAM PANCHAYAT

No. .... In exercise of the powers conferred by rule 28 of the Madhya Pradesh Panchayat Election Rules, 1995, I.....District Election Officer (Panchayat).....do hereby give the following notice in relation to the election of Sarpanch and Panchas of the Gram Panchayat specified in column (1) of the Schedule hereto:—

(a) the seat/seats for which election is to be held is/are specified in column (2) of the schedule;

(b) the officer specified in column (3) of the schedule will be the Returning Officer (Panchayat) for conducting the election of Sarpanch and Panchas of the Gram Panchayat;

(c) the place, date and time specified in column (4) of the schedule will be the place, last date and time for making nominations;

(d) the place, date and time specified in Column (5) of the schedule will be the place, date and time for the scrutiny of nominations;

(e) the place, date and hour specified in Column (6) of the schedule will be the place, date and hour for withdrawal of candidature;

(f) the date and time specified in Column (7) of the schedule will be the date and time during which the poll shall be taken;

(g) the place, date and time specified in Column (8) of the schedule will be the place, date and time for the counting of votes;

(h) the place, date and time specified in Column (9) of the schedule will be the place, date and time for the tabulation and declaration of election result.

Note.-If for any unavoidable reasons, counting of votes cannot be taken up at the place, date and time mentioned in Column (8) of the schedule, then the revised programme for counting shall be as under:-

Place..... Dated..... Time (from).....
Place..... District Election Officer (Panchayat)
Date..... District.....

SCHEDULE

Table with 4 columns: Name of Gram Panchayat, Vacant seat/seats for which election will be held (Sarpanch/Panch from ward No.), Name and designation of the Returning Officer (Panchayat), Place, last date and time for making nominations. Includes numbered rows 1, 2, 3, 4.

Place, date and time for scrutiny of nominations	Place, date and hour for withdrawal of candidature	Date and time during which poll shall be taken	Place, date and time for counting of votes	Place, date and time for the tabulation and declaration of election results
5	6	7	8	9

Place  
Date

District Election Officer (Panchayat)  
District .....

<sup>1</sup>[FORM - 3

(See rule 28)

Office of the District Election Officer (Panchayat)

**Notice of election of Member of Zila Panchayat/  
Janpad Panchayat**

No. .... In exercise of the powers conferred by rule 28 of the Madhya Pradesh Panchayat Election Rules, 1995, I..... District Election Officer (Panchayat)..... do hereby give the following notice in relation to the election of Member of Zila Panchayat/ Janpad Panchayat specified in column of the Schedule hereto:-

(a) the Constituency/Constituencies for which election is to be held is/are specified in Column (2) of the Schedule;

(b) the officer specified in Column (3) of the Schedule will be the Returning Officer (Panchayat) for conducting the election of member/members of Janpad Panchayat/Zila Panchayat;

(c) the place, date and time specified in Column (4) of the schedule will be the place, last date and time for making nominations;

(d) the place, date and time specified in Column (5) of the Schedule will be the place, date and time for the scrutiny of nominations;

(e) the place, date and hour specified in Column (6) of the Schedule will be the place, date and hour for withdrawal of candidature;

(f) the date and time specified in Column (7) of the Schedule will be the date and time during which the poll shall be taken;

(g) the place, date and time specified in Column (8) of the Schedule will be the place, date and time for the counting of votes;

(h) the place, date and time specified in Column (9) of the Schedule will be the place, date and time for the tabulation and declaration of election results.

**Note.**-If for any unavoidable reasons, counting of votes cannot be taken up at the place, date and time mentioned in Column (8) of the Schedule, then the revised programme for counting shall be as under:—

Place..... Dated..... Time (from).....

<sup>1</sup> Subs. by No.1 [4-2-1998].

Place.....

District Election Officer (Panchayat)

Date.....

District.....

**SCHEDULE**

Name of the Zila Panchayat/Janpad Panchayat	Name of Constituency/Constituencies for which election will be held	Name and designation of the Returning Officer (Panchayat)	Place, last date and time for making nominations
1	2	3	4

Place, date and time for scrutiny of nominations	Place, date and hour for withdrawal of candidature	Date and time during which poll shall be taken	Place, date and time for counting of votes	Place, date and time for the tabulation and declaration of election results
5	6	7	8	9

Place

District Election Officer (Panchayat)

Date

District .....

**<sup>1</sup>FORM 3-A**

(See rule 29-A)

Office of the District Election Officer (Panchayat).....

**NOTICE****Notice regarding status of Reservation of seats in Gram Panchayat.....Block.....**

In pursuance of Rule 29-A of the Madhya Pradesh Panchayat Nirvachan Niyam, 1995, it is hereby notified for general information that the status of reservation of the seat/seats in Gram Panchayat.....Block.....for which election is to be held is as shown in the following table viz:-

**TABLE**

Particulars of the seat for which election is to be held (eg. Sarpanch or Panch)	Particulars of ward (only in the case of election of Panch)			Status of reservation (eg.SC/SC-Woman/ST/ST-Woman/OBC/ OBC-Woman/ Gen./Gen.-Woman)
	Number	Village	House Number from.....to.....	
(1)	(2)	(3)	(4)	(5)

(Sd)

Place .....

District Election Officer  
(Panchayat)

Date .....

Seal

District.....  
Name.....**<sup>1</sup>FORM 3-B**

(See Rule 29-A)

Office of the District Election Officer (Panchayat).....

**NOTICE****Notice regarding status of Reservation of Seats in Dist.  
Panchayat...../Janpad Panchayat.....**

In pursuance of Rule 29-A of the Madhya Pradesh Panchayat Nirvachan Niyam, 1995, it is hereby notified for general information that the status of reservation of the seat/seats in District Panchayat.....Janpad Panchayat.....for which election is to be held, as shown in the following table:-

**TABLE**

Number of the Constituency for which election is to be held	Status of reservation (eg.SC/SC-Woman/ST/ST-Woman/OBC/OBC-Woman/ Gen./Gen.-Woman)	Gram Panchayat included in the constituency (*)
1	2	3

(Sd)

Place .....

District Election Officer  
(Panchayat)

Date .....

Seal

District.....  
Name.....

(\*) Note.-Add an extra sheet in case the space is found to be inadequate.

**FORM 4-A**

[See rule 31]

**NOMINATION PAPER**

**Election of Panch of Gram Panchayat**

I, nominate as a candidate for election to the seat of Panch for Ward No..... (in words.....).....of Gram Panchayat.....Block..... Dis-  
trict.....Candidate's Name.....Father's/Husband's  
Name.....His postal Address.....His name is entered at  
Serial No.....(in words.....) of the Voters' list of Ward No..... (in  
words.....) of the aforesaid Gram Panchayat.

(2) My name is.....which is entered at Serial No.....(in  
words.....) of the Voter's list of Ward No.....(in words  
.....) of the aforesaid Gram Panchayat.....

Date.....

Signature/Thumb  
Impression of proposer

(Name.....)

I, the above nominated candidate.....assent to this nomination and hereby  
declare—

- (a) that I have completed.....years of age;
- (b) that to the best of my knowledge and belief I am qualified and also not  
disqualified for being chosen to the seat of Panch of the aforesaid Gram  
Panchayat.....
- \* (c) that I am a member of the.....Scheduled Caste/tribe/Other Back-  
ward Class which has been notified as Scheduled Caste/Tribe/Other  
Backward Class in relation to.....District of the State.
- (d) that my name and my father's/husband's name have been correctly spelt  
out above in Hindi written in Devnagri Script, my name on the Ballot Paper  
and on election related documents may be written in the following man-  
ner.....

Date.....

Signature of Candidate

(Name.....)

\*Delete if not applicable.

(To be filed by Returning Officer)

Serial Number of Nomination Paper.....

This nomination paper was delivered to me at..... (hours) on.....  
(date) by the candidate/proposer.

Date.....

(Returning Officer Panchayat)

(Name.....)

\*Delete which ever not applicable.

**Decision of the Returning Officer Accepting or  
Rejecting the Nomination Paper**

I have examined the nomination paper in accordance with Rule 35 of the Madhya  
Pradesh Panchayat Election Rules, 1995 and decide as follows(\*).....

Date.....

(Returning Officer Panchayat)

(Name.....)

(\*) In case of rejection of nomination reasons must be recorded.

(Seal)

**Receipt of Nomination Paper and Notice of Scrutiny**

(To be handed over to the person presenting the nomination paper)

Serial Number of the Nomination Paper.....

The Nomination paper of Shri/Ku/Shrimati(\*).....who is a candidate for election of Panch of the Gram Panchayat.....was delivered to me at..... (hours) on.....(date) by the candidate/proposer(\*). All nomination papers will be taken up for scrutiny at..... (hours) on..... (date) at.....(Place).

Date.....

.....  
(Returning Officer Panchayat)  
(Name.....)

\*Delete whichever is not applicable.

### FORM 4-B

[See rule 31]

#### Nomination Paper

#### ELECTION OF SARPANCH OF GRAM PANCHAYAT

I, nominate as a candidate for election to the seat of Sarpanch of Gram Panchayat.....Block.....District.....Candidate's Name.....  
Father's/Husband's Name.....His address.....His name is entered at  
Serial No.....(in words.....) of the Voters' list of Ward  
No..... (in words.....) of Gram Panchayat.....  
Block..... District.....

(2) My name is.....it is entered at Serial No.....(in words.....) of the Voters' list of Ward No.....(in words.....) of Gram Panchayat.....Block.....District.....

Date.....

.....  
Signature/Thumb Impression of proposer  
(Name.....)

I, the above mentioned candidate assent to this nomination and hereby declare—

- (a) that I have completed.....year of age;
- (b) that to the best of my knowledge and belief I am qualified and also not disqualified for being chosen to the seat of Sarpanch of the aforesaid Gram Panchayat.....
- (c) that I am a member of the.....Schedule Caste/Tribe/ Other Backward Class which has been notified as Scheduled Caste/ Scheduled Tribe/Other Backward Class in relation to.....District of the State.
- (d) that my name and my father's/husband's name have been correctly spelt out above in Hindi written in Devnagri Script, my name on the Ballot Paper and on election related documents may be written in the following manner:.....

Date.....

.....  
Signature or Thumb Impression  
of the candidate

(Name.....)

(To be filed by Returning Officer)

Serial Number of Nomination Paper....

This nomination paper was delivered to me at.....(hours) on..... (date) by the candidate/proposer.\*

Date.....

.....  
Returning Officer (Panchyat)  
(Name.....)

\*Delete whichever is not applicable.

#### Decision of the Returning Officer (Panchayat) Accepting or Rejecting the Nomination Paper

I have examined the nomination paper in accordance with Rule 35 of the Madhya Pradesh Panchayat Election Rules, 1995 and decide as follows\*.....

Date.....

.....  
Returning Officer (Panchyat)

(Name.....)

\*In case of rejection of nomination reasons must be recorded.

**Receipt of Nomination Paper and Notice of Scrutiny**

(To be handed over to the person presenting the nomination paper)

Serial Number of the Nomination Paper.....

The Nomination paper of Shri/Ku/Shrimati\*.....who is a candidate for election of Sarpanch of the Gram Panchayat.....was delivered to me at..... (hours) on.....(date) by the candidate/proposer.\*

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

Date.....

Returning Officer (Panchyat)

(Name.....)

\*Delete whichever is not applicable.

**FORM 4-C**

[See rule 31]

**Nomination Paper**

**ELECTION OF MEMBER OF JANAPAD PANCHAYAT**

I, nominate as a candidate for election to the seat of member of Janapad Panchayat.....from Constituency No.....(in words.....)

Candidate's Name.....

Father's/Husband's Name.....

His postal address.....

His name is entered at Serial No.....(in words.....) of the Voters list of Ward No.....of Gram Panchayat..... Block.....of District.....

My name is.....It is entered at Serial No.....(in words.....) of the Voter's list of Ward No.....(in words.....) of Gram Panchayat..... Block.....District.....

Date.....

Signature/Thumb Impression of proposer

(Name.....)

I, the above mentioned candidate assent to this nomination and hereby declare—

- (a) that I have completed.....years of age;
- (b) that to the best of my knowledge and belief I am qualified and also not disqualified for being chosen to the seat of member of Janpad Panchayat.....
- \* (c) that I am a member of the.....Schedule Caste/Tribe/Other Backward Class which has been notified as Scheduled Caste/ Scheduled Tribe/Other Backward Class, in relation to district of the State.
- (d) that my name and my father's/husband's name have been correctly spelt out above in Hindi written in Devnagri Script; my name, on Ballot Paper and other election related documents may be written in the following manner.....

Date.....

Signature/Thumb impression of the Candidate

\*Delete whichever is not applicable.

(To be filed by Returning Officer)

Serial Number of Nomination Paper.....This nomination paper was delivered to me at.....(hours) on.....(date) by the candidate/proposer.\*

Date.....

Returning Officer (Panchyat)

(Name.....)

\*Delete whichever is not applicable.

**Decision of the Returning Officer (Panchayat) Accepting or  
Rejecting the Nomination Paper**

I have examined the nomination paper in accordance with Rule 35 of the Madhya Pradesh Panchayat Election Rules, 1995 and decide as follows:-

Date.....

Returning Officer (Panchayat)  
(Name.....)

**\*\*In case of rejection of nomination reasons must be recorded.**

**Receipt of Nomination Paper and Notice of Scrutiny**

(To be handed over to the person presenting the nomination paper)

Serial Number of the Nomination Paper.....

The Nomination paper of Shri/Ku/Shrimati\*.....a candidate for election of member of Janpad Panchayat.....was delivered to me at..... (hours) on.....(date) by the candidate/proposer. \*All nomination papers will be taken up for scrutiny at.....(hours) on.....(date) at.....(Place).

Date.....

Returning Officer (Panchayat)  
(Name.....)

**\*Delete whichever is not applicable.**

**FORM 4-D**

[See rule 31]

**Nomination Paper**

**ELECTION OF MEMBER OF ZILA PANCHAYAT**

I, nominate as a candidate for election to the seat of members of Zila Panchayat.....from Constituency No.....(in words.....)

Candidate's Name.....

Father's/Husband's Name.....

His postal address.....

His name is entered at Serial No.....(in words.....) of the Voters list of Ward No.....of Gram Panchayat.....Block..... of District.....

(2) My name is.....which is entered at Serial No..... (in words.....)of the Voter's list of Ward No.....(in words.....) of Gram Panchayat.....Block.....District.....

Date.....

Signature/Thumb impression of proposer  
(Name.....)

**\*Delete whichever is not applicable.**

I, the above mentioned candidate assent to this nomination and hereby declare—

(a) that I have completed.....years of age;

(b) that to the best of my knowledge and belief I am qualified and also not disqualified for being chosen to the seat of member of Zila Panchayat.....

**\* (c) that I am a member of the.....Schedule Caste/Tribe/Other Backward Class which is notified as Scheduled Caste/Scheduled Tribe/Other Backward Class in relation to.....District of the State.**

(d) that my name and my father's/husband's name have been correctly spelt out above in Hindi written in Devnagri Script. My name, on the Ballot Paper and other election related documents may be written in the following manner.....

Date.....

Signature of the Candidate  
(Name.....)

(To be filed by Returning Officer)

Serial Number of Nomination Paper.....

This nomination paper was delivered to me at.....(hours) on..... (date) by the candidate/proposer.

Place.....

Date.....

Returning Officer (Panchayat)

\*Delete whichever is not applicable.

**Decision of the Returning Officer (Panchayat) Accepting or Rejecting the Nomination Paper**

I have examined the nomination paper in accordance with Rule 35 of the Madhya Pradesh Panchayats Election Rules, 1995 and decide as follows\*.....

Date.....

Returning Officer (Panchayat)

(Name.....)

(Seal)

\*In case of rejection of nomination reasons must be recorded.

.....(perforation).....

**Receipt of Nomination Paper and Notice of Scrutiny**

(To be handed over to the person presenting the nomination paper)

Serial Number of the Nomination Paper.....

The Nomination paper of Shri/Ku/Shrimati\*.....a candidate for election of member of Zila Panchayat.....was delivered to me at..... (hours) on.....(date) by the candidate/proposer.\* All nomination papers will be taken up for scrutiny at.....(hours) on.....(date) at..... (Place).

Date.....

Returning Officer (Panchayat)

(Name.....)

\*Delete whichever is not applicable.

**FORM-5**

[See rule 35(8)]

**LIST OF VALIDLY NOMINATED CANDIDATES**

\*Election of Panch from ward No.....of Gram Panchayat.....

\*Election of Sarpanch of Gram Panchayat.....

\*Election of Member from Constituency No.....of Janpad Panchayat.....

\*Election of Member from Constituency No.....of Zila Panchayat.....

Serial No.	Name of candidate	Father's/ Husband's Name	Address
1	2	3	4

Date.....

Returning Officer (Panchayat)

(Name.....)

(Seal)

\*insert appropriate particulars and strike off the inappropriate alternative.

**FORM 5-A**

[See rule 36(1)]

**NOTICE OF REVISION OF REJECTED NOMINATION PAPERS**

\*Election of Panch from ward No.....of Gram Panchayat.....

\*Election of Sarpanch of Gram Panchayat.....

\*Election of Member from Constituency No.....of Janpad Panchayat.....

\*Election of Member from Constituency No.....of Zila Panchayat.....

Notice is hereby given that in the Ward/Constituency mentioned above, nomination papers of all the candidates except one have been rejected.

2. Rejected Nomination Papers shall be taken up for revision by the Revisional Authority at the place, date and time given below:-

Name and designation of Revisional Authority:

Place.....date.....time.....

3. Any candidate who has filed a nomination paper from the aforesaid Ward/Constituency, may, at the time of revision, appear and present his case before the Revisional Authority.

Date.....

Returning Officer (Panchayat)

(Name.....)

(Seal)

\*Insert appropriate particulars and strike off the inappropriate alternative.

**FORM-6**

[See rule 37(1)]

**APPLICATION FOR WITHDRAWAL OF CANDIDATURE**

\*Election of Panch from ward No.....of Gram Panchayat.....

\*Election of Sarpanch of Gram Panchayat.....

\*Election of Member from Constituency No.....of Janpad Panchayat.....

\*Election of Member from Constituency No.....of Zila Panchayat.....

To,

The Returning Officer (Panchayat)

I.....son/wife of.....a candidate validly nominated at the above election do here by give notice that I withdraw my candidature.

The\*\* Receipt/Receipts given in acknowledgment of the nomination\*\* paper/papers submitted to you on.....(date) on my behalf\*\*is/are enclosed herewith in original.

Place.....

Date.....

Signature of validly nominated candidate or Thumb impression.

This notice was delivered to me at my office at.....hours on.....(date ) by.....(name).....who is a candidate/candidate's proposer/ candidate's election agent.\*\*

Date.....

Returning Officer (Panchayat)

(Name.....)

(Seal)

Receipt of Application for withdrawal of candidature (To be handed over to the person delivering the application).

The application for withdrawal of candidature by Shri/Smt./Ku.\*..... a validly nominated candidate at the election of\* Panch from ward No..... Sarpanch of Gram Panchayat...../ Member from Constituency No..... of Janpad Panchayat/Zila Panchayat....., was delivered to me by (Name).....who is a candidate/candidate's proposer/candidates election agent,\*\* at my office at.....(hours) on.....(date).

Date.....

Returning Officer (Panchayat)

(Name.....)

(Seal)

\*Insert appropriate particulars and strike off the inappropriate alternative.

\*\*Strike off inappropriate alternative/alternatives.

FORM-7

[See rule 37(4)]

NOTICE OF WITHDRAWAL OF CANDIDATURE

\*Election of Panch from ward No.....of Gram Panchayat.....

\*Election of Sarpanch of Gram Panchayat.....

\*Election of Member from Constituency No.....of Janpad Panchayat.....

\*Election of Member from Constituency No.....of Zila Panchayat.....

Notice is hereby given that the following validly nominated\*\* candidate/candidates at the above election has/have withdrawn\*\* his/her/their candidature today.

Serial No.	Name of validly nominated candidate	**Father's/ Husband's Name	Address
1	2	3	4

Date.....

Returning Officer (Panchayat)

(Name.....)

(Seal)

\*Insert appropriate particulars and strike off the inappropriate alternative.

\*\*Strike off inappropriate alternative.

PANCHAYAT ELECTION

FORM 8-A

[See rule 38(1)]

LIST OF CONTESTING CANDIDATES

ELECTION TO THE PANCH OF GRAM PANCHAYAT.....

FROM WARD NO.....

MP/MS/98-7

Serial No.	Name of candidate	Address of candidate	Symbol Allotted
1	2	3	4
1. 2. 3. 4. etc.			

Place.....

Date.....

.....  
Returning Officer (Panchayat)

(Name.....)

(Seal) .....

PANCHAYAT ELECTION**FORM 8-B**

[See rule 38(1)]

**LIST OF CONTESTING CANDIDATES**

ELECTION OF SARPANCH OF GRAM PANCHAYAT.....

Serial No.	Name of candidate	Address of candidate	Symbol Allotted
1	2	3	4
1. 2. 3. 4. etc.			

Place.....

Date.....

.....  
Returning Officer (Panchayat)

(Name.....)

(Seal) .....

**FORM 8-C**

[See rule 38(1)]

**LIST OF CONTESTING CANDIDATES**ELECTION OF MEMBER, JANPAD PANCHAYAT FROM CONSTITUENCY  
NO..... OF JANPAD PANCHAYAT.....

Serial No.	Name of candidate	Address of candidate	Symbol Allotted
1	2	3	4
1. 2. 3. 4. etc.			

Place.....

Date.....

.....  
Returning Officer (Panchayat)

(Name.....)

(Seal) .....

**FORM 8-D**

[See rule 38(1)]

**LIST OF CONTESTING CANDIDATES**

ELECTION OF MEMBER, ZILA PANCHAYAT.....  
FROM CONSTITUENCY NO.....

Serial No.	Name of candidate	Address of candidate	Symbol Allotted
1	2	3	4
1.			
2.			
3.			
4.			
etc.			

Place.....  
Date.....

.....  
Returning Officer (Panchayat)  
(Name.....)  
(Seal) .....

**FORM-9**

[See rule 41(1)]

**Appointment of Election Agent**

Election of Panch from Ward No.....of Gram Panchayat.....  
Election of Sarpanch of Gram Panchayat.....  
Election of Member from Constituency No.....of Janpad Panchayat.....  
Election of Member from Constituency No.....of Zila Panchayat.....

To,  
The Returning Officer (Panchayat)  
.....

I.....son/wife of.....who is a candidate for election of mentioned  
above hereby appoint Shri/Ku/Shrimati\*.....son/wife of..... as my elec-  
tion agent from this date at the above election..... (Name of the agent)

Place.....  
Date.....

.....  
Signature of Candidate  
(Name.....)

I accept the above appointment:

Place.....  
Date.....

.....  
Signature of Election Agent  
Name.....)

Approved

.....  
Signature of  
Returning Officer (Panchayat)  
Name.....  
Seal.....

Place.....  
Date.....

\*Strike out which is not applicable.

**FORM-10**

[See rule 42(1)]

**APPOINTMENT OF POLLING AGENT**

Election to—

\*Panch from Ward No.....of Gram Panchayat.....

\*Sarpanch, Gram Panchayat.....

\*Member of Janpad Panchayat.....from Constituency No.....

\*Member of Zila Panchayat.....from Constituency No.....

I.....who is a candidate/ the election agent of Shri/Ku/Shrimati  
..... who is a candidate at the above election, do hereby appoint  
Shri/Ku./Shrimati.....Father's/Husband's name.....as a polling  
Agent to attend polling station No.....at.....

Place.....

Date.....

Signature of Candidate/Election Agent

(Name.....)

I agree to act as such Polling Agent.

Place.....

Date.....

Name.....

#### Declaration of Polling Agent

(To be signed before the Presiding Officer)

I hereby declare that at the above election I will not do anything forbidden by the  
Madhya Pradesh Panchayat Raj Adhiniyam, 1993 or Rules made thereunder regarding  
secrecy of votes.

Signature of Polling Agent

(Name.....)

Signed before me

Signature of Presiding Officer

(Name.....)

Place.....

Date.....

\*Strike out which is not applicable.

### FORM-11

[See rule 43(1)]

#### APPOINTMENT OF COUNTING AGENT

Election to—

\*Panch from Ward No.....of Gram Panchayat.....

\*Sarpanch, Gram Panchayat.....

\*Member of Janpad Panchayat.....from Constituency No.....

\*Member of Zila Panchayat.....from Constituency No..... of Zila  
Panchayat.....

To

The Returning Officer (Panchayat)

I.....who is a candidate/the election agent of Shri/  
Ku./Shrimati.....who is a candidate at the above election do hereby appoint  
Shri/Ku./Smt. ....Father's/Husband's name.....as a counting Agent to  
attend Counting of Votes at the place fixed for counting.

Place.....

Date.....

Signature of Candidate/Election Agent

(Name.....)

I agree to act as such Counting Agent.

Place.....

Date.....

Signature of Counting Agent

(Name.....)

**Declaration of Counting Agent**

(To be signed before the Presiding Officer)

I hereby declare that at the above election I will not do anything forbidden by the Madhya Pradesh Panchayat Raj Adhiniyam, 1993 or Rules made thereunder regarding of secrecy of votes.

.....  
Signature of Counting Agent.

(Name.....)

Signed before me

.....  
Signature of Presiding Officer (Panchayat)/  
Officer authorised by Returning  
Officer (Panchayat)

(Name.....)

Place.....

Date.....

(Seal)

\*Strike out which is not applicable.

**FORM-12**

[See rule 58(2)]

**LIST OF CHALLENGED VOTES**

Election of Panch/Sarpanch

Election of Member Janpad/Zila Panchayat\*

.....  
Polling Station No.....Name of the Block.....

Serial No.	Name of Voter	Entries of Voter's List		Signature or Thumb impression of the person challenged
		Name of G.P. Pertaining to the Voter's List	S. No. of the Voter	
1	2	3	4	5

Name of Challenge	Name and address of the person challenged	Name of identifier, if any	Order of Presiding Officer	Signature of Challenger on receiving refund of deposit
6	7	8	9	10

Date.....

.....  
Signature of Presiding Officer

(Name.....)

\*Strike out which is not applicable.

**FORM 13-A**

[See rule 62(1)]

**DECLARATION BY THE COMPANION OF BLIND OR INFIRM VOTER**

\*Election of Panch from ward No.....of Gram Panchayat.....

\*Election of Sarpanch of Gram Panchayat.....

\*Election of Member from Constituency No.....of Janpad Panchayat.....

\*Election of Member from Constituency No.....of Zila Panchayat.....

I,.....son/wife of.....Aged.....years, Address.....  
hereby declare that.....

(a) I have not acted as companion of any other voter at any polling station today;

(b) I will keep secret the vote recorded by me on behalf of Shri/Smt./Ku\*  
.....who is registered as Voter at serial No..... of Voter's  
list of Gram Panchayat.....

Place.....

Date.....

.....

Signature of Companion.

(Name.....)

Countersigned

Presiding Officer.....

Polling Station No.....

\*Strike off whichever is not applicable.

### FORM 13-B

[See rule 62(2)]

#### LIST OF BLIND AND INFIRM VOTERS

\*Election of Panch from Ward No.....of Gram Panchayat.....

\*Election of Sarpanch of Gram Panchayat.....

\*Election of Member from Constituency No.....of Janpad Panchayat.....

\*Election of Member from Constituency No.....of Zila Panchayat.

Polling Station No.....

Name of the Block.....

Serial No.	Full name of voter along with Father's/Husband's name	Serial No. of voter in the voters list	Full name of companion along with Father's/Husband's name	Address of Companion
1	2	3	4	5

Date.....

.....  
Signature of Presiding Officer.

(Name.....)

### FORM 14

[See rule 64(2)]

#### LIST OF TENDERED VOTES

Election to—

Panch of Gram Panchayat.....Ward No.....

Sarpanch, Gram Panchayat.....

Member of Janpad Panchayat from Constituency No..... of Janpad Panchayat\*.....

Member of Zila Panchayat.....from Constituency No.....

\*Polling Station No.....

Name of the Block.....

Serial No.	Name of Voter	Name of G.P. to which Voter's list pertains	Serial No. of Voter
1	2	3	4

Address of the Voter	S. No. of Tendered ballot paper	S. No. of the ballot paper issued to the person who has already voted	Signature or thumb impression of the Voter
5	6	7	8

Place.....

Date

Signature of Presiding Officer,  
(Name.....)

\*Strike out whichever is not applicable.

**Note.**-In the case of Panch, the particular of tendered votes in respect of all the wards be recorded in the same sheet. Ward No. may be mentioned in column No. 4 after the serial No. or in voters list.

**FORM-14 A**

[See rule 72 J(1)(a) of The Madhya Pradesh Election Rules, 1995]

**Voter Register**

(Where election shall be carried out through E.V.M.)

Election of Panch from Ward No. (1)..... (2)..... (3)..... (4).....  
(5)..... of the Gram Panchayat .....

Election of Sarpanch from the Gram Panchayat .....

Election of Member from the Constituency No. .... of the Janpad Panchayat

Election of Member from the Constituency No. .... of the Zila Panchayat

Polling Station No. .... Name of the Block .....

Sl. No.	Ward No. of the	Number of the voter in the Voter List	Detail of the document produced in proof of his identification by the Voter	Signature/ thumb impression of the Voter	Remarks
(1)	(2)	(3)	(4)	(5)	(6)

Date .....

Signature of the Presiding Officer  
Name .....

**FORM 15**

[See rule 67(1)]

**PART I—BALLOT PAPER ACCOUNT**

Election to—

Panch of Gram Panchayat.....Ward No.....

Sarpanch, Gram Panchayat.....

Member of Janpad Panchayat from Constituency No..... of Janpad Panchayat\*.....

Member of Zila Panchayat.....from Constituency No.....

Polling Station No.....

Name of the Block.....

	Serial Nos.		Total No.
	From	To	
1. Number of ballot paper received by the Presiding Officer	.....	.....	.....
2. Number of unused ballot papers	.....	.....	.....
3. Number of ballot papers used at the Polling Station (1 - 2=3)	.....	.....	.....
4. Number of ballot papers used at the Polling Station but not inserted in the ballot box.	.....	.....	.....
(a) Number of ballot papers cancelled due to error in printing or writing.	.....	.....	.....
(b) Number of ballot papers used as tendered ballot papers.	.....	.....	.....
(c) Number of ballot papers cancelled.	.....	.....	.....
Total (a+b+c)	.....	.....	.....
5. Number of ballot papers to be found in ballot box/boxes (3-4=5)	.....	.....	.....

Place.....

Date.....

Signature of Presiding Officer

(Name.....)

\*Strike out whichever is not applicable.

**PART II—RESULT OF INITIAL COUNTING**

1. Total Number of ballot papers found in the ballot box/boxes used at polling station.

2. Difference if any, between the total number of ballot papers at item 1 of this part and the total number of ballot paper mentioned against item 5 or Part I.

Date.....

Signature of Counting Supervisor.

(Name.....)

Signature of Returning Officer (Panchayat)

(Name.....)

**<sup>1</sup>FORM-15 A****Panchayat Election**

(See rule 72 P of The Madhya Pradesh Election Rules, 1995)

**Part-1 Writing of recorded votes**

(Where election shall be carried out through E.V.M.)

Election of Panch from Ward No. .... of the Gram Panchayat .....

Election of Sarpanch from Gram Panchayat .....

Election of Member from Constituency No..... of Janpad Panchayat .....

Election of Member from Constituency No..... of Zila Panchayat .....

Polling Station No. and Name ..... Control Unit No. ....

Number of the Voting Machine used at Polling Station

..... No.	Sarpanch	Janpad Panchayat Member	Zila Panchayat Member
No.1			
No.2			

Identification No. of the machine .....	Printer No. (if used) .....
D.M.M. No. ....	

1. Total number of voters set at a polling station	Signature of the polling agent
2. Total number of voters registered in the voter register	1
3. Number of voters recorded as per the voting machine	2
4. Number of voters no allowed to vote under rule 72 k	3
5. Number of voters decided not to vote (2-3-4=5)	4
6. Total number of tendered votes-	5

(a) Serial Number From ..... to .....

(b) Issued to the voters

(c) Unused

7. Account of the seal of green paper-

1. Paper seals supplied for use Total Number .....

From ..... to .....

2. Used paper seals

Total Number .....

From ..... to .....

3. Unused paper seals returned to the returning officer

Total Number .....

From ..... to .....

4. Damaged paper seals (if any)

Total Number .....

From ..... to .....

Date .....

Place .....

Signature of the Presiding Officer

Polling Station No.....

**Note.**-(1) Please strike out which is not applicable.

(2) Separate account of the recorded votes is to be prepared for each post.

**Part-2 Result of the Preliminary Counting**

1. Total number of votes found in E.V.M. used in the Polling Station .....

2. In this part specifying the difference in the total numbers of votes as mentioned in item No. 1 and the total number of votes found in E.V.M. as mentioned in item No. 3 of Part -1, if any.

Date .....

Place .....

Signature of the Counting Supervisor

Name .....

Signature of the Returning Officer

Name .....

**FORM 16**

[See rule 77(2)]

**RESULT OF COUNTING OF VOTES FOR ELECTION OF PANCH OF  
GRAM PANCHAYAT.....FROM WARD No.....**

Polling Station No.....

Block.....

Serial No.	Name of candidate	No. of valid votes cast in favour of the candidate
1	2	3

(a) Total No. of valid votes.....

(b) Total No. of rejected votes.....

(c) Total No. of votes polled.....

Place of counting.....

Date.....

Returning Officer (Panchayat/Officer  
authorised by Returning Officer (Panchayat).

\*In case of dearth of space, back page may be used.

Panchayat Election

FORM-16 A

(See rule 77B of The Madhya Pradesh Election Rules, 1995)

Result of Counting of Panch

(Where election shall be carried out through E.V.M.)

Election of Panch from Ward No..... of the Gram Panchayat .....  
Polling Station No. .... Block .....

Sl. No.	Name of the Candidate	Number of votes obtained according to Election Control Unit
(1)	(2)	(3)

(a) Number of under/no votes .....

(b) Number of unfinished votes .....

Signature of the Counting Supervisor

Name of the Candidate/Election Agent/Counting Agent

Full Signature .....

Place of counting .....

Date .....

Signature of the Returning Officer/  
Asst. Returning Officer (Panchayat)

Name .....

Officer authorised by the Returning  
Officer (Panchayat)

Please use the back part also in case of insufficient space.

Sl. No.	Name of the Candidate	Number of votes obtained according to Election Control Unit
(1)	(2)	(3)

Place of counting .....

Date .....

Signature of the Returning Officer/  
Asst. Returning Officer (Panchayat).

Name .....

Officer authorized by the Returning  
Officer (Panchayat).

## FORM-17

[See rule 77(2)]

**RESULT OF COUNTING OF VOTES FOR ELECTION OF  
SARPANCH OF GRAM PANCHAYAT.....**

Polling Station Number.....

Number of wards included.....

Serial No.	Name of candidate	No. of valid votes cast in favour of the candidate
(1)	(2)	(3)

No. of valid votes.....

No. of rejected votes.....

No. of votes polled.....

Place of counting.....

Date.....

.....  
 Returning Officer (Panchayat/Officer  
 authorised by Returning Officer (Panchayat).

\*In case of dearth of space, back page may be used.

PART TWO

BLOCK LEVEL

## FORM-17

[See rule 77(2) and 80(8)]

**RESULT OF COUNTING OF VOTES FOR ELECTION OF  
SARPANCH OF GRAM PANCHAYAT.....**

Block .....

Total No. of Polling Stations Included.....

S. No.	Name of candidate	Valid votes cast in favour of the candidate					Total
		Polling Station No...	Polling Station No...	Polling Station No...	Polling Station No...	Polling Station No...	
1	2	3	4	5	6	7	8

A. Total No. of valid votes in Gram Panchayat.....

B. Total No. of rejected votes in Gram Panchayat.....

C. Total No. of votes polled in Gram Panchayat.....

Place of counting.....

Date.....

.....  
 Returning Officer (Panchayat/Officer  
 authorised by Returning Officer (Panchayat).

\*In case of dearth of space, back page may be used.

**Panchayat Election  
Part-I**

**FORM-17A**

(See rule 77B of The Madhya Pradesh Election Rules, 1995)

**Result of Counting of Sarpanch**

(Where election shall be carried out through E.V.M.)

Election of Sarpanch from Block ..... of the Gram Panchayat .....  
Polling Station No. .... Number of Wards included .....

Sl. No.	Name of the Candidate	Number of votes obtained according to Election Control Unit
(1)	(2)	(3)

- (a) Number of under/no votes .....
- (b) Number of unfinished votes .....

Signature of the Counting Supervisor

Name of the Candidate/Election Agent/Counting Agent

Full Signature .....

Place of counting .....

Date .....

Signature of the Returning Officer/  
Asst. Returning Officer (Panchayat).  
Name .....

Officer authorised by the Returning  
Officer (Panchayat).

Please use the back part also in case of insufficient space.

Sl. No.	Name of the Candidate	Number of votes obtained according to Election Control Unit
(1)	(2)	(3)

Place of counting .....

Date .....

Signature of the Returning Officer/  
Asst. Returning Officer (Panchayat).  
Name .....

Officer authorised by the Returning  
Officer (Panchayat)

**Panchayat Election**  
**Part-II Block Level**

**FORM-17 A**

(See rule 77B of The Madhya Pradesh Election Rules, 1995)

**Result of counting**

(Where election shall be carried out through E.V.M.)

Election of Sarpanch from Block..... Gram Panchayat.....

Total number of polling stations included .....

Sl. No.	Name of the candidate	Number of votes obtained according to the Election Control Unit					Total
		Polling Station No.	Polling Station No.	Polling Station No.	Polling Station No.	Polling Station No.	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

(a) Number of under/no votes

(b) Number of unfinished votes

Place of counting.....

Date .....

Signature of the Returning Officer/  
Asst. Returning Officer-(Panchayat).....

Name .....

authorised by the Returning  
Officer (Panchayat) .....

Please use the back part in case of insufficient space.

Sl. No.	Name of the candidate	Number of votes obtained according to the Election Control Unit					Total
		Polling Station No.	Polling Station No.	Polling Station No.	Polling Station No.	Polling Station No.	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

Place of counting.....

Date .....

Signature of the Returning Officer/  
Asst. Returning Officer (Panchayat)

Name .....

Officer authorised by the Returning  
Officer (Panchayat)

PART ONE

FORM 18

[See rule 77(2)]

RESULT OF COUNTING OF VOTES FOR ELECTION OF MEMBER OF JANPAD PANCHAYAT

.....CONSTITUENCY No.....

Polling Station Number..... Number of wards included in Polling Station

Serial No.	Name of candidate	No. of valid votes cast in favour of the candidate
(1)	(2)	(3)

No. of valid votes.....

No. of rejected votes.....

No. of votes polled.....

Place of counting.....

Date.....

Returning Officer (Panchayat/Officer authorised by Returning Officer (Panchayat).

\*In case of dearth of space, back page may be used.

PART TWO  
BLOCK LEVEL

FORM-18

[See rule 77(2) and 80(8)]

RESULT OF COUNTING OF VOTES FOR ELECTION OF MEMBER OF JANPAD PANCHAYAT.....

.....CONSTITUENCY NO.....

No. of Polling Stations included in the constituency.....

S. No.	Name of the candidate	No. of valid votes cast in favour of the candidate Polling Station wise					Total
		3	4	5	6	7	
1	2	3	4	5	6	7	8

A. Total No. of valid votes .....

B. Total No. of rejected votes .....

C. Total No. of votes polled .....

Place of counting.....

Date.....

Returning Officer (Panchayat/Officer authorised by Returning Officer (Panchayat).

\*In case of dearth of space, back page may be used.

## Panchayat Election

Part - I

## FORM-18-A

(See rule 77B of The Madhya Pradesh Election Rules, 1995)

## Result of counting

(Where election shall be carried out through E.V.M.)

Election of the Member from Constituency No. .... of the Janpad Panchayat .....  
Polling Station No. .... Number of Wards Included.....

Sl. No.	Name of the Candidate	Number of votes obtained according to Election Control Unit
(1)	(2)	(3)

(a) Number of under/no votes .....

(b) Number of unfinished votes .....

Signature of the Counting Supervisor

Name of the Candidate/Election

Agent/Counting Agent

Full Signature .....

Place of counting .....

Date .....

Signature of the Returning Officer/  
Asst. Returning Officer (Panchayat)

Name .....

Officer authorised by the Returning

Officer (Panchayat)

Please use the back part also in case of insufficient space.

Sl. No.	Name of the Candidate	Number of votes obtained according to Election Control Unit
(1)	(2)	(3)

Place of counting .....

Date .....

Signature of the Returning Officer/  
Asst. Returning Officer (Panchayat)

Name .....

Officer authorised by the Returning  
Officer (Panchayat)

**Panchayat Election**

## Part-II Block Level

**FORM-18 A**

(See rule 77B of The Madhya Pradesh Election Rules, 1995)

**Result of counting**

(Where election shall be carried out through E.V.M.)

Election of Member from Constituency No. .... of the Janpad Panchayat .....

Total number of polling stations included .....

Sl. No.	Name of the candidate	Number of votes obtained according to the Election Control Unit Polling Stationwise					Total
		Polling Station No.	Polling Station No.	Polling Station No.	Polling Station No.	Polling Station No.	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

(a) Number of under/no votes

(b) Number of unfinished votes

Place of counting .....

Date .....

Signature of the Returning Officer/  
Asst. Returning Officer (Panchayat)

Name .....

Officer authorised by the Returning  
Officer (Panchayat)

Please use the back part in case of insufficient space.

Sl. No.	Name of the candidate	Number of votes obtained according to the Election Control Unit Polling Stationwise					Total
		Polling Station No.	Polling Station No.	Polling Station No.	Polling Station No.	Polling Station No.	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

Place of counting .....

Date .....

Signature of the Returning Officer/  
Asst. Returning Officer (Panchayat)

Name .....

Officer authorised by the Returning  
Officer (Panchayat)

**FORM 19**

[See rule 77(2)]

**RESULT OF COUNTING OF VOTES FOR ELECTION OF  
MEMBER OF ZILA PANCHAYAT.....**

.....CONSTITUENCY NO.....

Polling Station Number.....

Number of wards included.....

Serial No.	Name of candidate	No. of valid votes cast in favour of the candidate
(1)	(2)	(3)

A. Total No. of valid votes .....

B. Total No. of rejected votes .....

C. Total No. of votes polled .....

Place of counting.....

Date.....

.....  
 Returning Officer (Panchayat/Officer  
 authorised by Returning Officer (Panchayat).

\*In case of dearth of space, back page may be used.

PART TWO  
BLOCK LEVEL

**FORM 19**

[See rule 77(2) and 80(8)]

**RESULT OF COUNTING OF VOTES FOR ELECTION OF  
MEMBER OF ZILA PANCHAYAT.....**

.....CONSTITUENCY NO.....

No. of Polling Station of the Block included in the Constituency.....

S. No.	Name of the candidate	No. of valid votes cast in favour of the candidate Polling Station wise									Total
		3	4	5	6	7	8	9	10	11	
1	2	3	4	5	6	7	8	9	10	11	12

A. Total No. of valid votes .....

B. Total No. of rejected votes .....

C. Total No. of votes polled .....

Place of counting.....

Date.....

.....  
 Returning Officer (Panchayat/Officer  
 authorised by Returning Officer (Panchayat).

\*In case of dearth of space, back page may be used.

PART THREE  
DISTRICT LEVEL

**FORM 19**

[See rule 77(2) and 80(8)]

**RESULT OF COUNTING OF VOTES FOR ELECTION OF  
MEMBER OF ZILA PANCHAYAT**

.....CONSTITUENCY NUMBER.....

S. No.	Name of candidate	No. of votes secured by candidate in Polling station situated in various Blocks			Total
		Block.....	Block.....	Block.....	
(1)	(2)	(3)	(4)	(5)	(6)

- A. Total No. of valid votes .....
- B. Total No. of rejected votes .....
- C. Total No. of votes polled .....

Place of counting.....

Date.....

Returning Officer (Panchayat/Officer  
authorised by Returning Officer (Panchayat).

\*In case of dearth of space, back page may be used.

**Panchayat Election**  
Part-I

**<sup>1</sup>FORM-19 A**

(See rule 77B of The Madhya Pradesh Election Rules, 1995)

**Result of counting**

(Where election shall be carried out through E.V.M.)

Election of the Member from Constituency No. .... of the Zila Panchayat .....

Polling Station No. .... Number of Wards included.....

Sl. No.	Name of the Candidate	Number of votes obtained according to Election Control Unit
(1)	(2)	(3)

(a) Number of under/no votes .....

(b) Number of unfinished votes .....

Signature of the Counting Supervisor  
Name of the Candidate/Election  
Agent/Counting Agent  
Full Signature .....

Place of counting .....

Date .....

Signature of the Returning Officer/  
Asst. Returning Officer (Panchayat)

Name .....

Officer authorised by the Returning  
Officer (Panchayat)

Please use the back part also in case of insufficient space.

Sl. No.	Name of the Candidate	Number of votes obtained according to Election Control Unit
(1)	(2)	(3)

Place of counting .....

Date .....

Signature of the Returning Officer/  
Asst. Returning Officer (Panchayat)

Name .....

Officer authorised by the Returning  
Officer (Panchayat)**Panchayat Election**

## Part-II Block Level

**FORM-19 A**

(See rule 77B of The Madhya Pradesh Election Rules, 1995)

**Result of counting**

(Where election shall be carried out through E.V.M.)

Election of the Member from Constituency No. .... of the Zila Panchayat .....

Total Number of Polling Stations in Constituency No. .... of the Zila Panchayat  
under the Block .....

Sl. No.	Name of the candidate	Number of votes obtained according to the Election Control Unit Polling Stationwise									Total
		Poll- ng Sta- tion No.	Poll- ng Sta- tion No.	Poll- ing Sta- tion No.	Poll- ing Sta- tion No.	Poll- ing Sta- tion No.	Poll- ing Sta- tion No.	Poll- ing Sta- tion No.	Poll- ing Sta- tion No.	Poll- ing Sta- tion No.	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)

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(a) Number of under/no votes .....

(b) Number of unfinished votes .....

Place of counting .....

Date .....

.....

Signature of the Returning  
Officer/ Asstt. Returning  
Officer (Panchayat)

Name .....

Officer authorised by the  
Returning Officer (Panchayat)

Please use the back part in case of insufficient space.

Sl. No.	Name of the candidate	Number of votes obtained according to the Election Control Unit Polling Stationwise									Total
		Poll- ing Sta- tion No.	Poll- ing Sta- tion No.	Poll- ing Sta- tion No.	Poll- ing Sta- tion No.	Poll- ing Sta- tion No.	Poll- ing Sta- tion No.	Poll- ing Sta- tion No.	Poll- ing Sta- tion No.	Poll- ing Sta- tion No.	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)

Place of counting .....

Date .....

.....

Signature of the Returning Officer/  
Asstt. Returning Officer (Panchayat)

Name .....

Officer authorised by the Returning  
Officer (Panchayat)

**Panchayat Election  
Part-III Zila Level**

**FORM-19A**

(See rule 77B of The Madhya Pradesh Election Rules, 1995)

**Result of counting**

(Where election shall be carried out through E.V.M.)

Election of Member from Constituency No. .... of Zila Panchayat .....

Sl. No.	Name of the Candidate	Number of votes obtained by the Candidate according to Election Control Unit in the Polling Stations of various Blocks			Total
		Block .....	Block .....	Block .....	
(1)	(2)	(3)	(4)	(5)	(6)

(a) Number of under/no votes .....

(b) Number of unfinished votes .....

Place of counting .....

Date .....

Name .....

Signature of the Returning Officer/  
Asstt. Returning Officer (Panchayat)Officer authorised by the Returning  
Officer (Panchayat)

Please use the back part in case of insufficient space.

Sl. No.	Name of the Candidate	Number of votes obtained by the Candidate according to Election Control Unit in the Polling Stations of various Blocks			Total
		Block .....	Block .....	Block .....	
(1)	(2)	(3)	(4)	(5)	(6)

Place of counting .....

Date .....

Signature of the Returning Officer/  
Asstt. Returning Officer (Panchayat)

Name .....

Officer authorised by the Returning  
Officer (Panchayat)**FORM 20**

[See rule 81(1)]

**FORM OF RETURN OF ELECTION OF PANCH-  
ELECTION OF PANCH FORM WARD NO.....OF GRAM PANCHAYAT.....**

Serial No.	Name of candidate	No. of valid votes cast in favour of the candidate
(1)	(2)	(3)

Total No. of valid votes.....

Total No. of rejected votes.....

Total No. of polled votes.....

I declare that—

(Name).....

Address.....

has been duly elected as Panch-

Signature of Returning Officer (Panchayat)

Dated the.....day of.....199

\*In case of dearth of space, back page may be used.

## Panchayat Election

**FORM-20 A**

(See rule 77B of The Madhya Pradesh Election Rules, 1995)

**Result of Counting**

(Where election shall be carried out through E.V.M.)

Election of Panch from Ward No. .... Gram Panchayat..... Block.....

Sl. No.	Name of the Candidate	Number of votes obtained according to Election Control Unit
(1)	(2)	(3)

I, declare that,-

Name .....

Address .....

is duly elected as Panch.

Place .....

Date .....

.....  
Returning Officer (Panchayat)

Please use the back part in case of insufficient space.

Sl. No.	Name of the Candidate	Number of votes obtained according to Election Control Unit
(1)	(2)	(3)

Date .....

.....  
Returning Officer (Panchayat)**FORM 21**

[See rule 81(1)]

**FORM OF RETURN OF ELECTION OF SARPANCH**

ELECTION OF SARPANCH FROM GRAM PANCHAYAT.....

Serial No.	Name of candidate	No. of valid votes cast in favour of the candidate
(1)	(2)	(3)

Forms

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Total No. of valid votes.....

Total No. of rejected votes.....

Total No. of polled votes.....

I declare that—

(Name).....

Address.....

.....  
has been duly elected as Panch-

.....  
Signature of Returning Officer (Panchayat)

Dated the.....day of..... 199

\*In case of dearth of space, back page may be used.

**Panchayat Election**

**<sup>1</sup>FORM-21 A**

(See rule 77B of The Madhya Pradesh Election Rules, 1995)

**Result of the Election of Sarpanch**

(Where election shall be carried out through E.V.M.)

Election of Sarpanch from Ward No. .... Gram Panchayat..... (Block.....)

Sl. No.	Name of the Candidate	Number of votes obtained according to Election Control Unit
---------	-----------------------	---

(1)

(2)

(3)

I, declare that,-

Name .....

Address .....

.....  
is duly elected as Sarpanch.

Place .....

Date .....

.....  
Returning Officer (Panchayat)

Please use the back part in case of insufficient space.

1 New Form added by No. 13 [26-6-2014].

Sl. No.	Name of the Candidate	Number of votes obtained according to Election Control Unit
(1)	(2)	(3)

Date .....

.....  
Returning Officer (Panchayat)

**FORM 22**

**FORM OF RETURN OF ELECTION OF MEMBER OF JANPAD PANCHAYAT**  
**ELECTION OF MEMBER OF JANPAD PANCHAYAT.....**  
**FROM CONSTITUENCY NUMBER.....**

Serial No.	Name of candidate	No. of valid votes cast in favour of the candidate
(1)	(2)	(3)

Total No. of valid votes.....

Total No. of rejected votes.....

Total No. of polled votes.....

I declare that—

(Name).....

Address.....

~~has been duly elected as Panch-~~

.....  
Returning Officer (Panchayat)

Dated the.....day of.....199

\*In case of dearth of space, back page may be used.

## Panchayat Election

**FORM-22 A**

(See rule 77B of The Madhya Pradesh Election Rules, 1995)

**Result of the Election of Member of Janpad Panchayat**

(Where election shall be carried out through E.V.M.)

Election of the Member from Constituency No. .... of Janpad Panchayat .....

Sl. No.	Name of the Candidate	Number of votes obtained according to Election Control Unit
(1)	(2)	(3)

I, declare that,-

Name .....

Address .....

is duly elected as Member.

Place .....

Date .....

.....  
Returning Officer (Panchayat)

Please use the back part in case of insufficient space.

Sl. No.	Name of the Candidate	Number of votes obtained according to Election Control Unit
(1)	(2)	(3)

Date .....

.....  
Returning Officer (Panchayat)

**FORM 23**

[See rule 81(1)]

**FORM OF RETURN OF ELECTION OF MEMBER OF ZILA PANCHAYAT**  
ELECTION OF MEMBER OF ZILA PANCHAYAT.....  
FROM CONSTITUENCY NUMBER.....

Serial No.	Name of candidate	No. of valid votes cast in favour of the candidate
(1)	(2)	(3)

Total No. of valid votes.....

Total No. of rejected votes.....

Total No. of polled votes.....

I declare that—

(Name).....

Address.....

has been duly elected as Panch-

.....  
Returning Officer (Panchayat)

Dated the.....day of..... 199

\*In case of dearth of space, back page may be used.

**Panchayat Election**

**FORM - 23A**

[See rule 77B of The Madhya Pradesh Election Rules, 1995].

**Result of the Election of Member of Zila Panchayat**

(Where election shall be carried out through E.V.M.)

Election of the Member from Constituency No. .... of Zila Panchayat .....

Sl. No.	Name of the Candidate	Number of votes obtained according to Election Control Unit
(1)	(2)	(3)

I, declare that,-

Name .....

Address .....

is duly elected as Member.

Place .....

Date .....

.....  
Returning Officer (Panchayat)

Please use the back part in case of insufficient space.

Sl. No.	Name of the Candidate	Number of votes obtained according to Election Control Unit
(1)	(2)	(3)

Date .....

.....  
Returning Officer (Panchayat)

### FORM 24

(See rule 47)

#### DECLARATION-CUM-RETURN OF UNCONTESTED ELECTION

Election to—

Panch of Gram Panchayat.....from Ward No.....\*

Sarpanch of Gram Panchayat.....\*

Member of Janpad Panchayat from Constituency No.....\*

of Janpad Panchayat.....\*

Member of Zila Panchayat from Constituency No.....\*

of Zila Panchayat.....\*

In pursuance of rule 47 of the M.P. Pañchayat Nirvachan Niyam 1994 ( I declare that—

Shri/Ku/Shrimati.....  
Father's/Husband's name .....  
Address.....

who was a candidate at the above mentioned election, has been duly elected and this certificate of election is hereby granted in taken thereof.

Place.....

Date.....

Signature of Returning Officer  
(Panchayat)

(Name) .....

Seal

\*Strike out which ever is not applicable.

**FORM 25**

(See rule 83)

**CERTIFICATE OF ELECTION**

Election to—

Panch of Gram Panchayat..... Ward No.....\*

Sarpanch of Gram Panchayat.....\*

Member of Janpad Panchayat from Constituency No.....  
of Janpad Panchayat.....

Member of Zila Panchayat from Constituency No.....  
of Zila Panchayat.....

I, Returning Officer (Panchayat) hereby certify that I have under rule 81 of M.P. Panchayat Nirvachan Niyam 1994, declare that—

Shri/Ku/Shrimati.....

Father's/Husband's name .....

who was a candidate at the above mentioned election, has been duly elected and this certificate of election is hereby granted in taken thereof.

Place.....

Date.....

Signature of Returning Officer  
(Panchayat)

(Name) .....

Seal

\*Strike out which ever is not applicable.

**FORM 26-A**

(See rule 90)

As per the provision of Rule 90 of Madhya Pradesh Panchayat Nirvachan Niyam 1995, it is hereby notified that the following persons have been elected for the offices of Sarpanch and Panch of Gram Panchayat.....of Block.....of District.....

S. No.	Name along with Father's/ Husband's name	Address	Ward No. (only for Panch)	Name of the office i.e. Sarpanch or panch
(1)	(2)	(3)	(4)	(5)

Place.....

Signature .....

Date.....

(Name) .....

Authorised Officer

Seal

**FORM 26-B**

(See rule 90)

As per the provision of Rule 90 of the Madhya Pradesh Panchayat Nirvachan Niyam, 1995, it is hereby notified that the following persons have been elected for the office of Member of Janpad Panchayat.....of District.....

S. No.	Name, along with Father's/ Husband's name	Address	Constituency No.
(1)	(2)	(3)	(4)

Place.....

Signature .....

Date.....

(Name) .....

Authorised Officer

Seal

