(For official use only)

MANUAL

OF

PANCHAYATI RAJ ELECTION LAW

(RAJASTHAN)

(A compilation of statutory provisions governing elections to Panchayati Raj Institutions)

(As on 23.12.2014)

STATE ELECTION COMMISSION,
RAJASTHAN, JAIPUR

2015

PREFACE

After 73rd Constitutional amendment elections to the Panchayati Raj Institutions are conducted under the superintendence, direction and control of the State Election Commission. The relevant Election Laws and Rules provide detailed procedure for preparation of electoral rolls and conduct of elections. The State Election Commission has also issued various orders and circulars from time to time in connection with preparation of electoral rolls and conduct of elections.

A Manual of Panchayati Raj Election Law has been prepared comprising with relevant provisions from the Constitution of India, Representation of People Act, 1951, Rajasthan Panchayati Raj Act, 1994 and Rules & Orders made there-under.

It is required that the District Election Officers, Returning Officers, Electoral Registration Officers and other officers connected with conduct of elections and preparation of electoral rolls, make themselves thoroughly familiar with the Election Laws and procedures and refer to them as often as they can and every time they are in doubt.

I hope that the officers will make best use of this volume.

Best wishes,

Place: Jaipur

Dated: 23.12.14

(Ramlubhaya)
State Election Commissioner
Rajasthan, Jaipur

MANUAL OF PANCHAYATI RAJ ELECTION LAW

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PART - I

EXTRACTS FROM THE CONSTITUTION

PART I

EXTRACTS FROM THE CONSTITUTION

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MANUAL OF PANCHAYATI RAJ ELECTION LAW

PART - I

EXTRACTS FROM THE CONSTITUTION

1. THE CONSTITUTION (SEVENTY-THIRD AMENDMENT) ACT, 1992

[20th April, 1992]

AN ACT

further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-third year of the Republic of India as follows :

1. Short title and commencement.- (1) This Act may be called the Constitution (Seventy-third Amendment) Act, 1992.

(2) It shall come into force on such date *as the Central Government may, by notification in the Official Gazette, appoint.

2. Insertion of new Part IX.- After Part VIII of the Constitution, the following part shall be inserted, namely :-

PART - IX

THE PANCHAYATS

243. Definitions.- In this part, unless the context otherwise requires.

(a) "district" means a district in a State;

(b) "Gram Sabha" means a body consisting of persons registered in the electoral rolls relating to a village comprised within the area of Panchayat at the village level;

(c) "intermediate level" means a level between the village and district levels specified by the Governor of a State by public notification to be the intermediate level for the purposes of this Part;

(d) "Panchayat" means an institution (by whatever name called) of self-government constituted under article 243 B, for the rural areas;

(e) "Panchayat area" means the territorial area of a Panchayat;

(f) "population" means the population as ascertained at the last preceding census of which the relevant figures have been published;

(g) "village" means a village specified by the Governor by public notification to be a village for the purposes of this Part and includes a group of villages so specified.

243 A. Gram Sabha.- A Gram Sabha may exercise such powers and perform such functions at the village level as the Legislature of a State may by law, provide.

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* 24.4.1993 vide S.O. 267 (E), dated 24.4.93 - Gazette of India, E.O., Part-II, Sec.3(ii) dated 24.4.93.

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

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

243 C. Composition of Panchayats.- (1) Subject to the provisions of this Part, the Legislature of a State may, by law, make provisions with respect to the composition of Panchayats :

Provided that the ratio between the population of the territorial area of a Panchayat at any level and the number of seats in such Panchayat to be filled by election shall, so far as practicable, be the same throughout the State.

(2) All the seats in a Panchayat shall be filled by persons chosen by direct election from territorial constituencies in the Panchayat area and; for this purpose, each Panchayat area shall be divided into territorial constituencies in such manner that the ratio between the population of each constituency and the number of seats allotted to it shall, so far as practicable, be the same throughout the Panchayat area.

(3) The Legislature of a State may, by law, provide for the representation-

(a) of the Chairpersons of the Panchayats at the village level, in the Panchayats at the intermediate level or, in the case of a State not having Panchayats at the intermediate level, in the Panchayats at the district level;

(b) of the Chairpersons of the Panchayats at the intermediate level, in the Panchayats at the district level;

(c) of the members of the House of the People and the members of the Legislative Assembly of the State representing constituencies which comprise wholly or partly a Panchayat area at a level other than the village level, in such Panchayat;

(d) of the members of the Council of States and the members of the Legislative Council of the State, where they are registered as electors within -

(i) a Panchayat area at the intermediate level, in Panchayat at the intermediate level;

(ii) a Panchayat area at the district level, in Panchayat at the district level.

(4) The Chairperson of a Panchayat and other members of a Panchayat whether or not chosen by direct election from territorial constituencies in the Panchayat area shall have the right to vote in the meetings of the Panchayats.

(5) The Chairperson of -

(a) a Panchayat at the village level shall be elected in such manner as the Legislature of a State may, by law, provide; and

(b) a Panchayat at the intermediate level or district level shall be elected by, and from amongst, the elected members thereof.

243 D. Reservation of seats.- (1) Seats shall be reserved for -

(a) the Scheduled Castes; and
(b) the Scheduled Tribes.

in every Panchayat and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Panchayat as the population of the Scheduled Castes in that Panchayat area or of the Scheduled Tribes in that Panchayat area bears to the total population of that area and such seats may be allotted by rotation to different constituencies in a Panchayat.

(2) Not less than one-third of the total number of seats reserved under clause (1) shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes.

(3) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Panchayat shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Panchayat.

(4) The offices of the Chairpersons in the Panchayats at the village or any other level shall be reserved for the Scheduled Castes, the Scheduled Tribes and women in such manner as the Legislature of a State may, by law, provide;

Provided that the number of offices of Chairpersons reserved for the Scheduled Castes and the Scheduled Tribes in the Panchayats at each level in any State shall bear, as nearly as may be, the same proportion to the total number of such offices in the Panchayats at each level as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State bears to the total population of the State:

Provided further that not less than one-third of the total number of offices of Chairpersons in the Panchayats at each level shall be reserved for women:

Provided also that the number of offices reserved under this clause shall be allotted by rotation to different Panchayats at each level:

(5) The reservation of seats under clauses (1) and (2) and the reservation of offices of Chairpersons (other than the reservation for women) under clause (4) shall cease to have effect on the expiration of the period specified in article 334.

(6) Nothing in this Part shall prevent the Legislature of a State from making any provision for reservation of seats in any Panchayat or offices of Chairpersons in the Panchayats at any level in favour of backward class of citizens.

243 E. Duration of Panchayats etc.- (1)1 Every Panchayat, unless sooner dissolved under any law for the time being in force, shall continue for five years from the date appointed for its first meeting and so longer.

(2) No amendment of any law for the time being in force shall have the effect of causing dissolution of a Panchayat at any level, which is functioning immediately before such amendment, till the expiration of its duration specified in clause (1).

(3) An election to constitute a Panchayat shall be completed -

(a) before the expiry of its duration specified in clause (1);
(b) before the expiration of a period of six months from the date of its dissolution;

Provided that where the remainder of the period for which the dissolved Panchayat would have continued is less than six months, it shall not be necessary to hold any election under this clause for constituting the Panchayat for such period.

(4) A Panchayat constituted upon the dissolution of a Panchayat before the expiration of its duration shall continue only for the remainder of the period for which the dissolved Panchayat would have continued under clause (1) had it not been so dissolved.

243 F. Disqualification for membership.- (1) A person shall be disqualified for being chosen as, and for being, a member of a Panchayat -

(a) if he is so disqualified by or under any law for the time being in force for the purposes of elections to the Legislature of the State concerned:

Provided that no person shall be disqualified on the ground that he is less than twenty-five years age, if he has attained the age of twenty-one years;

(b) if he is so disqualified by or under any law made by the Legislature of the State.

(2) If any question arises as to whether a member of a Panchayat has become subject to any of the disqualifications mentioned in clause (1), the question shall be referred for the decision of such authority and in such manner as the Legislature of a State may, by law, provide.

243 G. Powers, authority and responsibilities of Panchayats. - Subject to the provisions of this Constitution, the Legislature of a State may, by law, endow the Panchayats with such powers and authority as may be necessary to enable them to function as institutions of self-government and such law may contain provisions for the devolution of powers and responsibilities upon Panchayats at the appropriate level, subject to such conditions as may be specified therein, with respect of -

(a) the preparation of plans for economic development and social justice;

(b) the implementation of schemes for economic development and social justice as may be entrusted to them including those in relation to the matters listed in the Eleventh Schedule.

243 H. Powers to impose taxes by, and Funds of the Panchayats.- The Legislature of a State may, by law.-

(a) authorise a Panchayat to levy, collect and appropriate such taxes, duties, tolls and fees in accordance with such procedure and subject to such limits;

(b) assign to a Panchayat such taxes, duties, tolls and fees levied and collected by the State Government for such purposes and subject to such conditions and limits;

(c) provide for making such grants-in-aid to the Panchayats from the Consolidated Fund of the State; and

(d) provide for constitution of such Funds for crediting all moneys received, respectively, by or on behalf of the Panchayats and also for the withdrawal of such moneys therefrom.

as may be specified in the law.

243 I. Constitution of Finance Commission to review financial position.- (1) The Governor of a State shall, as soon as may be within one year from the commencement of the Constitution (Seventy-third Amendment) Act, 1992 and thereafter at the expiration of every fifth year, constitute a Finance Commission to review the financial position of the Panchayats and to make recommendations to the Governor as to -

(a) the principles which should govern -

(i) the distribution between the State and the Panchayats of the net proceeds of the taxes, duties, tolls and fees leviable by the State, which may be divided between them under this Part and the allocation between the Panchayats at all levels of their respective shares of such proceeds;

(ii) the determination of the taxes, duties, tolls and fees which may be assigned to or appropriated by, the Panchayats;

(iii) the grants-in-aid to the Panchayats from the Consolidated Fund of the States;

(b) the measures needed to improve the financial position of the Panchayats;

(c) any other matter referred to the Finance Commission by the Governor in the interests of sound finance of the Panchayats.

(2) The Legislature of a State may, by law, provide for the composition of the Commission, the qualifications which shall be requisite for appointment as members thereof and the manner in which they shall be selected.

(3) The Commission shall determine their procedure and shall have such powers in the performance of their functions as the Legislature of the State may be, by law, confer on them.

(4) The Governor shall cause every recommendation made by the Commission under this article together with an explanatory memorandum as to the action taken thereon to be laid before the Legislature of the State.

243 J. Audit of accounts of Panchayats.- The Legislature of a State may, by law, make provisions with respect to the maintenance of accounts by the Panchayats and the auditing of such accounts.

243 K Elections to the Panchayats.- (1) The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the Panchayats shall be vested in a State Election Commission consisting of a State Election Commissioner to be appointed by the Governor.

(2) Subject to the provisions of any law made by the Legislature of a State, the conditions of service and tenure of office of the State Election Commissioner shall be such as the Governor may by rule determine ;

Provided that the State Election Commissioner shall not be removed from his office except in like manner and on the like grounds as a Judge of a High Court and the conditions of service of the State Election Commissioner shall not be varied to his disadvantage after his appointment.

(3) The Governor of a State shall, when so requested by the State Election Commission, make available to the State Election Commission such staff as may be necessary for the discharge of the functions conferred on the State Election Commission by clause (1).

(4) Subject to the provisions of this Constitution, the Legislature of a State may, by law, make provision with respect to all matters relating to, or in connection with, elections to the Panchayats.

243 L. Application to Union territories.- The provisions of this Part shall apply to the Union territories and shall, in their application to a Union territory, have effect as if the references to the Governor of a State were reference to the Administrator of the Union territory appointed under article 239 and references to the Legislature or the Legislative Assembly of a State were references, in relation to a Union territory having a Legislative Assembly, to that Legislative Assembly:

Provided that the President may, by public notification, direct that the provisions of this Part shall apply to any Union territory or part thereof subject to such exceptions and modifications as he may specify in the notification.

243 M. Part not to apply to certain areas.- Nothing in this Part shall apply to the Scheduled Areas referred to in clause (1), and the tribal areas referred to in clause (2), of article 244.

(2) Nothing in this Part shall apply to -

(a) the States of Nagaland, Meghalaya and Mizoram;

(b) the hill areas in the State of Manipur for which District Councils exist under any law for the time being in force.

(3) Nothing in this Part -

(a) relating to the Panchayats at the district level shall apply to the hill areas of the District of Darjeeling in the State of West Bengal for which Darjeeling Gorkha Hill Council exists under any law for the time being in force;

(b) shall be construed to affect the functions and powers of the Darjeeling Gorkha Hill Council constituted under such law.

(4) Notwithstanding anything in this Constitution.-

(a) the Legislature of a State referred to in sub-clause (a) of clause (2) may, by law, extend this Part to that State, except the areas, if any, referred to in clause (1), if the Legislative Assembly of that State passes a resolution to that effect by a majority of the total membership of that House and by a majority of not less than two-thirds of the members of that House present and voting:

(b) Parliament may, by law, extend the provisions of this Part to the Scheduled Areas and the tribal areas referred to in clause (1) subject to such exceptions and modifications as may be specified in such law, and no such law shall be deemed to be an amendment of this Constitution for the purposes of article 368.

243 N. Continuance of existing laws and Panchayats.- Notwithstanding anything in this Part, any provision of any law relating to Panchayats in force in a State immediately before the commencement of the Constitution (Seventy-third Amendment) Act, 1992, which is inconsistent with the provisions of this Part, shall continue to be in force until amended or repealed by a competent Legislature or other competent authority or until the expiration of one year from such commencement, whichever is earlier :

Provided that all the Panchayats existing immediately before such commencement shall continue till the expiration of their duration, unless sooner dissolved by a resolution passed to that effect by the Legislative Assembly of that State or, in the case of a State having a Legislative Council, by each House of the Legislature of that State.

243 O. Bar to interference by courts in electoral matters.- Notwithstanding anything in this Constitution. -

(a) the validity of any law relating to the delimitation of constituencies or the allotment of seats to such constituencies made or purporting to be made under article 243 K, shall not be called in question in any court;

(b) no election to any Panchayat shall be called in question except by an election petition presented to such authority and in such manner as is provided for by or under any law made by the Legislature of a State.

3. Amendment of article 280.- In clause (3) of article 280 of the Constitution, after sub-clause (b), the following sub-clause shall be inserted, namely :-

"(bb) the measures needed to augment the Consolidated Fund of a State to supplement the resources of the Panchayats in the State on the basis of the recommendations made by the Finance Commission of the State."

4. Addition of Eleventh Schedule.- After the Tenth Schedule to the Constitution, the following Schedule shall be added, namely :-

ELEVENTH SCHEDULE

(Article 243G)

1. Agriculture, including agricultural extension.

2. Land improvement, implementation of land reforms, land consolidation and soil conservation.

3. Minor irrigation, water management and watershed development.

4. Animal husbandry, dairying and poultry.

5. Fisheries.

6. Social forestry and farm forestry.

7. Minor forest produce.

8. Small scale industries, including food processing industries.

9. Khadi, village and cottage industries.

10. Rural housing.

11. Drinking water.

12. Fuel and fodder.

13. Roads, culverts, bridges, ferriers, waterways and other means of communication.

14. Rural electrification, including distribution of electricity.

15. Non-conventional energy sources.

16. Poverty alleviation programme.

17. Education, including primary and secondary schools.

18. Technical training and vocational education.

19. Adult and non-formal education.

20. Libraries.

21. Cultural activities.

22. Markets and fairs.

23. Health and sanitation, including hospitals, primary health centres and dispensaries.

24. Family welfare.

25. Women and child development.

26. Social welfare, including welfare of the handicapped and mentally retarded.

27. Welfare of the weaker sections, and in particular, of the Scheduled Castes and the Scheduled Tribes.

28. Public distribution system.

29. Maintenance of community assets.

PART - I

EXTRACTS FROM THE CONSTITUTION

2. PROVISIONS RELATING TO MEMBERSHIP OF STATE LEGISLATURE

* * * *

THE STATE LEGISLATURE

* * * *

173. Qualification for membership of the State Legislature.- A person shall not be qualified to be chosen to fill a seat in the Legislature of a State unless he -

[1][(a) is a citizen of India, and makes and subscribes before some person authorised in that behalf by the Election Commission an oath or affirmation according to the form set out for the purpose in the Third Schedule;]

(b) is, in the case of a seat in the Legislative Assembly, not less than twenty-five years of age and, in the case of a seat in the Legislative Council, not less than thirty years of age; and

(c) Possesses such other qualifications as may be prescribed in that behalf by or under any law[2] made by Parliament.

* * * * * *

191. Disqualifications for membership.- (1) A person shall be disqualified for being chosen as, and for being, a member of the Legislative Assembly or Legislative Council of a State -

(a) if he holds any office of profit under the Government of India or the Government of any State specified in the First Schedule, other than an office declared by the Legislature of the State by law not to disqualify its holder;

(b) If he is of unsound mind and so declared by a competent court;

(c) If he is an undischarged insolvent;

(d) If he is not a citizen of India, or has voluntarily acquired the citizenship of a foreign State or is under any acknowledgement of allegiance or adherence to a foreign State;

(e) If he is so disqualified by or under any law [3] made by parliament.

[4][**Explanation.-** For the purposes of this clause] a person shall not be deemed to hold an office of profit under the Government of India or the Government of any State specified in the First Schedule by reason only that he is a Minister either for the Union or for such State.

[5][(2) A person shall be disqualified for being a member of the Legislative Assembly or Legislative Council of a State if he is so disqualified under the Tenth Schedule.]

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1. Subs. by the Constitution (Sixteenth Amendment) Act, 1963, s.4, for cl. (a).
2. See the Representation of the People Act, 1951 (43 of 1951), ss.5, 5A and 6, Part II, infra.
3. See the Representation of the People Act, 1951 (43 of 1951), s.7, in Part II, infra.
4. Subs. by the Constitution (Fifty-second Amendment) Act, 1985, s.5, for "(2) For the purposes of this article" (w.e.f. 1-3-1985).
5. Ins. by s.5, ibit (w.e.f. 1.3.1985).

[1][192. **Decision on questions as to disqualifications of members.-** (1) If any question arises as to whether a member of a House of the Legislature of a State has become subject to any of the disqualifications mentioned in clause (1) of article 191, the question shall be referred for the decision of the Governor and his decision shall be final.

(2) Before giving any decision on any such question, the Governor shall obtain the opinion of the Election Commission and shall act according to such opinion.]

* * * * *

SPECIAL PROVISIONS RELATING TO CERTAIN CLASSES

* * * * *

334. Reservation of seats and special representation to cease after [2][sixty years].- Notwithstanding anything in the foregoing provisions of this Part, the provisions of this Constitution relating to -

(a) the reservation of seats for the Scheduled Castes and the Scheduled Tribes in the House of the People and in the Legislative Assembly of the States; and

(b) the representation of the Anglo-Indian community in the House of the People and in the Legislative Assemblies of the State by nomination,

shall cease to have effect on the expiration of [2][seventy years] from the commencement of this Constitution:

Provided that nothing in this article shall affect any representation in the House of People or in the Legislative Assembly of a State until the dissolution of the then existing House or Assembly, as the case may be.

* * * * *

341. Scheduled Caste.- (1) The President [3][may with respect to any State [4][or Union Territory], and where it is a State [5]*** after consultation with the Governors [6]*** thereof,] by public notification[7], specify the castes, races or tribes or parts of or groups within castes, races or tribes which shall for the purposes of this Constitution be deemed to be Scheduled Castes in relation to that State [4][or Union Territory, as the case may be].

(2) Parliament may by law include in or exclude from the list of Scheduled Castes specified in a notification issued under clause (1) any caste, race or tribe or part of or group within any caste, race or tribe, but save as aforesaid a notifcation issued under the said clause shall not be varied by any subsequent notification.

342. Scheduled Tribes.- (1) the President [8][may with respect to any state [4][or Union territory], and where it is a State [5]***, after consultation with the Governor [6]*** thereof,] by public notification[7], specify the tribes or tribal communities parts of or groups within tribes or tribes communities which shall for the purposes of this Constitution be deemed to be Scheduled Tribes in relation to that State [4][or Union territory, as the case may be].

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1. Subs. by the Constitution (Forty-Fourth Amendment) Act, 1978, s.25, for article 192 (w.e.f. 20-6-1979).
2. Subs. by the Constitution (Ninty-Fifth Amendment) Act, 2010 s.2 for "Sixty years" (w.e.f. 25.1.2010).
3. Subs. by the Constitution (First Amendment) Act, 1951 s.10, for "may, after consultation with the Governor or Raj Pramukh of a State".
4. Ins. by the Constitution (Seventh Amendment) Act, 1956. s.29 and Sch.
5. The words and letters "specified in Part A or Part B of the First Schedule" omitted by s.29 and, Sch.,
6. The words "or Rajprakmukh" omitted by s.29 and Sch.
7. See Manual of electon law, Vol .I, Part III, infra.
8. Subs. by the Constitution (First Amendment) Act, 1951, s.11, for "may, after consulation with the Governor or Raj-pramukh of a State,".

(2) Parliament may by law include in or exclude from the list of Scheduled Tribes specified in a notification issued under clause (1) any tribe, race or tribal community or part of or group within any tribe or tribal community, but save as aforesaid a notifcation issued under the said clause shall not be varied by any subsequent notification.

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PART - I

EXTRACTS FROM THE CONSTITUTION

3. [1][TENTH SCHEDULE

[Articles 102(2) and 191(2)]

Provision as to disqualification on ground of defection

1. Interpretation.- In this Schedule, unless the context otherwise requires,-

(a) "House" means either House of Parliament or Legislative Assembly or, as the case may be, either House of the Legislature of a State;

(b) "legislature party", in relation to a member of a House belonging to any political party in accordance with the provisions of paragraph 2 or [2]*** paragraph 4, means the group consisting of all the members of that House for the time being belonging to that political party in accordance with the said provisions;

(c) "original political party", in relation to a member of a House, means the political party to which he belongs for the purposes of sub-paragraph (1) of paragraph 2;

(d) "Paragraph" means a paragraph of this Schedule.

2. Disqualification on ground of defection.-(1) Subject to the provisions of [3]*** 4 and 5, a member of a House belonging to any political party shall be disqualified for being a member of the House-

(a) if he has voluntarily given up his membership of such political party; or

(b) if he votes or abstains from voting in such House contrary to any direction issued by the political party to which he belongs or by any person or authority authorised by it in this behalf, without obtaining, in either case, the prior permission of such political party, person or authority and such voting or abstention has not been condoned by such political party, person or authority within fifteen days from the date of such voting or abstention.

Explanation.- For the purposes of this sub-paragraph,-

(a) an elected member of a House shall be deemed to belong to the political party, if any, by which he was set up as a candidate for election as such member;

(b) a nominated member of a House shall,-

(i) where he is a member of any political party on the date of his nomination as such member, be deemed to belong to such political party;

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1. Subs. by the Constitution (52nd Amendment) Act, 1985, s.6 (w.e.f. 1.3.85).
2. The words "'paragraph 3 or, as the case may be, " omitted by the constitution (Ninty First Amendment) Act 2004, s.5 (a).
3. Subs. by s.5 (b), ibid, for "paragraph 3, 4 and 5".

(ii) in any other case, be deemed to belong to the political party of which he becomes, or, as the case may be, first becomes, a member before the expiry of six months from the date on which he takes his seat after complying with the requirements of article 99 or, as the case may be, article 188.

(2) An elected member of a House who has been elected as such otherwise than as a candidate set up by any political party shall be disqualified for being a member of the House if he joins any political party after such election.

(3) A nominated member of a House shall be disqualified for being a member of the House if he joins any political party after the expiry of six months from the date on which he takes his seat after complying with the requirements of article 99 or, as the case may be, article 188.

(4) Notwithstanding anything contained in the foregoing provisions of this paragraph, a person who, on the commencement of the Constitution (Fifty-second Amendment) Act, 1985, is a member of a House (whether elected or nominated as such) shall,-

(i) where he was a member of a political party immediately before such commencement, be deemed, for the purposes of sub-paragraph (1) of this paragraph, to have been elected as a member of such House as a candidate set up by such political party;

(ii) in any other case, be deemed to be an elected member of the House who has been elected as such otherwise than as a candidate set up by any political party for the purposes of sub-paragraph (2) of this paragraph or, as the case may be, be deemed to be a nominated member of the House for the purposes of sub-paragraph (3) of this paragraph.

3. Disqualification on ground of defection not to apply in case of split.- Where a member of a House makes a claim that he and any other members of his legislature party constitute the group representing a faction which has arisen as a result of a split in his original political party and such group consists of not less than one-third of the members of such legislature party,-

(a) he shall not be disqualified under sub-paragraph (1) of paragraph (2) on the ground-

(i) that he has voluntarily given up his membership of his original political party; or

(ii) that he has voted or abstained from voting in such House contrary to any direction issued by such party or by any person or authority authorised by it in that behalf without obtaining the prior permission of such party, person or authority and such voting or abstention has not been condoned by such party, person or authority within fifteen days from the date of such voting or abstention; and

(b) from the time of such split, such faction shall be deemed to be the political party to which he belongs for the purposes of sub-paragraph (1) of paragraph 2 and to be his original political party for the purposes of this paragraph.

4. **Disqualification on ground of defection not to apply in case of merger.-** (1) A member of a House shall not be disqualified under sub-paragraph (1) of paragraph 2 where his original political party merges with another political party and he claims that he and any other members of his original political party-

(a) have become members of such other political party or, as the case may be, of a new political party formed by such merger; or

(b) have not accepted the merger and opted to function as a separate group, and from the time of such merger, such other political party or new political party or group, as the case may be, shall be deemed to be the political party to which he belongs for the purposes of sub-paragraph (1) of paragraph 2 and to be his original political party for the purposes of this sub-paragraph.

(2) For the purposes of sub-paragraph (1) of this paragraph, the merger of the original political party of a member of a House shall be deemed to have taken place if, and only if, not less than two-thirds of the members of the legislature party concerned have agreed to such merger.

5. **Exemption**.- Notwithstanding anything contained in this Schedule, a person who has been elected to the office of the Speaker or the Deputy Speaker of the House of the People or the Deputy Chairman of the Council of States or the Chairman or the Deputy Chairman of the Legislative Council of a State or the Speaker or the Deputy Speaker of the Legislative Assembly of a State, shall not be disqualified under this Schedule,-

(a) if he, by reason of his election to such office, voluntarily gives up the membership of the political party to which he belonged immediately before such election and does not so long as he continues to hold such office thereafter, rejoin that political party or become a member of another political party; or

(b) if he, having given up by reason of his election to such office his membership of the political party to which he belonged immediately before such election, rejoins such political party after he ceases to hold such office.

6. **Decision on questions as to disqualification on ground of defection,-** (1) If any question arises as to whether a member of a House has become subject to disqualification under this schedule, the question shall be referred for the decision of the Chairman or, as the case may be, the Speaker of such House and his decision shall be final:

Provided that where the question which has arisen is as to whether the Chairman or the Speaker of a House has become subject to such disqualification, the question shall be referred for the decision of such member of the House as the House may elect in this behalf and his decision shall be final.

(2) All proceedings under sub-paragraph(1) of this paragraph in relation to any question as to disqualification of a member of a House under this Schedule shall be deemed to be proceedings in Parliament within the meaning of article 122 or, as the case may be, proceedings in the Legislature of a State within the meaning of article 212.

7. **Bar of jurisdiction of courts.-** Notwithstanding anything in this Constitution, no court shall have any jurisdiction in respect of any matter connected with the disqualification of a member of a House under this Schedule.

8. **Rules.**- (1) Subject to the provisions of sub-paragraph(2) of this paragraph, the Chairman or the Speaker of a House may make rules for giving effect to the provisions of this Schedule, and in particular, and without prejudice to the generality of the foregoing, such rules may provide for-

(a) the maintenance of registers or other records as to the political parties, if any, to which different members of the House belong;

(b) the report which the leader of a legislature party in relation to a member of a House shall furnish with regard to any condonation of the nature referred to in clause (b) of sub- paragraph(1) of paragraph 2 in respect of such member, the time within which and the authority to whom such report shall be furnished;

(c) the reports, which a political party shall furnish with regard to admission to such political party of any members of the House and the officer of the House to whom such reports shall be furnished; and

(d) the procedure for deciding any question referred to in sub-paragraph (1) of paragraph 6 including the procedure for any inquiry which may be made for the purpose of deciding such question.

(2) The rules made by the Chairman or the Speaker of a House under sub-paragraph (1) of this paragraph shall be laid as soon as may be after they are made before the House for a total period of thirty days which may be comprised in one session or in two or more successive session and shall take effect upon the expiry of the said period of thirty days unless they are sooner approved with or without modification or disapproved by the House and where they are so approved, they shall take effect on such approval in the form in which they were laid or in such modified form, as the case may be, and where they are so disapproved, they shall be of no effect.

(3) The Chairman or the Speaker of a House may, without prejudice to the provisions of article 105 or, as the case may be, article 194, and to any other power which he may have under this Constitution direct that any wilful contravention by any person of the rules made under this paragraph may be dealt with in the same manner as a breach of privilege of the House.]

PART - II

ACTS OF PARLIAMENT

PART II

ACTS OF PARLIAMENT

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PART II

ACTS OF PARLIAMENT

1. EXTRACTS FROM THE INDIAN PENAL CODE

(Act 45 of 1860)

* * * *

[1][**153A. Promoting enmity between different groups on grounds of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony**.-(1) Whoever-

(a) by words, either spoken or written, or by signs or by visible representations or otherwise, promotes or attempts to promote, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, disharmony or feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities, or

(b) commits any act which is prejudicial to the maintenance of harmony between different religious, racial language or regional groups or castes or communities, and which disturbs or is likely to disturb the public tranquillity, [2][or]

[2][(c) organizes any exercise, movement drill or other similar activity intending that the participants in such activity shall use or be trained to use criminal force or violence or knowing it to be likely that the participants in such activity will use or be trained to use criminal force or violence, participates in such activity intending to use or be trained to use criminal force or violence or knowing it to be likely that the participants in such activity will use or be trained to the use criminal force or violence, against any religious, racial, language or regional group or caste or community and such activity for any reason whatsover causes or is likely to cause fear or alarm or a feeling of insecurity amongst members of such religious, racial, language or regional group or caste or community,

shall be punished with imprisonment which may extent to three years, or with fine, or with both.

Offence committed in place of worship, etc.-(2) Whoever commits an offence specified in sub-section (1) in any place of worship or in any assembly engaged in the performance of religions worship or religious ceremonies, shall be punished with imprisonment which may extend to five years and shall also be liable to fine.]

[3][**153B. Imputations, assertions prejudicial national integration**.-(1) Whoever, by words either spoken or written or by sings or by visible representations or otherwise.-

(a) makes or publishes any imputation that any class of persons cannot, by reason of their being members of any religious, racial, language or regional group or caste or communtiy, bear true faith and allegiance to the Constitution of India as by law established or uphold the sovereignty and integrity of India, or

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1. Subs. by Act 35 of 1969, s. 2, for s. 153A.
2. Ins. by Act 31 of 1972, s.2.
3. Ins. by ibid, s.2

(b) asserts, counsels, advises, propagates or publishes that any class or perosons shall, by reason of their being members of any religious, racial, language or regional group or caste or community, be denied or deprived of their rights as citizens of India, or

(c) makes or publishes any assertion, counsel, plea or appeal concerning the obligation of any class of persons, by reason of their being members of any religious, racial, language or regional group or caste or community, and such assertion, counsel, plea or appeal causes or is likely to cause disharmony or feelings of enmity or hatred or ill-will between such members and other persons,

shall be punihsed with imprisonment which may extend to three years, or with fine, or with both.

(2) Whoever commits an offence specified in sub-section (*I*), in any place of worship or in any assembly engaged in the performance of religious worship or religious ceremonies, shall be punished with imprisonment which may extend to five years and shall also be liable to fine.]

* * * *

[1][CHAPTER IX A - of Offences Relating to Elections

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

[2][(a) "candidate" means a person who has been nominated as a candidate at any election;]

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

171B. Bribery.- (1) Whoever-

(i) gives a gratification to any person with the object of inducing him or any other person to exercise any electroal right or of rewarding any person for having exercise any such right; or

(ii) accepts either for himself or for any other person any gratification as a reward for exercising any such right or for inducing or attempting to induce any other person to exercise any such right,

commits the offence of bribery:

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

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

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

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1. Ins. by Act 39 of 1920, s. 2.
2. Subs.by Act 40 of 1975, s. 9, for cl. (a) (w.e.f. 6-8-1975).

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

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

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

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

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

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

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

[1][Provided that nothing in this section shall apply to a person who has been authorised to vote as proxy for an elector under any law for the timebeing in force in so far as he votes as proxy for such elector.]

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

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

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

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

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

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

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1. Ins. by Act. 24 of 2003, s 5 (w.e.f. 22.9.2003)

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

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

* * * *

[1]**505. Statements conducing to public mischief**.- (*1*) Whoever makes, publishes or circulates any statement, rumour or report,-

(a) with intent to cause, or which is likely to cause, any officer, soldier, sailor or airman in the Army, Navy or Air Force of India to mutiny or otherwise disregard or fail in his duty as such; or

(b) with intent to cause, or which is likely to cause, fear or alarm to the public, or to any section of the public whereby any person may be induced to commit an offence against the State or against the public tranquillty; or

(c) with intent to incite, or which is likely to incite, any class or community of persons to commit any offence against any other class or community,

shall be punished with imprisonment which may extend to three years, or with fine, or with both.

(2) **Statement creating or promoting enmity, hatred or ill-will between classes**.- Whoever makes publishes or circulates any statement or report containing rumour or alarming news with intent to create or promote, or which is likely ro create or promote, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes of communities, shall be punished with imprisonment which may extend to three years, or with fine, or with both.

(3) **Offence under sub-section (*2*) committed in place of worship, etc**.- Whoever commits any offence specified in sub-section (*2*) in any place of worship or in any assembly engaged in the performance of religious worship or religious ceremonies, shall be punished with imprisonment which may extend to five years and shall also be liable to fine.

Exception.- It does not amount to an offence, within the meaning of this section, when the person making, publishing or circulating any such statement, rumour or report, has reasonable grounds for believing that such statement, rumour or report is true and makes, publishes or circulates it in good faith and without any such intent as aforesaid.

* * * *

1. S. 505 has been reproduced here as amended from time to time.

PART - II

ACTS OF PARLIAMENT

2. EXTRACTS FROM THE REPRESENTATION OF PEOPLE ACT, 1950

(Act 43 of 1950)

* * * * *

PART - III

*[1][ELECTORAL ROLLS FOR ASSEMBLY [2]*** CONSTITUENCIES]*

[3]**[14. Definitions.-** In this Part, unless the context otherwise requires,-

(a) "constituency" means an Assembly constituency *[2]*** ;*

(b) "qualifying date", in relation to the preparation or revision of every electoral roll under this Part, means [4][the 1st day of January] of the year in which it is so prepared or revised]

[5][Provided that "qualifying date", in relation to the preparation or revision of every electoral roll under this Part in the year 1989, shall be the 1st day of April, 1989.]

15. Electoral roll for every constituency.- For every constituency there shall be an electoral roll which shall be prepared in accordance with the provisions of this Act under the superintandence, direction and control of the Election Commission.

16. Disqualifications for registration in an electoral roll.- (1) A person shall be disqualified for registration in an electoral roll if he -

(a) is not a citizen of India; or

(b) is of unsound mind and stands so declared by a competent court; or

(c) is for the time being disqualified from voting under the provisions of any law relating to corrupt *[6]**** practices and other offences in connection with elections.

(2) The name of any person who becomes so disqualified after registration shall forthwith be struck off the electoral roll in which it is included:

[7][Provided that the name of any person struck off the electoral roll of a constituency by reason of a disqualification under clause (c) of sub-section (1) shall forthwith be reinstated in that roll if such disqualification is, during the period such roll is in force, removed under any law authorizing such removal.]

17. No person to be registered in more than one constituency.- No person shall be entitled to be registered in the electoral roll for more than one constituency [8]***

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1. Subs. by Act 2 of 1956, s.10, for the heading "REGISTRATION OF PARLIAMENTARY ELECTOR".
2. Certain words omitted by Act 103 of 1956, s.65.
3. Subs. by Act 2 of 1956, s.11, for s.14.
4. Subs. by Act 58 of 1958, s.5, for "the 1st day of March" (w.e.f.1.1.1959).
5. Ins. by Act 21 of 1989, s.3 (w.e.f. 28.3.1989).
6. The words "and illegal" ins. by Act 73 of 1950, s.4 and omitted by Act 58 of 1960, s.3 and Sch.II.
7. Ins. by Act 73 of 1950, s.4.
8. The words "in the same State" ins. by Act 2 of 1956, s.12 and omitted by Act 58 of 1958, s.6.

18. No person to be registered more than once in any constituency.- No person shall be entitled to be registered in the electoral roll for any constituency more than once.

[1]**[19. Conditions of registration.-** Subject to the foregoing provisions of this Part, every person who -

(a) is not less than [2][eighteen years] of age on the qualifying date, and

(b) is ordinarily resident in a constituency,

shall be entitled to be registered in the electoral roll for the constituency.]

20. Meaning of "ordinarily resident".- [3][(1) A person shall not be deemed to be ordinarily resident in a constituency on the ground only that he owns, or is in possession of, a dwelling house therein.

(1A) A person absenting himself temporarily from his place of ordinary residence shall not by reason thereof cease to be ordinarily resident therein.

(1B) A member of Parliament or of the Legislature of a State shall not during the term of his office cease to be ordinarily resident in the constituency in the electoral roll of which he is registered as an elector at the time of his election as such member, by reason of his absence from that constituency in connection with his duties as such member.]

(2) A person who is a patient in any establishment maintained wholly or mainly for the reception and treatment of persons suffering from mental illness or mental defectiveness, or who is detained in prison or other legal custody at any place, shall not by reason thereof be deemed to be ordinarily resident therein.

[4][(3) Any person having a service qualification shall be deemed to be ordinarily resident on any date in the constituency in which, but for his having such service qualification, he would have been ordinarily resident on that date.]

(4) Any person holding any office in India declared by the President in consultation with the Election Commission to be an office to which the provisions of this sub-section apply, [5]*** shall be deemed to be ordinarily resident [6]*** on any date in the constituency in which, but for the holding of any such office [7]*** , he would have been ordinarily resident [8]*** on that date.

(5) The statement of any such person as is referred to in sub-section (3) or sub-section (4) made in the prescribed form and verified in the prescribed manner, that [9][but for his having the service qualification] or but for his holding any such office [10]*** as is referred to in sub-section (4) he would have been ordinarily resident in a specified place [6]*** on any date, shall, in the absence of evidence to the contrary, be [9][accepted as correct].

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1. Subs. by Act 58 of 1958, s.7, for s.19.
2. Subs. by Act 21 of 1989, s.4, for "twenty-one years" (w.e.f. 28.3.1989).
3. Subs. by Act 58 of 1958, s.8, for sub-section (1).
4. Subs. by Act 47 of 1966, s.8, for sub-section (3) (w.e.f. 14.12.1996).
5. Certain words omitted by Act 47 of 1966, s.8 (w.e.f. 14.12.1966).
6. The words "during any period or" omitted by Act 2 of 1956, s.14.
7. The words "or employment" omitted by Act 47 of 1966, s.8 (w.e.f. 14.12.1966).
8. The words "during that period or" omitted by Act 2 of 1956, s.14.
9. Subs. by Act 47 of 1966, s.8, for certain words (w.e.f. 14.12.1966).
10. Certain words omitted by s.8, ibid. (w.e.f. 14.12.1966).

(6) The wife of any such person as is referred to in sub-section (3) or sub-section (4) shall if she be ordinarily residing with such person [1]*** be deemed to be ordinarily on [2]*** in the constituency specified by such person under sub-section (5).

[3](7) If in any case a question arises as to where a person is ordinarily resident at any relevant time, the question shall be determined with reference to all the facts of the case and to such rules as may be made in this behalf by the Central Government in consultation with the Election Commission.

(8) In sub-section (3) and (5) "service qualification" means -

(a) being a member of the armed forces of the Union; or

(b) being a mamber of a force to which the provisions of the Army Act, 1950 (46 of 1950), have been made applicable whether with or without modifications; or

(c) being a member of an armed police force of a State, who is serving outside that State; or

(d) being a person who is employed under the Government of India, in a post outside India.

* * * * *

1. The words "during any period" omitted by Act 2 of 1956, s.14.
2. The words "during that period" omitted by s.14, ibid.
3. Ins. by Act 47 of 1966, s.8 (w.e.f. 14.12.1966). Original sub-section (7) was omitted by Act 2 of 1956, s.14.

PART - II

ACTS OF PARLIAMENT

2. EXTRACTS FROM THE REPRESENTATION OF PEOPLE ACT, 1951

(Act 43 of 1951)

* * * * *

PART - II

* * * * *

[1][CHAPTER III. - Disqualifications for membership of Parliament and State Legislatures

7. Definitions.- In this Chapter.-

(a) "appropriate Government" means in relation to any disqualification for being chosen as or for being a member of either House of Parliament, the Central Government and in relation to any disqualification for being chosen as or for being a member of the Legislative Assembly or Legislative Council of a State, the State Government;

(b) "disqualified" means disqualified for being chosen as, and for being, member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State.

8. Disqualification on conviction for certain offences.- [2][(*1*) A person convicted on an offence punishable under -

(a) section 153A (offence of promoting enmity between different groups on ground of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony) or section 171E (offence of bribery) or section 171F (offence of undue influence or personation at an election) or sub-section (*1*) or sub-section (*2*) of section 376 or section 376A or section 376B or section 376C or section 376D (offences relating to rape) or section 498A (offence of cruelty towards a woman by husband or relative of a husband) or sub-section (*2*) or sub-section (*3*) of section 505 (offence of making statement creating or promoting enmity, hatred or ill-will between classes or offence relating to such statement in any place of worship or in any assembly engaged in the performance of religious worship or religious ceremonies) of the Indian Penal Code (45 of 1860), or

(b) the Protection of Civil Rights Act, 1955 (22 of 1955), which provides for punishment for the preaching and practice of "untouchability", and for the enforcement of any disability arising therefrom; or

(c) section 11 (offence of importing or exporting prohibited goods) of the Customs Act, 1962 (52 of 1962); or

(d) section 10 to 12 (offence of being a member of an association declared unlawful, offence relating to dealing with funds of an unlawful association or offence relating to contravention of an order made in respect of a notified place) of the Unlawful activities (prevention) Act, 1967 (37 of 1967); or

(e) the Foreign Exchange (regulation) Act, 1973 (46 of 1973); or

(f) the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985); or

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1. Subs. by Act 47 of 1966, s. 20. for Chapter III (w.e.f.14.12.1966). Previous Chapter IV (ss. 110 and 111) was rep. by Act 103 of 1956. s. 66.
2. Subs. by Act 1 of 1989, s.4, for sub-sections (1) and (2) (w.e.f. 15.3.1989).

(g) section 3 (offence of committing terroist acts.) or section 4 (offence of committing disruptive activities) of the Terrorist and Disruptive activities (Prevention) Act, 1987 (28 of 1987); or

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

(i) section 125 (offence of promoting enmity between classes in connection with the election) or section 135 (offence of removal of ballot papers from polling stations) or section 135A (offence of booth capturing) or clause (a) of sub-section (2) of section 136 (offence of fradulently defacing or fraudulently destroying any nomination paper) of this Act; [1] [or]

[1][(j) section 6 (offence of conversion of place of worship) of the Places of Worship (Special Provisions) Act, 1991;] [2][or]

[3][(k) section 2 (offence insulting the Indian National Flag or the Constitution of India) or section 3 (offence of preventing singing National Anthem) of the Prevention of Insults to National Honour Act, 1971 (69 of 1971),] [4] [;or]

[4][(l) the Commission of Sati (Prevention) Act, 1987 (3 of 1988); or
(m) the Prevention of Corruption Act, 1988 (49 of 1988); or
(n) the Prevention of Terrorism Act, 2002 (15 of 2002),]

[5] [shall be disqualified, where the convicted person is sentenced to-

(i) only fine, for a period of six years from the date of such conviction;
(ii) imprisonment, from the date of such conviction and shall continue to be disqualified for a further period of six years since his release.]

(2) A person convicted for the contravention of-

(a) any law providing for the prevention of hoarding or profiteering; or
(b) any law relating to the adulteration of food or drugs; or
(c) any provisions of the Dowry Prohibiting Act, 1961 (28 of 1961); [6***]

[6]* * * * *

(3) A person convicted of any offence and sentenced to imprisonment for not less than two years [other than any offence referred to in sub-section (1) or sub-section (2) shall be disqualified from the date of such conviction and shall continue to be disqualified for a further period of six years since his release.]

[7][(4)] Notwithstanding anything [8][in sub-section (1), sub-section (2) or sub-section (3)] a disqualification under either sub-section shall not, in the case of a person who on the date of the conviction is a member of Parliament or the Legislature of a State, take effect until three months have elapsed from that date or, if within that period an appeal or application for revision is brought in respect of the conviction or the sentence, until that appeal or application is disposed of by the court.

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1. Ins. by Act 42 of 1991, s.8 (w.e.f. 18.9.1991).
2. Added by Act 21 of 1996, s.3 (w.e.f. 1.8.1996).
3. Ins. by s.3 ibid, (w.e.f. 1.8.1996).
4. Ins. by Act 9 of 2003, s.2 (w.e.f. 7.1.2003).
5. Subs. by s.2, ibid (w.e.f. 7-1-2003).
6. Cl.(d) omitted by s.2, ibid (w.e.f. 7.1.2003).
7. Sub-section (3) remmbered as sub-section (4) by Act 1 of 1989 s. 4 (w.e.f. 15.3.1989).
8. Subs. by s. 4, ibid.. for certain words (w.e.f. 15.3.1989).

Explanation.- In this section --

(a) "law providing for the prevention of hoarding or profiteering" means any law, or any order, rule or notification having the force of law, providing for-

(i) the regulation of production or manufacture of any essential commodity;

(ii) the control of price at which any essential commodity may be bought or sold;

(iii) the regulation of acquisition, possession, storage, transport, distribution, disposal, use or consumption of any essential commodity;

(iv) the prohibition of the withholding from sale of any essential commodity ordinarily kept for sale;

(b) "drug" has the meaning assigned to it in the Drugs and Cosmetics Act, 1940 (23 of 1940)

(c) "essential commodity" has the meaning assigned to it in the Essential Commodiities Act, 1955 (10 of 1955);

(d) "food" has the meaning assigned to it in the Prevention of Food Adulteration Act, 1954 (37 of 1954).

[1][**8A. Disqualification on ground of corrupt practices**.- (1) The case of every person found guilty of a corrupt practice by an order under section 99 shall be submitted, as soon as may be, after such order takes effect, by such authority as the Central Government may specify in this behalf, to the President for determination of the question as to whether such person shall be disqualified and if so, for what period:

Provided that the period for which any person may be disqualified under this sub-section shall in no case exceed six years from the date on which the order made in relation to him under section 99 takes effect.

(2) Any person who stands disqualified under section 8A of this Act as it stood immediately before the commencement of the Election Laws (Amendment), Act, 1975 (40 of 1975), may, if the period of such disqualification has not expired, submit a petition to the President for removal of such disqualification for the unexpired portion of the said period.

(3) Before giving his decision on any question mentioned in sub-section (I) or on any petition submitted under sub-section (2), the President shall obtian the opinion of the Election Commission on such question or petition and shall act according to such opinion.]

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

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1. Subs. by Act 40 of 1975, s. 2. for s.8A.

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

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

9A. Disqualification for Government contracts, etc.- A person shall be disuqalified if, and for so long as, there subsists a contract entered into by him in the course of his trade of business with the appropriate Government for the supply of goods to, or for the execution of any works undertaken by, that Government.

Explanation.- For the purposes of this section, where a contract has been fully performed by the person by whom it has been entered into with the appropriate government, the contract shall be deemed not to subsist by reason only of the fact that the Government has not performed its part of the contract either wholly or in part.

10. Disqualification for office under Government company.- A person shall be disqualified if, and for so long as, he is a managing agent, manager or secretary of any company or corporation (other than a co-operative society) in the capital of which the appropriate government has not less than twenty-five per cent. share.

10A. Disqualification for failure to lodge account of election expenses.- If the Election Commission is satisfied that a person-

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

(b) has no good reason or justification for the failure,

the Election commission shall, by order published in the Official Gazette, declare him to be disqualified and any such person shall be disqualified for a period of three years from the date of the order.

11. Removal or reduction of period of disqualification.- The Election commission may, for reasons to be recorded, remove any disqualification under this Chapter [1][except under section 8A] or reduce the period of any such disqualification.

CHAPTER IV - Disqualifications for Voting

11A. Disqualification arising out of conviction and corrupt practices.- [2][(I) If any person, after the commencement of this Act,-

[3]*** is convicted of an offence punishable under section 171E or section 171F of the Indian Penal code (45 of 1860), or under section 125 or section 135 or clause (a) of sub-section (2) of section 136 of this Act, [4]***

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1. Ins. by Act 40 of 1975, s.3.
2. S.11A renumbered as sub-section(1) thereof by s.4 ibid.
3. The brackets and letter "(a)" omitted by Act 38 of 1978, s-3 and the Second Schedule.
4. The word "or" omitted by s3 and, the Second Schedule, ibid.

[1]* * * *

he shall, for a period of six years from the date of the conviction or from the date on which the order takes effect, be disqualified for voting at any election.

[2][(2) Any person disqualified by a decision of the President under sub-section (I) of section 8A for any period shall be disqualified for the same period for voting at any election.

(3) The decision of the President on a petition submitted by any person under sub-section (2) of section 8A in respect of any disqualification for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative council of a State shall, so far as may be, apply in respect of the disqualification for voting at any election incurred by him under clause (b) of sub-section (I) of section 11 A of this Act as it stood immediately before the commencement of the Election Laws (Amendment) Act, 1975 (40 of 1975), as if such decision were a decision in respect of the said disqualification for voting also.]

11B. Removal of disqualification.- The Election Commission may, for reasons to be recorded, remove [3][any disqualification under sub-section (I) of section 11A].]

XXX XXX XXX

PART - VII

[4][CORRUPT PRACTICES AND ELECTORAL OFFENCES]

[5][CHAPTER I - *Corrupt Practices*

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

[6][(1) "Bribery", that is to say-

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

(a) a person to stand or not to stand as, or [7][to withdraw or not to withdraw] from being a candidate at an election, or

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

(i) a person for having so stood or not stood, or for [8][having withdrawn or not having withdrawn] his candidature ; or

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

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1. Cl. (b) omitted by Act 40 of 1975, s.4.
2. Ins. by s.4, ibid.
3. Subs. by s.5, ibid, for certain words.
4. Subs. by Act 27 of 1956, s.65, for the heading "CORRUPT AND ILLEGAL PRACTICES AND ELECTORAL OFFENCES".
5. Subs. by s.66, ibid, for Chapters I and II (ss. 123 to 125).
6. Subs. by Act 58 of 1958, s.36, for cl. (1).
7. Subs. by Act 47 of 1966, s.53, for "to withdraw" (w.e.f. 14.12.1966).
8. Subs. by s.53, ibid, for "having withdrawan" (w.e.f. 14.12.1966).

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

(a) by a person for standing or not standing as, or for [1][withdrawing or not withdrawing] from being, a candidate; or

(b) by any person whomsoever for himself or any other person for voting or refraining from voting, or inducing or attempting to induce any elector to vote or refrain from voting, or any candidate [2][to withdraw or not to withdraw] his candidature.

Explanation.- For the purposes of this clause the term "gratification" is not restricted to pecuniary gratifications or gratifications estimable in money and it includes all forms of entertainment and all forms of employment for reward but it does not include the payment of any expenses *bona fide* incurred at, or for the purpose of, any election and duly entered in the account of election expenses referred to in section 78.]

(2) Undue influence, that is to say, any direct or indirect interference or attempt to interfere on the part of the candidate or his agent, or of any other person [3][with the consent of the candidate or his election agent], with the free exercise of any electoral right :

Provided that--

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

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

(ii) induces or attempts to induce a candidate or an elector to believe that he, or any person in whom he is interested, will become or will be rendered an object of divine displeasure or spiritual censure,

shall be deemed to interfere with the free exercise of the electoral right of such candidate or elector within the meaning of this clause;

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

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

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1. Subs. by s.53, Act 47 of 1966, for "withdrawing" (w.e.f. 14.12.1966).
2. Subs. by ibid, s.53, for "to withdraw" (w.e.f. 14.12.1966).
3. Ins. by Act 58 of 1958, s.36.
4. Subs. by Act 40 of 1961, s.23, for cl. (3) (w.e.f. 20.9.1961).

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

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

[2][(3B) The propagation of the practice or the commission of *sati* or its glorification by a candidate or his agent or any other person with the consent of the candidate or his election agent for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate.

Explanation.-- For the purposes of this clause, "*sati*" and "glorification" in relation to sati shall have the meanings respectively assigned to them in the Commission of Sati (Prevention) Act, 1987 (3 of 1988).]

(4) The publication by a candidate or his agent or by any other person [3][with the consent of a candidate or his election agent], of any statement of fact which is false, and which he either believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate, or in relation to the candidature, or withdrawal, [4]*** of any candidate, being a statement reasonably calculated to prejudice the prospects of that candidate's election.

(5) The hiring or procuring, whether on payment or otherwise, of any vehicle or vessel by a candidate or his agent or by any other person [5][with the consent of a candidate or his election agent] [6][or the use of such vehicle or vessel for the free conveyance] of any elector (other than the candidate himself, the members of his family or his agent) to or from any polling station provided under section 25 or a place fixed under sub-section (1) of section 29 for the poll :

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

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

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

(6) The incurring or authorizing of expenditure in contravention of section 77.

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1. Ins. by Act 40 of 1975, s.8 (retrospectively).
2. Ins. by Act 3 of 1988, s.19 (retrospectively) (w.e.f. 21.3.1988).
3. Ins. by Act 58 of 1958, s.36.
4. The words "or retirement from contest" omitted by s.36, ibid.
5. Ins. by Act 58 of 1958, s.36, ibid.
6. Subs. by Act 47 of 1966, s.53, for "for the conveyance" (w.e.f. 14.12.1966).

(7) The obtaining or procuring or abetting or attempting to obtain or procure by a candidate or his agent or, by any other person [1][with the consent of a candidate or his election agent], any assistance (other than the giving of vote) for the furtherance of the prospects of that candidate's election, from any person in the service of the Government and belonging to any of the following classes, namely:--

(a) gazetted officers;

(b) stipendiary judges and magistrates;

(c) members of the armed forces of the Union;

(d) members of the police forces;

(e) excise officers;

[2][(f) revenue officers other than village revenue officers known as lambardars, malguzars, patels, deshmukhs or by any other name, whose duty is to collect land revenue and who are remunerated by a share of, or commission on, the amount of land revenue collected by them but who do not discharge any police functions; and]

(g) such other class of persons in the service of the Goverment as may be prescribed :

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

[4][(8) Booth capturing by a candidate or his agent or other person.]

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

(2) For the purposes of clause (7), a person shall be deemed to assist in the furtherance of the prospects of a candidate's election if he acts as an election agent [5]*** of that candidate.]

[6][(3) For the purposes of clause (7), notwithstanding anything contained in any other law, the publication in the Official Gazette of the appointment, resignation, termination of service, dismissal or removal from service of a person in the service of the Central Government (including a person serving in connection with the administration of a Union territory) or of a State Government shall be conclusive proof -

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

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1. Ins. by Act 58 of 1958, s.36.
2. Subs. by s.36, ibid., for sub-clause (f).
3. Ins. by Act 40 of 1975, s.8 (retrospectively).
4. Ins. by Act 1 of 1989, s.13 (w.e.f. 15.3.1989).
5. The words "or a polling agent or a counting agent" omitted by Act 47 of 1966, s.53 (w.e.f. 14.12.1966).
6. Added by Act 40 of 1975, s.8 (retrospectively).

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

[1][(4) For the purposes of clause (8), "booth capturing" shall have the same meaning as in section 135A.]

CHAPTER III - Eectoral Offences

[2]**[125. Promoting enmity between classes in connection with election**.- Any person who in connection with an election under this Act promotes or attempts to promote on grounds of religion, race, caste, community or language, feelings of enmity or hatred, between different classes of the citizens of India shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.]

[3] **[125 A. Penalty for filing false affidavit, etc. –** A candidate who himself of through his proposer, with intent to be elected in an election, -

(i) fails to furnish information relating to sub-section (I) of section 33A; or
(ii) give false information which he knows or has reason to believe to be false; or
(iii) conceals any information,

in his nomination paper delivered under sub-section (I) of section 33 or in his affidavit which is required to be delivered under sub-section (2) of section 33A, as the case may be shall, notwithstanding anything contained in any other law for the time being in force, be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.].

[4]**[126. Prohibition of public meetings during period of forty-eight ending with hour fixed for conclusion of poll.-** (1) No person shall -

(a) convene, hold, attend, join or address any public meeting or procession in connection with an election; or
(b) display to the public any election matter by means of cinematograph, television or other similar apparatus; or
(c) propagate any election matter to the public by holding, or by arranging the holding of, any musical concert or any theatrical performance or any other entertainment or amusement with a view to attracting the members of the public thereto,

in any polling area during the period of forty-eight hours ending with the hour fixed for the conclusion of the poll for any election in that polling area.

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to two years or with fine, or with both.

(3) In this section, the expression "election matter" means any matter intended or calculated to influence or affect the result of an election.].

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1. Ins. by Act 1 of 1989, s.13 (w.e.f. 15.3.1989).
2. Ins. by Act 40 of 1961, s.24 (w.e.f. 20.9.61).
3. Ins.by Act 72 of 2002, s.5 (w.e.f. 24.8.2002).
4. Subs. by Act 21 of 1996 s.10 for s.126 (w.e.f. 1.8.1969).

127. Disturbances at election meetings.- (I) Any person who at a public meeting to which this section applies acts, or incites others to act, in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called together, [1][shall be punishable with imprisonment for a term which may extend to [2][six months or with fine which may extend to two thousand rupees], or with both.]

[3][(1A) An offence punishable under sub-section (1) shall be cognizable].

(2) This section applies to any public meeting of a political character held in any constituency between the date of the issue of a notification under this Act calling upon the constituency to elect a member or members and the date on which such election is held.

(3) If any police officer reasonably suspects any person of committing an offence under sub-section (I), he may, if requested so to do by the chairman of the meeting, require that person to declare to him immediately his name and address and, if that person refuses or fails so to decalre his name and address, or if the police officer reasonably suspects him of giving a false name or address, the police officer may arrest him without warrant.

[4][**127A. Restrictions on the printing of pamphlets, posters, etc**.- (I) No person shall print or publish, or cause to be printed or published, any election pamphlet or poster which does not bear on its face the names and addresses of the printer and the publisher thereof.

(2) No person shall print or cause to be printed any election pamphlet or poster

(a) unless a declaration as to the identity of the publisher thereof, signed by him and attested by two persons to whom he is personally known, is delivered by him to the printer in duplicate; and

(b) unless, within a reasonable time after the printing of the document, one copy of the declaration is sent by the printer, together with one copy of the document,-

(i) where it is printed in the capital of the state, to the Chief Electoral Officer; and

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

(3) For the purposes of this section,-

(a) any process for multiplying copies of a document, other than copying it by hand, shall be deemed to be printing and the expression "printer" shall be construed accordingly; and

(b) "election pamphlet or poster" means any printed pamphlet, hand-bill or other document distributed for the purpose of promoting or prejudicing the election of a candidate or group of candidates or any placard or poster having reference to an election, but does not include any hand-bill, placard or poster merely announcing the date, time, place and other particulars of an election meeting or routine instructions to election agents or workers.

(4) Any person who contravenes any of the provisions of sub-section (I) or sub-section (2) shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both.]

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1. Subs. by Act 1 of 1989, s.14, for certain words (w.e.f. 15.3.89).
2. Subs. by Act 21 of 1996, s.11, for certain words (w.e.f. 1.8.1996).
3. Ins. by Act 21 of 1996, s.11, ibid (w.e.f. 1.8.1996).
4. Ins. by Act 40 of 1961.s.26 (w.e.f.20-9-1961)

128. Maintenance of secrecy of voting.- (I) Every officer, clerk, agent or other person who performs any duty in connection with the recording or counting of votes at an election shall maintain, and aid in maintaining, the secrecy of the voting and shall not (expect for some purpose authorized by or under any law) communicate to any person any information calculated to violate such secrecy.

[1] [Provided that the provisions of this sub-section shall not apply to such officer, clerk, agent or other person who performs any such duty at an election to fill a seat or seats in the Council of States.]

(2) Any person who contravenes the provisions of sub-section (*I*) shall be punishable with imprisonment for a term which may extend to three months or with fine or with both.

129. Officers, etc., at elections not to act for candidates or to influence voting.- (I) No person who is [2][a district election officer or a returning officer], or an assistant returning officer, or a presiding or polling officer at an election, or an officer or clerk appointed by the returning officer or the presiding officer to perform any duty in connection with an election shall in the conduct or the management of the election do any act (other than the giving of vote) for the furtherance of the prospects of the election of a candidate.

(2) No such person as aforesaid, and no member of a police force, shall endeavour-

(a) to persuade any person to give his vote at an election, or

(b) to dissuade any person from giving his vote at an election, or

(c) to influence the voting of any person at an election in any manner.

(3) Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall be punishable with imprisonment which may extend to six months or with fine or with both.

[3][(4) An offence punishable under sub-section (3) shall be cognizable.]

130. Prohibition of canvassing in or near polling stations.- (1) No person shall, on the date or dates on which a poll is taken at any polling station, commit any of the following acts within the polling station or in any public or private place within a distance of [4][one hundred metres] of the polling station, namely:-

(a) canvassing for votes; or
(b) soliciting the vote of any elector; or
(c) persuading any elector not to vote for any particular candidate; or
(d) persuading any elector not to vote at the election; or
(e) exhibiting any notice or sign (other than an official notice) relating to the election.

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

(3) An offence punishable under this section shall be cognizable.

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1. Ins. by Act 40 of 2003, s.5.
2. Subs. by Act 47 of 1966, s.55, for "a returning officer" (w.e.f. 14-12-1966).
3. Ins. by Act 47 of 1966, s.55 (w.e.f. 14-12-1966).
4. Subs. by s. 56, ibid, for "one hundred yards" (w.e.f. 14-12-1966).

131. Penalty for disorderly conduct in or near polling stations.- (1) No person shall, on the date or dates on which a poll is taken at any polling station,-

(a) use or operate within or at the entrance of the polling station, or in any public or private place in the neighbourhood thereof, any apparatus for amplifying or reproducing the human voice, such as a megaphone or a loudspeaker, or

(b) shout, or otherwise act in a disorderly manner, within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof,

so as to cause annoyance to any person visiting the polling station for the poll, or so as to interfere with the work of the officers and other persons on duty at the polling station.

(2) Any person who contracenes, or wilfully aids or abets the contravention of, the provisions of sub-section (1) shall be punishable with imprisonment which may extend to three months or with fine or with both.

(3) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under this section, he may direct any police officer to arrest such person, and thereupon the police officer shall arrest him.

(4) Any police officer may take such steps, and use such force, as may be reasonably necessary for preventing any contravention of the provisions of sub-section (1), and may seize any apparatus used for such contravention.

132. Penalty for misconduct at the polling station.- (1) Any person who during the hours fixed for the poll at any polling station misconducts himself or fails to obey the lawful directions of the presiding officer may be removed from the polling station by the presiding officer or by any police officer on duty or by any person authorized in this behalf by such presiding officer.

(2) The powers conferred by sub-section (1) shall not be exercised so as to prevent any elector who is otherwise entitled to voting at that station

(3) If any person who has been so removed from a polling station re-enters the polling station without the permission of the presiding officer, he shall be punishable with imprisonment for a term which may extend to three months, or with fine, or with both.

(4) An offence punishable under sub-section (3) shall be cognizable.

[1][**132A.Penalty for failure to observe procedure for voting**.- If any elector to whom a ballot paper has been isssued, refuses to observe the procuedure prescribed for voting the ballot paper issued to him shall be liable for cancellation.]

[2][**133. Penalty for illegal hiring or procuring of conveyances at elections**.- If any person is guilty of any such corrupt practice as is specified in clause (5) of section 123 at or in connection with an election, he shall be punishable with imprisionment which may extend to three months and with fine.']

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1. Ins. by Act 4 of 1986, s.2 and Sch. (w.e.f. 15.5.1986).
2. Subs. by Act 21 of 1996, s.12 for s.133 (w.e.f. 1.8.1986).

134. Breaches of official duty in connection with elections.- (1) If any person to whom this section applies is without reasonable cause guilty of any act or omission in breach of his official duty, he shall be punishable with fine which may extend to five hundred rupees.

[1][(1A) An offence punishable under sub-section (1) shall be cognizable.]

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

(3) The persons to whom this section applies are the [2]*** [3][district election officers, returning officrers], assistant returning officers, presiding officers, polling officers and any other person appointed to perform any duty in connection with [4]*** the receipt of nonminations or withdrawal of candidatures, or the recording or counting of votes at an election; and the expression "official duty" shall for the purposes of this section be construed accordingly, but shall not include duties imposed otherwise than by or under this Act [2] *** .

[5]**[134A. Penalty for Government servants for acting as election agent, polling agent or counting agent**.- If any person in the service of the Government acts as an election agent or a polling agent or a counting agent of a candidate at an election, he shall be punishable with imprisonment for a term which may extend to three months, or with fine, or with both.]

[6]**[134B. Prohibition of going armed to or near a polling station -** (1) No person, other than the returning officer, the presiding officer, any police officer and any other person appointed to maintain peace and order at a polling station who is on duty at the polling station, shall, on a polling day, go armed with arms, as defined in the Arms Act, 1959, of any kind within the neighbourhood of a polling station.

(2) If any person contravences the provisions of sub-section (1), he shall be punishable with imprisonment for a term which may extend to two years or with fine, or with both.

(3) Notwithstanding anything contained in the Arms Act, 1959 (54 of 1959), where a person is convicted of an offence under this section, the arms as defined in the said Act found in his possession shall be liable to confiscation and the licence granted in relation to such arms shall be deemed to have been revoked under section 17 of that Act.

(4) An offence pusishable under sub-section (2) shall be cognizable.]

135. Removal of ballot papers from polling station to be an offence.- (1) Any person who at any election [7][unauthorisedly] takes, or attempts to take, a ballot paper out of a polling station, or wilfully aids or abets the doing of any such act, shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to five hundred rupees or with both.

(2) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under sub-section (1), such officer may, before such person leaves the polling station, arrest or direct a police officer to arrest such person and may search such person or cause him to be searched by a police officer:

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1. Ins. by Act 47 of 1966, s.58 (w.e.f. 14.12.66).
2. Certain words omitted by Act 58 of 1958. s. 37.
3. Subs. by Act 47 of 1966, s. 58, for "returning officers" (w.e.f. 14-12-1966).
4. The words "the preparation of an electoral roll" omitted by Act 58 of 1958, s. 37.
5. Ins. by Act 47 of 1966, s.59 (w.e.f. 14.12.1966).
6. Ins. by Act 21 of 1996.s. 13 (w.e.f. 1.8.1996).
7. Subs. by s.14, ibid, for "fraudualently" (w.e.f 1.8.1996).

Provided that when it is necessary to cause a woman to be searched, the search shall be made by another woman with strict regard to decency.

(3) Any ballot paper found upon the person arrested on search shall be made over for safe custody to a police officer by the presiding officer, or when the search is made by a police officer, shall be kept by such officer in safe custody.

(4) An offence punishable under sub-section (1) shall be cognizable.

[1][**135A. Offence of booth capturing**.- [2][(1)] Whoever commits an offence of booth capturing shall be punishable with imprisonment for a term which [3][shall not be less than one year but which may extend to three years and with fine, and where such offence is committed by a person in the service of the Government, he shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to five years and with fine.];

Explanation.- For the purposes of [4][this sub-section and section 20 B] "booth capturing" includes, among other things, all or any of the following activities, namely:-

(a) seizure of a polling station or a place fixed for the poll by any person or persons' making polling authorities surrender the ballot papers or voting machines and doing of any other act which affects the orderly conduct of elections;

(b) taking possession of a polling station or a place fixed for the poll by any person or persons and allowing only his or their own supporters to exercise their right to vote and [3][prevent others from free excercise of this right to vote];

(c) [5][coercing or intimidating or threatening directly or indirectly] any elector and preventing him from going to the polling station or a place fixed for the poll to cast his vote;

(d) seizure of a place for counting of votes by any person or persons, making the counting authorities surrender the ballot papers or voting machines and the doing of anything which affects the orderly counting of votes;

(e) doing by any person in the service of Government, of all or any of the aforesaid activities or aiding or conniving at, any such activity in the furtherance of the prospects of the election of a candidate.]

[6][(2) An offence punishable under sub-section (1) shall be cognizable.]

[7][**135 B. Grant of paid holiday to employees on the day of poll.-** (1) Every person employed in any business, trade, industrial undertaking or any other establishment and entitled to vote at an election to the House of the People or the Legislative Assembly of a State shall, on the day of poll, be granted a holiday.

(2) No deduction or abatement of the wages of any such person shall be made on account of a holiday having been granted in accordance with sub-section (1) and if such person is employed on the basis that he would not ordinarily receive wages for such a day, he shall nonetheless be paid for such, day the wages he would have drawn had not a holiday been granted to him on that day.

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1. Ins. by Act 1 of 1989, s.15 (w.e.f. 15.3.89).
2. Section 135 A renumbered as sub-section (1) thereof by Act 21 of 1996, s15 (w.e.f. 1.8.1996).
3. Subs. by s.15, ibid, for certain words (w.e.f. 1.8.1996).
4. Subs. by s.15, ibid, for "this section" (w.e.f. 1.8.1996).
5. Subs. by s.15, ibid, for "threatening" (w.e.f. 1.8.1996).
6. Ins. by s.15, ibid, (w.e.f. 1.8.1996).
7. Ins. by Act 21 of 1996, s.16, (w.e.f. 1.8.1996).

(3) If an employer contravences the provisions of sub-section (1) or sub-section (2), then such employer shall be punishable with fine which may extend to five hundred rupees.

(4) This section shall not apply to any elector whose absence may cause danger or substantial loss in respect of the employment in which he is engaged.

135 C. Liquor not to be sold, given or distributed on polling day.- (1) No spirituous, fermented or intoxicating liquors or other substances of a like nature shall be sold, given or distributed at a hotel, eating house, tavern, shop or any other place, public or private, within a polling area during the period of forty-eight hours ending with the hour fixed for the conclusion of the poll for any election in that polling area.

(2) Any person who contravenes the provisions of sub-section (1), shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to two thousand rupees, or with both.

(3) Where a person is convicted of an offence under this section, the spirituous, fermented or intoxicating liquors or other substances of a like nature found in his possession shall be liable to confiscation and the same shall be disposed of in such manner as may be prescribed].

136. Other offences and penalties therefor.- (1) A person shall be guilty of an electoral offence if at any election he.-

(a) fraudulently defaces or fraudulently destroys any nomination paper; or

(b) fraudulently defaces, destroys or removes any list, notice or other document affixed by or under the authority of a returning officer; or

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

(d) without due authority supplies any ballot paper to any person [1][or receives any ballot paper from any person or is in possession of any ballot paper]; or

(e) fraudulently puts into any ballot box anything other than the ballot paper which he is authorised by law to put in; or

(f) without due authority destroys, takes, opens or otherwise interferes with any ballot box or ballot papers then in use for the purposes of the election; or

(g) fraudulently or without due authority, as the case may be, attempts to do any of the foregoing acts or wilfully aids or abets the doing of any such acts.

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1. Ins. by Act 27 of 1956, s.70.

(2) Any person guilty of an electoral offence under this section shall,-

(a) if he is a returning officer or an assistant returning officer or a presiding officer at a polling station or any other officer or clerk employed on official duty in connection with election, be punishable with imprisonment for a term which may extend to two years or with fine or with both;

(b) if he is any other person, be punishable with imprishonment for a term which may extend to six months or with fine or with both.

(3) For the purposes of this section, a person shall be deemed to be on official duty if his duty is to take part in the conduct of an election or part of an election including the counting of votes or to be responsible after an election for the used ballot papers and other documents in connection with such election, but the expression "official duty" shall not include any duty imposed otherwise than by or under this Act ***[1]

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

1. The words and figures "or by or under Representation of the Prople Act, 1950" omitted by Act 58 of 1958, s.38.
2. Subs. by Act 47 of 1966, s.60, for sub-section(4) (w.e.f. 14-12-1966).

PART - III

ORDER UNDER THE CONSTITUTION

PART III
ORDERS UNDER THE CONSTITUTION

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PART III

ORDERS UNDER THE CONSTITUTION

1. THE CONSTITUTION (SCHEDULED CASTES) ORDER, 1950[1]

(C.O.19)

In exercise of the powers conferred by clause (1) of article 341 of the Constitution of India, the President, after consultation with the Governors and Rajpramukhs of the States concerned, is pleased to make the following Order, namely :-

1. This Order may be called the Constitution (Scheduled Castes) Order, 1950.

2. Subject to the provisions of the Order, the castes, races or tribes or parts of, or groups within, castes or tribes specified in [2][Parts I to [3][XXIV]] of the Schedule to this Order shall, in relation to the States to which those Parts respectively relate, be deemed to be Scheduled Castes so far as regards member thereof resident in the localities specified in relation to them in those Parts of that Schedule.

[4][3. Notwithstanding anything contained in paragraph 2, no person who professes a religion different from the Hindu [5][, the Sikh or the Buddhist] religion shall be deemed to be a member of a Scheduled Caste.]

[6][4. Any reference in this Order to a State or to a district or other territorial division thereof shall be construed as a reference to the State, district or other territorial division as constituted on the 1st day of May, 1976.]

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1. Published with the Ministry of Law Notification No. S.R.O. 385, dated the 10th August, 1950, Gazette of India, Extraordinary, 1950, Part II, Section 3, page 163.
2. Subs. by the Scheduled Castes and Scheduled Tribes Lists (Modification) Order, 1956.
3. The figure "XXI" has been successfully subs. by Act 18 of 1987, s.19 and 1st Sch. (w.e.f. 30.5.87), by Act 28 of 2000, s. 19 and 3rd Sch (w.e.f. 1.11.2000) and by Act 29 of 2000, s.24 and 5th Sch (w.e.f. 9.11.2000) to read as above.
4. Subs by Act 63 of 1956, s.3 and First Sch., for paragraph 3.
5. Subs. by Act 15 of 1990, s.2. for "or the Sikh".
6. Subs by Act 108 of 1976, s.3 and First Sch., for paragraph 4 (w.e.f. 27-7-1977).

[1][THE SCHEDULE

* * * *

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4. Bagri, Bagdi
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6. Bajgar
7. Balai
8. Bansphor, Bansphod
9. Baori
10. Bargi, Vargi, Birgi
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13. Bhand
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28. Gavaria
29. Godhi
30. Jingar
31. Kalbelia, Sapera
32. Kamad, Kamadia
33. Kanjar, Kunjar
34. Kapadia Sansi
35. Khangar
36. Khatik
37. Koli, Kori
38. Kooch Band, Kuchband
39. Koria
40. Madari, Bazigar
41. Mahar, Taral, Dhegumegu
42. Mahayavanshi,Dhed, Dheda, Vankar, Maru Vankar
43. Majhabi
44. Mang, Matang, Minimadig
45. Mang Garodi, Mang Garudi
46. Megh, Meghval, Meghwal, Menghvar
47. Mehar
48. Nat, Nut
49. Pasi
50. Rawal
51. Salvi
52. Sansi
53. Santia, Satia
54. Sarbhangi
55. Sargara
56. Singiwala
57. Thori, Nayak
58. Tirgar, Tirbanda
59. Turi

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1. Subs. by Act 108 of 1976, s.3 and first schedule for the former Sch. (w.e.f. 27.7.77).

PART - III

ORDERS UNDER THE CONSTITUTION

2. THE CONSTITUTION (SCHEDULED TRIBES) ORDER, 1950[1]

(C.O.22)

In exercise of the powers conferred by clause (1) of article 342 of the Constitution of India, the President, after consultation with the Governors and Rajpramukhs of the States concerned, is pleased to make the following Order, namely :-

1. This Order may be called the Constitution (Scheduled Tribes) Order, 1950.

2. The Tribes or tribal communities, or parts of,or groups within, tribes or tribal communities, specified in, [2][Parts I to [3][XXII]] of the Schedule to this Order shall, in relation to the States to which those Parts respectively relate, be deemed to be Scheduled Tribes so far as regards members thereof residents in the localities specified in relation to them respectively in those Parts of that Schedule.

[4][3. Any reference in this Order to State or to a district or other territorial division thereof shall be construed as a reference to the State,district or other territorial division as constituted on the 1st day of May, 1976].

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1. Published with the Ministry of Law Notification No. S.R.O. 510, dated the 6th September, 1950, Gazette of India, Extraordinary, 1950, Part II, Section 3, page 597.
2. Subs. by the Scheduled Castes and Scheduled Tribes Lists (Modification) Order, 1956.
3. The figure 'XVIII' has been successively subs. by Act 18 of 1987, s. 19 and Second Sch (w.e.f. 30.5.87) by Act 28 of 2000, s. 20 and Fourth Sch. (w.e.f.1.11.2000) by Act 29 of 2000, s. 25 and Sixth Sch. (w.e.f. 9.11.2000) and Act No. 30 of 2000, s. 24 and Sixth Sch. 9w.e.f. 15.11.2000) to read as above.
4. Subs by Act 108 of 1976, s.4 and the Second Sch., for paragraph 3 (w.e.f. 27-7-1977).

[1][THE SCHEDULE

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PART - XIII - Rajasthan

1. Bhil, Bhil Garasia, Dholi Bhil, Dungri Bhil, Dungri Garasia, Mewasi Bhil, Rawal Bhil, Tadvi Bhil, Bhagalia, Bhilala, Pawra, Vasava, Vasave
2. Bhil Mina
3. Damor, Damaria
4. Dhanka, Tadvi, Tetaria, Valvi
5. Garasia (excluding Rajput Garasia)
6. Kathodi, Katkari, Dhor Kathodi, Dhor Katkari, Son Kathodi, Son Kathari
7. Kokna, Kokni, Kukna
8. Koli Dhor, Tokre Koli, Kolcha, Kolgha
9. Mina
10. Naikda, Nayaka, Cholivala Nayaka, Kapadia Nayaka, Mota Nayaka, Nana Nayaka
11. Patelia
12. Seharia, Sehria, Sahariya

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1. Subs. by Act 108 of 1976, s.4 and the Second Sch for the Schedule (w.e.f.27.7.77).

PART - IV

ACTS OF STATE LEGISLATURE

PART IV

ACTS OF STATE LEGISLATURE

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PART - IV

ACTS OF STATE LEGISLATURE

*1. EXTRACTS FROM THE RAJASTHAN PANCHAYATI RAJ ACT, 1994**

(Act No. 13 of 1994)

[Received the Assent of the Governor on the 23rd day of April, 1994]

An

Act

to consolidate and amend the law relating to Panchayati Raj Institutions in the State of Rajasthan.

Be it enacted by the Rajasthan State Legislature in the Forty-fifth Year of the Republic of India as follows :-

CHAPTER I

Preliminary

1. Short title, extent and commencement.- (1) This Act may be called the Rajasthan Panchayati Raj Act, 1994.

(2) It extends to the whole of the State of Rajasthan.

(3) It shall come into force on such date [1]as the State Government may, by notification in the Official Gazette, appoint.

2. Definitions.- (1) In this Act, unless the context otherwise requires,-

(i) "Backward Classes" means such backward classes of citizens, other than the Scheduled Castes and the Scheduled Tribes, as may be specified by the State Government from time to time for the purposes of this Act;

(ii) "Block" and "Panchayat Circle" shall respectively mean the local area over which a Panchayat Samiti or, as the case may be, a Panchayat exercises its jurisdiction;

(iii) "Chairman" means Chairperson of a Standing Committee of a [2][Zila Parishad a Panchayat Samiti or a Panchayat] constituted under this Act;

(iv) "Chairperson" and "Deputy Chairperson" shall respectively mean the Sarpanch and Up-Sarpanch in the case of a Panchayat, the Pradhan and Up-Pradhan in the case of a Panchayat Samiti and the Pramukh and UP-Pramukh in the case of a Zila Parishad;

(v) "Commissioner" means the Divisional Commissioner or such other officer as may be appointed by the State Government to exercise the powers of a Commissioner under the Rajasthan Land Revenue Act, 1956 (Rajasthan Act 15 of 1956);

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1. Came into force with effect from dated 23.4.1994 vide Rural Development & Panchayati Raj Department's Notification No.. F.4(1)RDP/Law/93/1468 dt. 23.4.1994, published in Rajasthan Gazette, E.O., Part VI-C dated 23.4.1994.
2. Substituted by Notification No. F.4(1)/Vidhi/2/2000 dated 6.1.2000 (Ordinance No.2 of 2000) published in Rajasthan Government Gazette Extraordinary Part 4 (Kha) dated 6.1.2000 with immediate effect. (=S.2 of the Rajasthan Act No. 9 of 2000).

* First published in Rajasthan Gazette, E.O., Part-IV-A dated 23.4.94.

(vi) "Collector" means Collector of a District and includes Additional Collector;

(vii) "Competent Authority" means such officer or authority as the State Government may, by notification in the Official Gazette, appoint to perform such functions and exercise such powers of a Competent Authority with respect to such provisions of this Act and in relation to such Panchayati Raj Institutions as are specified in the notification;

(viii) "Constituency" includes a ward;

[1][(ix) [2][Director, Panchayati Raj"] means the Officer appointed as such by the State Government;]

[2][(ix) "Director, Elementary Education" means the Officer appointed as such by the State Government; and'

(x) "District" means a District constituted under the Rajasthan Land Revenue Act, 1956 (Rajasthan Act 15 of 1956);

(xi) "Finance Commission" means the commission constituted under Article 243-I of the Constitution of India;

(xii) "Government" or "State Government" means the State Government of Rajasthan;

(xiii) "Member" means a member of a Panchayati Raj Institution and includes a Sarpanch;

(xiv) "Officer-in-charge of Panchayats" means the person or officer appointed by the State Government under section 99 to be the officer-in-charge of Panchayats and includes an officer subordinate to him appointed under that section;

(xv) "Panch" means a member of a Panchayat, other than a Sarpanch;

(xvi) "Panchayat Area" or "Panchayat Circle" means the territorial area of a Panchayat;

(xvii) "Panchayati Raj Institution" means an institution of self-Government established under this Act for rural areas, whether at the level of a village or of a block or district;

(xviii)"Population", when used with reference to a local area, means the population of such local area as ascertained at the last preceding census of which the relevant figures have been published;

(xix) "Prescribed" means prescribed by or under this Act;

(xx) "Public Land" or "Common Land" means land which is not in exclusive possession and use of any individual but is used by the inhabitants of a local area commonly;

(xxi) "Standing Committee" means a Standing Committee constituted by a [2][Zila Parishad or a Panchayat Samiti or Panchayat] under this Act;

(xxii) "State Election Commission" means the Commission referred to in Article 243-K of the Constitution of India; and

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1. Substituted by Section 2 of the Rajasthan Panchayati Raj (Amendment) Act, 1994 (Act No.23 of 1994) published in Rajasthan Gazette, E.O., Part IV (A) dated 6.10.94 (w.e.f. 26.7.94).
2. Substituted by Notification No. F.4(1)/Vidhi/2/2000 dated 6.1.2000 (Ordinance No.2 of 2000) published in Rajasthan Government Gazette Extraordinary Part 4 (Kha) dated 6.1.2000 with immediate effect. (=S.2 of the Rajasthan Act No. 9 of 2000).

(xxiii)"Village" means a village specified by the Governor by public notification to be a village for the purpose of this Act and includes a group of villages so specified.

(2) Words and expressions used but not defined in this Act but defined in the Rajasthan Municipalities Act, 1959 shall have the meanings assigned to them in the later.

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CHAPTER III

Panchayati Raj Institutions

9. Establishment of Panchayat.- (1) The State Government may, by notification in the Official Gazette, declare any local area, comprising a village or a group of villages not included in a municipality or a cantonment board constituted under any law for the time being in force to be Panchayat Circle and for every local area declared as such there shall be a Panchayat.

(2) Every Panchayat shall, by the name notified in the Official Gazette, be a body corporate having perpetual succession and common seal and shall, subject to any restrictions and conditions imposed by or under this Act or any other law, have power to acquire, by purchase, gift or otherwise, to hold, administer and transfer property, both movable and immovable, and to enter into any contract and shall, by the said name, sue and be sued.

(3) The State Government may, at any time, after one month's notice published in the prescribed manner either on its own motion or at the request of the Panchayat or of the residents of the Panchayat Circle, and by notification in the Official Gazette, change the name [1][or place of office] of any such Panchayat.

10. Establishment of Panchayat Samiti.- (1) The State Government may, by notification in the Official Gazette, declare any local area within the same district to be a block and for every block declared as such there shall be a Panchayat Samiti having jurisdiction, save as otherwise provided in this Act, over the entire block excluding such portions of the block as are included in a municipality or a cantonment board constituted under any law for the time being in force.

Provided that a Panchayat Samiti may have its office in any area comprised within the excluded portion of the Panchayat Samiti.

(2) Every Panchayat Samiti shall, by the name notified in the Official Gazette, be a body corporate having perpetual succession and common seal and shall, subject to any restrictions and conditions imposed by or under this Act or any other law, have power to acquire, by purchase, gift or otherwise, to hold, administer and transfer property, both movable and immovable, and to enter into any contract and shall, by the said name, sue and be sued.

(3) The State Government may, at any time, after one month's notice published in the prescribed manner either on its own motion or at the request of the Panchayat Samiti or of the residents of any area within the block of the Panchayat Samiti, and by notification in the name [1][or place of office] of any such Panchayat Samiti.

11. Establishment of Zila Parishad.- (1) For every district, there shall be a Zila Parishad having jurisdiction, save as otherwise provided in this Act, over the entire district excluding such portions of the district as are included in a municipality or a cantonment board constituted under any law for the time being in force:

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1. Inserted by Sec. 11 of Rajasthan Act 9 of 2000, w.e.f. 6.1.2000.

Provided that a Zila Parishad may have its Office in any area comprised within the excluded portion of the district.

(2) Every Zila Parishad shall bear the name of the District for which it is constituted and shall be a body corporate having perpetual succession and common seal and shall, subject to any restrictions and conditions imposed by or under this Act or any other law, have power to acquire, by purchase, gift or otherwise, to hold, administer and transfer property, both movable and immovable, and to enter into any contract and shall, by the said name, sue and be sued.

12. Composition of a Panchayat.- (1) A Panchayat shall consist of --

(a) a Sarpanch; and

(b)directly elected Panchas from as many wards as are determined under sub-section (2).

[1][(2) The State Government shall, in accordance with such rules as may be framed in this behalf, determine the number of the wards, not being less than five for each Panchayat Circle, and thereupon so divide the Panchayat Circle into single member ward that the population of each ward is, so far as practicable, the same throughout the Panchayat Circle.]

[2][XXX XXX XXX]

13. Composition of a Panchayat Samiti.- (1) A Panchayat Samiti shall consist of--

(a) directly elected members from as many territorial constituencies as are determined under sub-section (2); [3][xxx]

(b) all members of the Legislative Assembly of the State representing constituencies which comprise wholly or partly the Panchayat Samiti area;[4][and]

[5][(c)] chairpersons of all the Panchayats falling within the Panchayat Samiti]

Provided that the members referred to in [4][clause (b) and (c)] shall have a right to vote in all meetings of the Panchayat Samiti except those for election and removal of the Pradhan or Up-pradhan.

[6][(2) The State Government shall, in a accordance with such rules as may be framed in this behalf, determine the number of territorial constituencies not being less than fifteen, for each Zila Parishad area and thereupon so divide such area into single member territorial constituencies that the population of each territorial constituency is, so far as practicable, the same throughout the Panchayat Samiti area.]

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1. Subs. by Notification No.F-2(26)/Vidhi/2/2009 dated 11.9.2009 published in Rajasthan Gazette Extraordinary, Part 4 (Ka) dated 11.9.2009 with immediate effect (Raj. Act. No. 17 of 2009).
2. Proviso deleted by Notification No.F-4(1)/Vidhi/2/2000 dated 6.1.2000 (Ordinance No.2 of 2000) published in Rajasthan Government Gazette Extraordinary, Part 4 (Kha) dated 6.1.2000 with immediate effect (= Raj. Act. No. 9 of 2000).
3. Word "and" deleted by Cl.(i) of Sec.2 of the Raj. Panchayati Raj (Amendment) Act, 1999 (Act No.15 of 1999), published in Raj. Gazette, E.O., Part IV(A) dated 30.9.1999 (w.e.f. 28.5.1999).
4. Substituted by Cl.(ii) and (iv), of Sec.2, ibid.
5. Inserted by cl. (iii) of s.2, ibid.
6. Subs. by Notification No.F-2(26)/Vidhi/2/2009 dated 11.9.2009 published in Rajasthan Gazette Extraordinary, Part 4 (Ka) dated 11.9.2009 with immediate effect (Raj. Act. No. 17 of 2009).

14. Composition of a Zila Parishad.- (1) A Zila Parishad shall consist of-

(a) directly elected members from as many territorial constituencies as are determined under sub-section (2);

(b) all members of the Lok Sabha and of the State Legislative Assembly representing constituencies which comprise wholly or partly the Zila Parishad area; [1][xxx]

(c) all members of the Rajya Sabha registered as electors within the Zila Parishad area:[2][;xxx]

[3][(d) chairpersons of all Panchayat Samities falling within the Zila Parishad area;]

Provided that the members referred to in [2][clauses (b), (c) and (d)] shall have a right to vote in all meeting of the Zila Parishad except those for election and removal of the Pramukh or the Up-pramukh.

[4][(2) The State Government shall, in accordance with such rules as may be framed in this behalf, determine the number of territorial constituencies, not being less than seventeen, for each Zila Parishad area and thereupon so divide such area into single member territorial constituencies that the population of each territorial constituency is, so far as practicable, the same throughout the Zila Parishad area.]

15. Reservation of seats :- [5][(1) Seats to be filled by direct election in a Panchayati Raj Institution shall be reserved for --

(a) the Scheduled Castes;
(b) the Scheduled Tribes; and
(c) the Backward Classes,

as also for women in accordance with the provisions contained in the succeeding sub-sections.

(2) The number of seats reserved for the Scheduled Castes and the Scheduled Tribes, shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in a Panchayati Raj Institution as the population of such Castes or, as the case may be, such Tribes in that Panchayati Raj Institution area bears to the total population of the area.

(3) Such percentage, not exceeding [6][twenty one], of seats in a Panchayati Raj Institution at each level shall be reserved for Backward Classes as the percentage of the combined rural population of Scheduled Castes and Scheduled Tribes in the concerned district in relation to the total rural population of the district falls short of fifty.

Provided that at least one seat shall be reserved in each Panchayati Raj Institution at each level for Backward Classes where the combined rural population of Scheduled Castes and Scheduled Tribes in the concerned district does not exceed seventy percent of the total rural population of the district.

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1. Deleted by cl. (i) of s.3 of the Raj Panchayati Raj (Amendment) Act, 1999 (Act No. 15 of 1999) published in Raj Gazette, E.O., Part IV(A) dated 30.9.99 (w.e.f. 28.5.99).
2. Subs. by cl. (ii) and (iv) of s.3, ibid.
3. Inserted by cl. (iii) of s.3, ibid.
4. Subs. by Notification No.F-2(26)/Vidhi/2/2009 dated 11.9.2009 published in Rajasthan Gazette Extraordinary, Part 4 (Ka) dated 11.9.2009 with immediate effect (Raj. Act. No. 17 of 2009)
5. Subs. by clause (a) of section 3 of the Rajasthan Panchayati Raj (Amendment) Act, 1994 (Act No. 23 of 1994) published in Rajasthan Gazette, E.O., Part IV (A) dated 6-10-94 for the existing sub-section (1) of Section 15 (w.e.f. 26-7-94).
6. Subs. by s.3 of the Raj Panchayati Raj (2nd Amendment) Ordinance, 1999, published in Raj. Gazette, E.O. Part IV (B) dated 25.10.99. for word "fifteen".

(4) Seats reserved in accordance with the provisions contained in the preceding sub-sections may be allotted by rotation to different wards or, as the case may be, different constituencies in the concerned Panchayati Raj Institution.;]

[1][(5)] Not less than [2][one-half] of the total number of seats reserved under [3][sub-sections (2) and (3)] shall be reserved for women belonging to the Scheduled Castes, the Scheduled Tribes or, as the case may be, the Backward Classes.]

[4][(6)] Not less than [2][one-half] (including the number of seats reserved for women belonging to the Scheduled Castes, the Scheduled Tribes and the Backward Classes) of the total number of seats to be filled by direct election in every Panchayati Raj Institution shall be reserved for women and such seats may be allotted by rotation to different wards or, as the case may be, constituencies in the concerned Panchayati Raj Institution in such manner as may be prescribed.

[5][**16. Reservation of the offices of Chairpersons.-** (1) The offices of the Sarpanchas, the Pradhans and the Pramukhs shall be reserved for -

(a) the Scheduled Caste
(b) the Scheduled Tribes and
(c) the Backward Classes,

as also for women in accordance with the provisions contained in the succeeding sub-sections;

(2) The number of each of such offices reserved for the Scheduled Castes and the Scheduled Tribes shall bear, as nearly as may be, the same proportion to the total number of each of such offices in the State as the population of such Castes or, as the case may be, such Tribes in the State bears to the total population of the State.

(3) Such percentage, not exceeding [6][twenty one] of offices of Sarpanch or Pradhan in a Panchayat Samiti or Zila Parishad, as the case may be, shall be reserved for Backward Classes, as the percentage of the combined population of Scheduled Castes and Scheduled Tribes in the Panchayat Samiti or Zila Parishad area in relation to the population of such Panchayat Samiti or Zila Parishad area, as the case may be, falls short of fifty.

Provided that at least one office of Sarpanch or Pradhan in a Panchayat Samiti or Zila Parishad shall be reserved for Backward Classes where the combined population of Scheduled Castes and Scheduled Tribes in the Panchayat Samiti or Zila Parishad area, as the case may be, does not exceed seventy percent of the total population of the Panchayat Samiti or Zila Parishad area.

(4) [6][twenty one] percent of the total number of offices of Pramukh in the State shall be reserved for the Backward Classes.

(5) Not less than [2][one-half] of the total number of offices of Sarpanchas, Pradhans and Pramukhs in the State shall be reserved for women.

(6) Offices reserved under this section shall be allotted by rotation to different Panchayats, Panchayat Samities and Zila Parishads in the State in such manner as may be prescribed.

Explanation.- If a fraction forms part of the number of seats computed under section 15 or offices computed under this section, the number of seats or offices, as the case may be, shall be increased to the next higher number in case the fraction consists of half or more of a seat or office and the fraction shall be ignored in case it consists of less than half of a seat or office.]

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1. Renumbered as sub-section (5) instead of existing sub-section (2) by clause (b) of section 3 of the Rajasthan Panchayati Raj (Amendment) Act, 1994 (Act No.23 of 1994) published in Rajasthan Gazette, E.O., Part IV (A) dated 6.10.94 (w.e.f. 26.7.94).
2. Subs. by Raj. Panchayati Raj (2nd Amendment) Act, 2008, published in Raj.Gazette, E.O., Part IV-A dated 11.4.2008.
3. Substituted by clause (c), of section 3, ibid, for the expression "sub-section (1)" (w.e.f. 26.7.94).
4. Renumbered as sub-section (6) by section 3, ibid.(w.e.f. 26.7.94).
5. Substituted by section 4, ibid, for the existing section 16 (w.e.f. 26.7.94).
6. Subs. by s.3 of the Raj. Panchayati Raj (2nd Amendment) Ordinance, 1999, published in Raj. Gazette, E.O., Part IV (B) dated 25.10.99 for word fifteen".

17. Duration of, and election to the Panchayati Raj Institutions.- [1][(1) Every Panchayati Raj Institution, unless sooner dissolved under this Act, shall continue for five years from the date of the first meeting of the respective institutions and no longer.

[2]**[Explanation-** The meeting held for the election of Chairperson of a Zila Parishad or Panchayat Samiti or, as the case may be, of up-Sarpanch of a Panchayat shall be deemed to be the first meeting of the respective Panchayati Raj Institution.]

(2) The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the Panchayati Raj Institutions shall be vested in the State Election Commission.

(3) The election to constitute a Panchayati Raj Institution shall be completed -

(a) before the expiration of its duration specified in sub-section (1); and
(b) in the case of dissolution, before the expiration of a period of six months from the date of its dissolution:

Provided that where the remainder of the period for which the dissolved Panchayati Raj Institution would have continued is less than six months, it shall not be necessary to hold any election under this clause for constituting the Panchayati Raj Institution for such period.

(4) A Panchayati Raj Institution constituted upon its dissolution before the expiration of its duration, shall continue only for the remainder of the period for which it would have continued under sub-section (1) had it not been so dissolved.

(5) The State Government may, from time to time, make provisions by rules with respect to all matters relating to or in connection with the election to the Panchayati Raj Institutions including those in relation to the preparation of electoral rolls, the delimitation of wards or constituencies and all other matters necessary for securing the due constitution of such institutions.

[3]**[18. Electors and electoral rolls**.- (1) For each of the wards or constituencies into which the area of a Panchayati Raj Institution is divided under this Act, there shall be prepared and maintained in the prescribed manner by or under the supervision of the State Election Commission an electoral roll thereof.

(2) Subject to the provisions of Sub-sec. (3) to (6), every person who –

(a) is not less than eighteen years of age on the qualifying date, and
(b) is ordinarily resident in a ward or constituency of the Panchayati Raj Institution concerned.

shall be entitled to be registered in the electoral roll for the ward of constituency.

Explanation- (i) "Qualifying date", in relation to the preparation or revision of every electoral roll under this Act, means the 1st day of January of the year in which it is so prepared or revised.

(ii) A person shall not be deemed to be ordinarily resident in a ward or constituency on the ground only that he owns, or is in possession of, a dwelling house therein.

(iii) A person absenting himself temporarily from his place of ordinary residence shall not, by reason thereof, cease to be ordinarily resident therein.

(iv) A member of Parliament or of the State Legislature shall not, during the term of his office, cease to be ordinarily resident in the ward or constituency in the electoral roll of which he is registered as an elector at the time of his election as such member, by reason only of his absence from that ward or constituency in connection with his duties as such member.

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1. Substituted by Section 16 of the Act No. 9 of 2000, w.e.f. 3.5.2000.
2. Added by Section 16 of the Act No. 9 of 2000. w.e.f. 3.5.2000.
3. Subs. by Sec. 2 of the Raj. Panchayati Raj (Third Amendment) Ordinance, 1999. Notification No.F.4(12)Vidhi/2/99, dated 27.12.99, Pub. in Raj. Gazette, E.O., Part IV-B, dated 27.12.1999. (S.17 of the Raj. Act No. 9 of 2000).

(v) A person who is a patient in any establishment maintained wholly or mainly for the treatment of persons suffering from mental illness or any other illness involving long treatment or who is detained in prison or in legal custody at any other place, or is residing in a hostel for study or is residing in a hotel etc., as a casual visitor shall not, by reason thereof, be deemed to be ordinarily resident therein.

(vi) If in any case a question arises as to where a person is ordinarily resident at any relevant time, the question shall be determined with reference to all the relevant facts of the case and in accordance with such rules as may be made in this behalf.

(3) A person shall be disqualified for registration in the electoral rull for the ward or constituency if he-

(a) is not a citizen of India; or
(b) is of unsound mind and stands so declared by a competent Court; or
(c) is for the time being disqualified from voting under the provisions of any law relating to corrupt practices and other offences in connection with elections.

(4) The name of any person, who becomes so disqualified after registration, shall forthwith be struck off the electoral roll prepared under this Act :

Provided that the name of any person struck off the electoral roll of a ward or constituency by reason of a disqualification under Clauses (c) of Sub-sec. (3) shall forthwith be re-entered in that roll, if such disqualification is, during the period such roll is in force, removed under any law authorizing such removal.

(5) No person shall be entitled to be registered in the electoral roll for more than one ward or constituency of any Panchayati Raj Institution in the State.

(6) No person shall be entitled to be registered in the electoral roll of a ward or constituency more than once.]

[1][**18-A**. **Making false declaration**.- If any person makes in connection with -

(a) the preparation, revision or correction of an electoral roll, or
(b) the inclusion or exclusion of any entry in or from an electoral roll, a statement or declaration in writing which is false and which he either knows or believes to be false or does not believe to be true, he shall be punishable, with imprisonment for a term which may extend to one year, or with fine, or with both.

18-B. Breach of official duty in connection with the preparation etc., of electoral rolls.- (1) If any Electoral Registration Officer or other person required by or under this Act to perform any official duty in connection with the preparation, revision or correction of an electoral roll or the inclusion or exclusion of any entry in or from that roll, is without reasonable cause guilty of any act or omission in breach of such official duty, he shall be punishable [2][with imprisonment for a term which shall not be less than three months but which may extend to two years and with fine.]

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

(3) No Court shall take cognizance of any offence punishable under sub-section (1) unless there is a complaint made by order of, or under authority from the State Election Commission or the Chief Electoral Officer or the Collector concerned.]

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1. Inserted by Section 2 of the Rajasthan Panchayati Raj (Amendment) Act, 1995 (Act No. 7 of 1995) published in Rajasthan Gazette, E.O., Part IV-A dated 26.4.95 as new sections 18-A and 18-B after section 18 (w.e.f. 28.12.1994).
2. Subs. by Sec.4 by Rajasthan Panchayati Raj (Third Amendment) Ordinance, 1999. Notification No.F.4(12)Vidhi/2/99, dated 27.12.1999, Pub. in Raj. Gazette, E.O., Part VI-B, dated 27.12.1999 (S.18 of Rajasthan Act No. 9 of 2000).

[1]**18-C. Right to vote.-** (1) Except as expressly provided by this Act, every person, who is registered in the electoral roll of any ward or constituency of a Panchayati Raj Institution, shall be entitled to vote in that ward or constituency.

(2) No person shall vote at an election in any ward or constituency if he is subject to any of the disqualifications referred to in Sub-sec. (3) of Sec.18.

(3) No person shall at any election vote in more than one ward or constituency and if a person votes in more than one ward or constituency, his votes in all the wards or constituencies shall be deemed to be void.

Explanation- Election for Panch or Sarpanch or member of a Panchayat Samiti or member of a Zila Parishad, when held simultaneously, shall be deemed as separate elections.

(4) No person shall at any election vote in the same ward or constituency more than once, notwithstanding that his name may have been registered in the electoral roll thereof more than once, and, if he does so vote, all his votes shall be deemed to be void.

(5) No person shall vote at any election under this Act if he is confined in a prison whether under a sentence or otherwise, or is in the lawful custody of the police.]

19. Qualifications for election as a Panch or a member.- Every person registered as a voter in the list of voters of a Panchayati Raj Institution shall be qualified for election as a Panch or, as the case may be, a member of such Panchayati Raj Institution unless such person-

(a) is disqualified by or under any law for the time being in force for the purposes of election to the Legislature of the State of Rajasthan:

Provided that no person shall be disqualified on the ground that he is less than 25 years of age if he has attained the age of 21 years;

[2][(aa) is found guilty of a corrupt practice by order of a competent Court, consequent upon an election petition filed under and in accordance with the provisions of this Act or rules made theeunder.]

(b) holds a salaried whole-time or part-time appointment under a local authority [3][,a university or any corporation, body, Enterprises or Co-operative Society, which is either controlled or wholly or partly financed by the State Government];

(c) has been dismissed from State Government service for misconduct involving moral turpitude and has been declared to be disqualified for employment in the public service;

(d) hold any salaried post or place of profit under any Panchayati Raj Institution;

(e) has directly or indirectly by himself or by his partner, employer or employees, any share or interest in any contract with, by or on behalf of the Panchayati Raj Institution concerned while owning such share or interest in any work done for;

(f) is a leper or is suffering form any other bodily or mental defect or disease rendering him incapable for work;

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1. Inserted by Sec.2 by Rajasthan Panchayati Raj (Third Amendment) Ordinance, 1999. Notification No.F.4(12)Vidhi/2/99, dated 27.12.1999, Pub. in Raj. Gazette, E.O., Part VI-B, dated 27.12.1999.
2. Inserted by Sec.4 by Rajasthan Panchayati Raj (Third Amendment) Ordinance, 1999. Notification No.F.4(12)Vidhi/2/99, dated 27.12.1999, Pub. in Raj. Gazette, E.O., Part VI-B, dated 27.12.1999.
3. Subs. by Cl. (ii) of S.5, ibid.

[1][(g) has been convicted of any offence by a competent Court and sentenced to imprisonment for six months or more, such sentence not having been subsequently reversed or remitted or the offender pardoned;]

[2][(gg) is under trial in the competent Court which has taken cognizance of the offence and framed the charges against him of any offence punishable with imprisonment for five years or more;]

(h) is for the time being ineligible for election under section 38;

(i) has not paid, for two months from the date of the presentation of the notice of demand therefor, the amount of any tax or fees imposed by the Panchayati Raj Institution concerned;

(j) is employed as a legal practitioner on behalf of or against the Panchayati Raj Institution concerned;

(k) has been convicted of an offence punishable under the Rajasthan Prevention of Mrityu Bhoj Act, 1960; [3][XXX]

(l) has more than two children [4][; and]

[5][(m) earlier having been a Chairperson/Deputy Chairperson of any Panchayati Raj Institution has not paid dues even after the expiry of a period of two months from the date of notice, for depositing the dues of the Panchayati Raj Institution, was duly served upon such Chairperson/Deputy Chairperson and his name is included in the list of such defaulters supplied by the State Government to the Collector (Panchayats) at least two months before the issue of notification for election to such Panchayati Raj Institution;]

[6][(n) in case of a seat reserved for the Scheduled Castes or Scheduled Tribes or Backward Classeses of the State, is not a member of any of those Castes, or Tribes or classes, as the case may be,

(o) In case of a seat reserved for the women, is not a woman;

(p) in case of a seat reserved for women belonging to Scheduled Caste or Scheduled Tribe or Backward Classes, is not a member of any of these Castes or Tribes or classes, as the case may be, and is not a woman; and

[7][(q) does not have a functional sanitary toilet in the house and any of his family members defecate in the open;]

[8][(r) in case of a member of a Zila Parishad or a Panchayat Samiti, has not passed secondary school examination of the Board of Secondary Education, Rajasthan or of an equivalent Board;

(s) in case of a Sarpanch of a Panchayat in a Scheduled Area, has not passed class V from a School; and

(t) in case of a Sarpanch of a Panchayat other than in a Scheduled Area, has not Passed class VIII from a School: and

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1. Subs. by Clause (iii) of Sec.5 of the Raj. Panchayati Raj (Third Amendment) Ordinance, 1999. Notification No.F-4(12)Vidhi/2/99 dated 27.12.99, Pub. in Raj. Gazette, E.O., Part IV-B, dated 27.12.1999.
2. Inserted by Clause (iv) of Sec.5, ibid.
3. Deleted by Notification No. F.4(1)Vidhi/2/2000 dt. 6.1.2000 (Ordinance No. 2 of 2000), published in Rajasthan Government Gazette, Extraordinary, Part 4(Kha) dated 6.1.2000 with immediate effect.
4. Substituted by Notification No.F.4(1)Vidhi/2/2000 dated 6.1.2000 (Ordinance No.2 of 2000), published in Rajasthan Government Gazette, Extraordinary, Part 4(Kha) dated 6.1.2000 with immediate effect.
5. Inserted by Notification No. F.4(1)Vidhi/2/2000 dt. 6.1.2000 (Ordinance No. 2 of 2000), published in Rajasthan Government Gazette, Extraordinary, Part 4(Kha) dated 6.1.2000 with immediate effect.
6. Added vide Section 20 of the Act No.9 of 2000.
7. Inserted by Notification No. F.4(1)Vidhi/2/2014 dt. 8.12.2014 (Ordinance No. 1 of 2014).
8. Inserted by Notification No. F.4(3)Vidhi/2/2014 dt. 20.12.2014 (Ordinance No. 2 of 2014).

Provided that-

(i) a person shall not, by reason only of his being a share-holder in or a member of any incorporated company or a co-operative society registered under the law for the time being in force in the State of Rajasthan, be held to be interested in any contract entered between the company or co-operative society and the Panchayati Raj Institution;

[1][(ia) for the purpose of Clause (aa), a person shall be deemed to be disqualified for a period of six years from the date of order referred to in Clause (aa);]

[2][(ii) for the purpose of clauses (c), (g) and (k) any person shall become eligible for election after a lapse of six years from the date of his dismissal or the date of conviction, as the case may be;]

(iii) for the purpose of clause (i), a person shall not be deemed to be disqualified if he has paid the amount of the tax or fee due from him before the date of filling his nomination papers;

[3][(iv) the birth during the period from the date of commencement of the Act, hereinafter in this proviso referred to as the date of such commencement, to 27th November, 1995, of an additional child shall not be taken into consideration for the purpose of the disqualification mentioned in clause (1) and a person having more than two children (excluding the child if any, born during the period form the date of such commencement to 27th November, 1995) shall not be disqualified under that clause for so long as the number of children he had on the date of commencement of this Act does not increase[4][;]

[5][(v) for the purpose of Clause (m), a Chairperson/Deputy Chairperson shall not be deemed to be disqualified if he pays the amount due from him before filling his nomination papers.]

Explanation-I For the purpose of clause (1) of section 19, where the person has only one child from the earlier delivery or deliveries on the date of commencement of this Act and thereafter, any number of children born out of a single subsequent delivery shall be deemed to be one entity.

[7][Explanation-II For the purpose of the clause (q) of this section-(i) "sanitary toilet" means a water sealed toilet system or setup surrounded by three walls, a door and a roof; and
(ii) "family members" means spouse of such person, children and his parents living with such person.]

[8][Explanation-III For the purpose of the clauses (s) and (t) of this section- (i) "Scheduled Area" means the Scheduled Area as referred to in clause (1) of article 244 of the Constitution of India; and
(ii) the word "School" shall have the same meaning as assigned to it in clause (n) of section 2 of the Right of Children to Free and Compulsory Education Act, 2009 (Central Act No. 35 of 2009)".]

[6]**[19A. Special Qualification for election on certain seats.-** Notwithstanding anything to the contrary contained in section 19 or any other provision of this Act or of any other law for the time being in force, a person shall not be eligible for election on such seats in a Panchayati Raj Institution, as may be determined by the State Government in the prescribed manner, unless he or she is within the age group of twenty one years to thirty five years and is otherwise eligible for election of such seats:
Provided that-

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1. Inserted by Clause (v) of Sec.5, of the Raj. Panchayati Raj (Third Amendment) Ordinance, 1999. Pub. in Raj. Gazette, E.O., Part IV-B, dated 27.12.99.
2. Subs. by Clause (vi) of Sec. 5, ibid.
3. Substituted by Sec.3 of the Raj. Panchayati Raj (Amendment) Act, 1995 (Act No. 7 of 1995) published in Rajasthan Gazette, E.O., Part IV-A dated 26.4.1995 for the existing proviso (iv) of Sec. 19 (w.e.f. 23.4.1994).
4. Substituted by Notification No. F.4(1)Vidhi/2/2000, dated 6.1.2000 (Ordinance No.2 of 2000), published in Rajasthan Government Gazette, Extraordinary, Part 4 (Kha) dated 6.1.2000 with immediate effect.
5. Inserted by Notification No. F.4(1)Vidhi/2/2000, dated 6.1.2000 (Ordinance No.2 of 2000), published in Rajasthan Government Gazette, Extraordinary, Part 4 (Kha) dated 6.1.2000 with immediate effect.
6. Inserted by Notification No. F.4(4)Vidhi/2/2009, dated 14.10.2009 (Ordinance No.6 of 2009), published in Rajasthan Government Gazette, Extraordinary, Part 4 (Kha) dated 14.10.2009 with immediate effect.
7. Inserted by Notification No. F.4(1)Vidhi/2/2014 dt. 8.12.2014 (Ordinance No. 1 of 2014).
8. Inserted by Notification No. F.4(3)Vidhi/2/2014 dt. 20.12.2014 (Ordinance No. 2 of 2014).

(i) not more than two seats each from the seats reserved for the Seheduled Castes, Scheduled Tribes, Backward Classes or women in a Panchayati Raj Institution shall be determined under this section;

(ii) where number of seats reserved in a Panchayati Raj Institution for any of the Scheduled Castes, Scheduled Tribes, Backward Classes or women is three or less than three, only one seat from such Castes, Tribes, Classes or, as the case may be, women shall be determined under this section;

(iii) where number of unreserved seats in a Panchayati Raj Institution is five or less than five, only one from such seats shall be determined under this section; and

(iv) where the number of unreserved seats in a Panchayati Raj Institution is more than five, one seat out of each block of five such seats shall be determined under this section and any fraction of less than five seats shall be ignored.]

[1][[2]**[19B]. Restriction on contesting election for more than one seat in a Panchayati Raj Institution.-** (1) Notwithstanding anything contained in any other provisions of this Act, a person shall not be entitled to contest election,-

(a) for more than one ward, in case of election of a Panch;

(b) for the seat of Panch in that Panchayat if he contests election as a Sarpanch;

(c) for more than one constituency of a Panchayat samiti, in case of election of a member of that Panchayat Samiti;

(d) for more than one constituency of a Zila Parishad, in a case of election of member of that Zila Parishad;

(2) Every person who may have filed his nomination for seats to a Panchayati Raj Institution for more than one ward or constituency, as tha case may be, in contravention of Sub-sec. (1), shall withdraw his candidature from all but one of the seats by a notice in writing which shall contain such particulars as may be prescribed and deliver the same before the time and date fixed for withdrawal of nomination:

Provided that if a person fails to withdraw his candidature as specified above, he shall be deemed to have withdrawn his candidature from all the seats to which he may have filed his nomination.]

20. Restriction on simultaneous or double membership of a Panchayati Raj Institution.- (1) No person shall, save as expressly authorised by this Act, be a member of two or more Panchayati Raj Institutions.

(2) Where a person while being a member of one Panchayati Raj Institution, intends to contest as a candidate for membership of another Panchayati Raj Institution, he may stand as a candidate for such membership notwithstanding anything contained in sub-section (1):

Provided that if he is chosen for the seat for which he contested a candidate, the seat already held by him shall become vacant on the date on which he is so chosen unless the seat so held is in another Panchayati Raj Institution and the term of that Panchayati Raj Institution is to expire within a period of four months from the date on which he is so chosen.

(3) If any person is simultaneously chosen as a member of two or more Panchayati Raj Institutions, the person shall, within fourteen days from the date or the latter of the dates on which he is so chosen, intimate to the competent authority, one of the Panchayati Raj Institutions in which he wishes to serve and thereupon his seat in the Panchayati Raj Institution other than the one in which he wishes to serve, shall become vacant.

(4) Any intimation given under sub-section (3) shall be final and irrevocable.

(5) In default of intimation referred to in sub-section (3) within the aforesaid period, the competent authority shall determine the seat which he shall retain and thereupon the remaining seat from which he was chosen, shall become vacant.

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1. Inserted by Clause (v) of Sec.5, of the Rajasthan Panchayati Raj (Third Amendment) Ordinance, 1999. Notification No. F.4(12)Vidhi/2/99 dated 27.12.99, Pub. in Raj. Gazette, E.O., Part IV-B, Dated 27.12.99 (by S.21 of the Act No. 9 of 2000).
2. Renumbered by Notification No. F.4(4)Vidhi/2/2009, dated 14.10.2009 (Ordinance No.6 of 2009), published in Rajasthan Government Gazette, Extraordinary, Part 4 (Kha) dated 14.10.2009

21. Restriction on simultaneous holding of the office of a [1][Chairperson, Deputy Chairperson ormember] in a Panchayati Raj Institution and the membership of Parliament or a State Legislature, etc.- No. person shall remain both the [1][Chairperson, Deputy Chairperson ormember] of a Panchayati Raj Institution and a member of Parliament or a State Legislature or a Municipal Board or a Municipal Council or a Municipal Corporation and if a person who is already a member of Parliament or a State Legislature or a member of a Municipal Board or a Municipal Council or a Municipal Corporation is elected as such [1][Chairperson, Deputy Chairperson ormember], then, at the expiration of fourteen days from the date of being elected as such [1][Chairperson, Deputy Chairperson ormember], he shall cease to be such [1][Chairperson, Deputy Chairperson ormember], unless he has previously resigned his seat in the Parliament or the State Legislature or Municipal Board or the Municipal Council or the Municipal Corporation, as the case may be:

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1. Subs. by Sec.7 of the Panchayati Raj (Third Amendment) Ordinance, 1999. Pub. in Raj. Gazette, E.O., Part IV-B, dated 27.12.99 (by S.22 of the Act No. 9 of 2000).

Provided that if a person, who is already the [1][Chairperson, Deputy Chairperson ormember], of a Panchayati Raj Institution, is elected as a member of Parliament or the State Legislature or a Municipal Board or a Municipal Council or a Municipal Corporation, then, at the expiration of fourteen days from the date of being elected as a member of Parliament or the State Legislature or a Municipal Board or a Municipal Council or a Municipal Corporation, as the case may be, he shall cease to be such [1][Chairperson, Deputy Chairperson or member], unless he has previously resigned his seat in the Parliament or the State Legislature or the Municipal Board or the Municipal Council or the Municipal Corporation, as the case may be.

22. Electoral offences.- The provisions of sections [2][125], 126, 127, 127-A, 128, 129, 130, 131, 132, [3][132-A], 133, 134, 134-A, [4][134-B, 135, 135-A, 135-B, 135-C and 136] of the Representation of the People Act, 1951 (Central Act XLIII of 1951) shall have effect as if-

(a) references therein to an election were references to an election under this Act;

(b) references therein to a constituency included references to a ward or a constituency of a Panchayati Raj Institution; and

(c) in section 134 and 136 thereof, for the words "by or under this Act", the words and figures "by or under the Rajasthan Panchayati Raj Act, 1994" were substituted.

[5][(d) in Sub-sec. (1) of Sec. 135-B, for the words "House of the People or the Legislative Assembly of a State", the words "Panchayati Raj Institution" were substituted.]

[6]**[22.A Restriction on use of vehicles, loud-speakers etc.-** (1) The State Election Commission may impose reasonable restrictions on the use of vehicles or loud speakers or on displaying of cut-outs, hoardings, posters and banners by any candidate or his duly authorised election agent during the period of election commencing from the date of publication of notification for election to the Panchayati Raj Institution and ending on the date on which the whole process of election is completed.

(2) If any candidate or his duly authorised election agent contravenes any of the restrictions imposed by the State Election Commission under Sub-sec. (1), he shall, on conviction, be punishable with a fine which may extend to Rs. 2000/-.

(3) Every person punished under Sub-sec. (1) shall, by an order of the Commission, be liable to the disqualified for being chosen as or for being a member of any Panchayati Raj Institution for a period which may extend to six years from the date of such order :

Provided that State Election Commission may by a subsequent order, for reasons to be recorded, remove any disqualification under this section or reduce the period of any such disqualification.

(4) No Court shall take cognizance of an offence referred to in Sub-sec. (2) except on the complaint made by an officer authorised in this behalf by any general or special order, by the State Election Commission.]

23. Publication of election results.- The names of persons, whether elected as members of a Panchayati Raj Institution or as Chairpersons or Deputy Chairpersons of such Institutions shall be published in the prescribed manner.

24. Oath or affirmation.- Every member or Chairperson or Deputy Chairperson of a Panchayati Raj Institution shall, before entering upon his duties as such, make and subscribe before the competent authority an oath or affirmation in the prescribed form.

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1. Subs. by Sec.7 of the Raj. Panchayati Raj (Third Amendment) Ordinance, 1999. Pub. in Raj. Gazette E.O. Part IV-B, dated 27.12.99 (by S.22 of the Act No. 9 of 2000).
2. Inserted by Sec.4 of the Rajasthan Panchayati Raj (Amendment) Act, 1995 (Act No.7 of 1995), published in rajasthan Gazette, E.O., Part IV-A, dated 26.4.1994 (w.e.f. 28.12.1994).
3. Inserted by Clause (a) of Sec.8 of Raj. Panchayati Raj (Third Amendment) Ordinance, 1999. Pub. in Raj. Gazette, E.O., Part IV-B, dated 27.12.1999.
4. Subs. by Clause (b) of Sec. 8, ibid.
5. Inserted by Clause (c) of Sec.8, ibid
6. Inserted by Sec. 24 of the Amendment Act No. 9 of 2000.

25. Handing over of charge.- (1) Whenever the election of a member or Chairperson or Deputy Chairperson of a Panchayati Raj Institution has been declared to be void, or whenever such member or Chairperson or Deputy Chairperson-

(i) is not found qualified or becomes disqualified under section 19 to hold his office, or
(ii) ceases to be so under the provisions of this Act, or

(i) is not found qualified or becomes disqualified under section 19 to hold his office, or

(ii) ceases to be so under the provisions of this Act, or

(iii) fails to make the prescribed oath or affirmation in accordance with the provisions of this Act, or

(iv) is removed from office or is suspended under section 38, or
(v) resigns his office under section 36, or

Whenever a motion of no-confidence is passed against the Chairperson or the Deputy Chairperson of a Panchayati Raj Institution under section 37; or

Whenever the term of office of a Panchayati Raj Institution expires or the election of all the members of a Panchayati Raj Institution with or without the Chairperson has been declared void, or such election or the proceedings subsequent thereto have been stayed by an order of a competent court; or

Whenever a Panchayati Raj Institution is dissolved under this Act,

Such member or Chairperson or Deputy Chairperson or all or any of them shall forthwith handover charge in the prescribed manner of his or their office including all papers and properties pertaining to such office in his or their actual possession or occupation -

(a) in the case of a member, to the Chairperson of the Panchayati Raj Institution concerned;

(b) in the case of a Chairperson, to the Deputy Chairperson of such Panchayati Raj Institution or, where there is no such Deputy Chairperson, to such member of such Panchayati Raj Institution or other person as the competent authority may direct [1][:]
[2][Provided that charge of office of any Chairperson who was elected to an office reserved for the persons belonging to Scheduled Castes or the Scheduled Tribes or the Backeard Classes or for Women, shall be handed over as per directions of the Competent Authority, to a member, if any, of the said Castes, Tribes or Classes or a Woman member, as the case may be, in the manner as may be prescribed and where there is no such member belonging to said Castes, Tribes, Classes or a Woman member to whom charge can be given as aforesaid, the charge shall be handed over in the manner as may be prescribed, to any member not belonging to the aforesaid categories.]

(c) in the case of a Deputy Chairperson, to the Chairperson of the Panchayati Raj Institution concerned or, where there is no such Chairperson, to such member of such Panchayati Raj Institution or other person as the competent authority may direct;

(d) in the case of a Panchayati Raj Institution of which the term of office has expired, to such new Panchayati Raj Institution as has been constituted; and

(e) in the case of a Panchayati Raj Institution dissolved under this Act, to the Administrator appointed under section 95.

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1. Subs. by Notification No.F.4(1)/Vidhi/2/2000 dated 6.1.2000 (Ordinance No. 2 of 2000) published in Rajasthan Government Gazette, Extraordinary, Part 4 (Kha), dated 6.1.2000 with immediate effect.
2. Proviso added by Notification No.F.4(1)/Vidhi/2/2000, (Ordinance No. 2 of 2000) published in Rajasthan Government Gazette, Extraordinary, Part 4 (Kha), dated 6.1.2000 with immediate effect. (Act No. 9 of 2000).

(2) Upon the election or appointment of a new member or Chairperson or Deputy Chairperson or upon the constitution of a new Panchayati Raj Institution, and after the oath or affirmation of office required by this Act has been duly made, the person holding, on the date on which such oath or affirmation is made, charge of the office of such member or Chairperson or Deputy Chairperson or the Panchayati Raj Institution shall in pursuance of sub-section (1), forthwith handover to the person so elected or to the Panchayati Raj Institution so constituted, as the case may be, the charge of office including all papers and properties pertaining to such office in his actual possession or occupation.

(3) If any person fails or refuses to handover charge of office as required under sub-section (1) or sub-section (2), the competent authority may, by order in writing, direct the person so failing or refusing to hand over such charge forthwith to the person or persons entitled thereto under sub-section (1) or sub-section (2), as the case may be.

(4) If the person to whom a direction has been issued under sub-section (3) fails to comply with the direction, he shall, on conviction, be punished with imprisonment for a term not exceeding one year or with fine not exceeding one thousand rupees or with both.

(5) Any officer empowered by the competent authority in this behalf may, without prejudice to any action that has been or may be taken under sub-section (4) use such force as may be deemed necessary for enforcing the provisions of sub-sections (1) and (2) and may for that purpose invoke in the prescribed manner the assistance of the police or the nearest Magistrate competent to do so.

26. Sarpanch and his election.- (1) Every Panchayat shall have a Sarpanch who must be a person qualified to be elected as a Panch and shall be elected by the electors of the whole Panchayat Circle in the prescribed manner.

(2) If the electors of a Panchayat Circle fail to elect Sarpanch in accordance with this section or if the Panchas fail to elect an Up-Sarpanch, the State Government shall appoint a person to the vacancy till vacancy is filled up by election within a period of six months and the person so appointed shall be deemed to be a duly elected Sarpanch or Up-Sarpanch, as the case may be.

27. Procedure for election of Up-Sarpanch on the establishment of a Panchayat.- (1) Every Panchayat shall have an Up-Sarpanch.

(2) On the establishment of a Panchayat for the first time under this Act, or on its reconstitution or establishment thereafter, a meeting of the Panchayat shall be called immediately by the competent authority who shall himself preside over the meeting, but shall have no right to vote, and in such meeting the Up-Sarpanch shall be elected.

28. Election of Pradhan and Up-Pradhan.- (1) The elected members of the Panchayat Samiti shall, as soon as may be, choose two members from amongst themselves to be respectively the Pradhan and Up-Pradhan thereof, and so often as there is a casual vacancy in the office of Pradhan or Up-Pradhan, they shall choose another member from amongst themselves to be the Pradhan or Up-Pradhan, as the case may be:

Provided that no election shall be held if a vacancy is for a period of less than one month.

(2) The election of Pradhan and Up-Pradhan and the filling up of the vacancies in the said offices shall be in accordance with such rules as may be made.

29. Election of Pramukh and Up-Pramukh.- (1) The elected members of the Zila Parishad shall, as soon as may be, choose two members from amongst themselves to be respectively the Pramukh and Up-Pramukh thereof and so often as there is a casual vacancy in the office of the Pramukh or Up-Pramukh, they shall choose another member from amongst themselves to be the Pramukh or Up-Pramukh, as the case may be:

Provided that no election shall be held if a vacancy is for a period of less than one month.

(2) The election of the Pramukh or the Up-Pramukh of a Zila Parishad and the filling up of vacancies in the said offices shall be in accordance with such rules as may be made.

30. Term of office of members, chairpersons and deputy chairpersons.- Except as otherwise provided in this Act,-

(a) the members and the chairpersons of a Panchayati Raj Institution shall hold office during the term of the concerned Panchayati Raj Institution; and

(b) the deputy chairperson of a Panchayati Raj Institution shall hold office as long as he continues to be a member of the concerned Panchayati Raj Institution.

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36. Resignation of Sarpanch, Up-Sarpanch, Panch, Pradhan, Up-Pradhan, Pramukh, Up-Pramukh and members of Panchayat Samiti or Zila Parishad.- (1) The Sarpanch, Up-Sarpanch or Panch may resign his office by writing under his hand addressed to the Vikas Adhikari.

(2) A member holding office as Pradhan of the Panchayat Samiti may resign his office at any time by writing under his hand addressed to the Pramukh, Zila Parishad and the Up-Pradhan or a member of a Panchayat Samiti may resign his office at any time by writing under his hand addressed to the Pradhan, Panchayat Samiti.

(3) The Pramukh may resign his office by writing under his hand addressed to the Divisional Commissioner, and the Up-Pramukh or a member, Zila Parishad may resign his office by writing under his hand addressed to the Pramukh.

(4) Every resignation under sub-section (1), (2), and (3) shall take effect on the expiry of fifteen days from the date of its receipt by the authority aforesaid unless withdrawn within this period of fifteen days.

(5) Every Up-Sarpanch, Pradhan, Up-Pradhan, Pramukh and Up-Pramukh shall vacate the office if he ceases to be a member of Panchayat or, as the case may be, a Panchayat Samiti or a Zila Parishad.

37. Motion of No-confidence in chairpersons and deputy chairpersons.- (1) A motion expressing want of confidence in the chairperson or deputy chairperson of a Panchayati Raj Institution may be made in accordance with the procedure laid down in the following sub-sections.

(2) A written notice of intention to make the motion in such form as may be prescribed, signed by not less than one-third of the directly elected members of the Panchayati Raj Institution concerned together with a copy of the proposed motion, shall be delivered in person by any one of the members signing the notice to the competent authority.

(3) The competent authority shall thereupon -

(i) forward a copy of the notice, together with a copy of the proposed motion to the Panchayat in the case of a Sarpanch or Up-Sarpanch, to the Panchayat Samiti, in the case of a Pradhan or Up-Pradhan and to the Zila Parishad in the case of a Pramukh or Up-Pramukh;

(ii) convene a meeting for the consideration of the motion at the office of the concerned Panchayati Raj Institution on a date appointed by him which shall not be later than thirty days from the date on which the notice under sub-section (1) was delivered to him; and

(iii) give to the members a notice of not less than [1][seven] clear days of such meeting in such manner as may be prescribed.

Explanation.- In computing the period of thirty days specified in this sub-section, the period during which the convening of a meeting is stayed by a court shall be excluded.

(4) The competent authority shall preside at such meeting:

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1. Subs. by Notification No.F.4(1)/Vidhi/2/2000 dated 6.1.2000 (Ordinance No. 2 of 2000) published in Rajasthan Government Gazette, Extraordinary, Part 4 (Kha), dated 6.1.2000 with immediate effect.

Provided that if, [1][XXX] he is unable to do so, the officer nominated by him shall so preside.

(5) A meeting convened under sub-section (3) shall not be adjourned.

(6) As soon as the meeting convened under this section commences, the presiding officer shall read to the members present, the motion for the consideration of which the meeting has been convened and declare it to be open for debate.

(7) No debate on the motion under this section shall be adjourned.

(8) Such debate shall automatically terminate on the expiration of two hours from the time appointed for the commencement of the meeting, if it is not concluded earlier. On the conclusion of the debate or on the expiration of the said period of two hours, whichever is earlier, the motion shall be put to vote.

(9) The presiding officer shall not speak on the merits of the motion and he shall not be entitled to vote thereon.

(10) A copy of the minutes of the meeting together with a copy of the motion and the result of the voting thereon, shall, on the termination of the meeting be forwarded forthwith by the presiding officer in the case of the chairperson or the deputy chairperson-

(a) of a Panchayat,	to the concerned Panchayat and the Panchayat Samiti having jurisdiction on such Panchayat;
(b) of a Panchayat Samiti,	to the concerned Panchayat Samiti and the Zila Parishad having jurisdiction on such Panchayat Samiti;
(c) of a Zila Parishad,	to the concerned Zila Parishad and the State Government.

(11) If the motion is carried with the support of not less than [2][three-fourth] of the elected members of the concerned Panchayati Raj Institution--

(a) the presiding officer shall cause the fact to be published by affixing a notice thereof on the notice board of the office of the concerned Panchayati Raj Institution and by notifying the same in the Official Gazette, and

(b) the concerned chairperson or the deputy chairperson shall cease to hold office as such and vacate the office on and from the date on which the said notice is affixed on the notice board of the office aforesaid.

(12) If the motion is not carried as aforesaid or if the meeting could not be held for want of a quorum, no notice of any subsequent motion expressing want of confidence in the same chairperson or deputy chairperson shall be made until after the expiration of one year from the date of such meeting.

(13) No notice of motion under this section shall be made within two years of the assumption of office by a chairperson or deputy chairperson.

(14) The quorum to constitute a meeting for the consideration of a no-confidence motion against the chairperson or deputy chairperson shall be one-third of the total number of persons entitled to vote thereat.

38. Removal and suspension.- (1) The State Government may, by order in writing and after giving him an opportunity of being heard and making such enquiry as may be deemed necessary, remove from office any member including a chairperson or a deputy chairperson of a Panchayati Raj Institution, who-

(a) refuses to act or becomes incapable of acting as such; or

(b) is guilty of misconduct in the discharge of duties or any disgraceful conduct:

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1. The expression "For reasons to be recorded in writing" deleted by Sec. 5 of Act No. 9 of 2000
2. Subs. by S.2 of Raj. Panchayati Raj (Amendment) Act, 2007 (Act No. 9 of 2007) (w.e.f. 9.5.2007

Provided that any enquiry under this sub-section may, even after the expiry of the term of the Panchayati Raj Institution concerned be initiated or, if already initiated before such expiry, be continued thereafter and in any such case, the State Government shall, by order in writing, record its findings on the charges levelled.

(2) The chairperson or the deputy chairperson removed under sub-section (1) may at the discretion of the State Government also be removed from the membership, if any of the Panchayati Raj Institution concerned.

(3) The member or the chairperson or the deputy chairperson removed under sub-section (1) or against whom findings have been recorded under the proviso to that sub-section, shall not be eligible for being chosen under this Act for a period of five years from the date of his removal or, as the case may be, the date on which such findings are recorded.

(4) The State Government may suspend any member including a chairperson or a deputy chairperson of a Panchayati Raj Institution against whom an enquiry has been initiated under sub-section (1) or against whom any criminal proceedings in regard to an offence involving moral turpitude is pending trial in a court of law and such person shall stand debarred from taking part in any act or proceeding of the Panchayati Raj Institution concerned while being under such suspension[1][:]

[2][Provided that the State Government may also suspend any Panch on the recommendation of the Ward Sabha or a Sarpanch on the recommendation of the Gram Sabha, but the State Government shall do so only when a resolution to that effect passed by a Ward Sabha, or a Gram Sabha, as the case may be, is referred by the State Government to the Collector for convening a special meeting of the Ward Sabha or the Gram Sabha, as the case may be, for finally ascertaining the wished of the members and the members present in the meeting so convened by the Collector and presided over by his nominee, reaffirm the resolution seeking suspension of the Panch or the Sarpanch, as the case may be, by a majority of two-third of the members present and voting :]

Provided further that no resolution seeking suspension of the Panch or Sarpanch shall be moved or passed before the completion of a tenure of two years by a Panch or a Sarpanch, as the case may be.

(5) The decision of the State Government on any matter arising under this section shall, subject to any order made under section 97, be final and shall not be liable to be questioned in any court of law.

39. Cessation of membership.- (1) [3][A] A member of a Panchayati Raj Institution shall not be eligible to continue to be such member if he -

(a) is or becomes subject to any of the disqualifications specified in section 19; or

(b) has absented himself from three consecutive meetings of the Panchayati Raj Institution concerned without giving information in writing to such Panchayati Raj Institution; or

(c) is removed from the membership; or

(d) resigns from the membership; or

(e) dies; or

(f) fails to make the prescribed oath or affirmation of the office of membership within three months from the date of election or appointment.

(2) Whenever it is made to appear to the competent authority that a member has become ineligible to continue to be a member for any of the reasons specified in sub-section (1), the competent authority may, after giving him an opportunity of being heard, declare him to have become so ineligible and thereupon he shall vacate his office as such member.

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1. Substituted for (.) by Notification No. F.4(1)/Vidhi/2/2000 dated 6.1.2000 (Ordinance No. 2 of 2000) published in Raj. Gazette Extraordinary, Part 4 (Kha) dated 6.1.2000 with immediate effect
2. Proviso Added by Notification No.F.4(1)/Vidhi/2/2000 dated 6.1.2000 (Ordinance No. 2 of 2000) published in Rajasthan Government Gazette Extraordinary, Part 4 (Kha) dated 6.1.2000 with immediate effect (Act No.9 of 2000).
3. Subs. for expression "subject to provision of section 40" by Notification No. F.4(1)/Vidhi/2/2000 dated 6.1.2000 (Ordinance No. 2 of 2000) published in Rajasthan Government Gazette Extraordinary Part 4 (Kha) dated 6.1.2000 with immediate effect.

[1][XXX]

Provided [1][XXX] that until a declaration under this sub-section is made, he shall continue to hold his office.

[2][40. Judge to decide questions of disqualifications[XXX XXX XXX]

[2][41. Vacation of office of chairperson and deputy chairperson [XXX XXX]

42. Filling up vacancies.- The event of the office of a member or chairperson or deputy chairperson of a Panchayati Raj Institution becoming vacant by death, removal, resignation or otherwise under this Act shall be forthwith reported to the State Election Commission. An election to fill the vacancy shal lbe held in such manner as may be prescribed. The foregoing provisions of this Act shall apply to such election and the member or the chairperson or the deputy chairperson so elected shall hold office for the remainder of the term during which the outgoing member or the chairperson or the deputy chairperson would have been entitled to hold office, if the vacancy had not occured:

Provided that it shall not be necessary to fill up the vacancy if the term of such vacancy would expire within six months from the date of the occurrence of the vacancy.

43. Determination of dispute as to elections.- (1) An election under this Act or the rules made thereunder may be called in question by any candidate at such election by presenting in the prescribed manner to the District Judge having jurisdiction a petition in this behalf on the prescribed grounds and within the prescribed period:

Provided that an election petition presented as aforesaid may, for the reasons to be recorded in writing, be transferred by the District Judge for hearing and disposal to a Civil Judge or Additional Civil Judge (Senior Division) subordinate to him.

(2) A petition presented under sub-section (1) shall be heard and disposed of in the prescribed manner and the decision of the Judge thereon shall be final.

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49. An act of the Panchayati Raj Institution not to be invalidated by vacancy or irregularity.- No act of a Panchayati Raj Institution shall be deemed invalid by reason only of any vacancy in the office of the chairperson or deputy chairperson of such Institution or in the number of members prescribed for such Panchayati Raj Institution or by reason of any defect, error, omission or irregularity in the election or appointment of the chairperson or the deputy chairperson or of the members of such Panchayati Raj Institution.

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1. Proviso deleted by Notification No.F.4(1)/Vidhi/2/2000 dated 6.1.2000 (Ordinance No. 2 of 2000) published in Rajasthan Government Gazette Extraordinary, Part 4 (Kha) dated 6.1.2000 with immediate effect (Act No.9 of 2000).
2. Deleted by Notification No.F.4(1)/Vidhi/2/2000 dated 6.1.2000 (Ordinance No. 2 of 2000) published in Rajasthan Government Gazette Extraordinary, Part 4 (Kha) dated 6.1.2000 with immediate effect (Act No.9 of 2000).

CHAPTER IV

Power of the State Government etc.

* * * * *

94. Power of Government to dissolve a Panchayati Raj Institution.- If at any time Government is satisfied that a Panchayati Raj Institution is not competent to perform or persistently makes default in the performance of the duties imposed on it by or under this Act or otherwise by law, or have exceeded or abused its powers, the Government may by an order published, alongwith the reasons thereof, in the Official Gazette, declare the Panchayati Raj Institution to be incompetent or in default or to have exceeded or abused its powers, as the case may be, and may dissolve such Panchayati Raj Institution on and from a date to be specified in the order of dissolution:

Provided that no action shall be taken under this sub-section unless the Panchayati Raj Institution has been afforded a reasonable opportunity of submitting an explanation and of being heard if the Panchayati Raj Institution so desires.

Explanation.- If for any reason the number of vacancies in a Panchayati Raj Institution exceeds two-third of the total number of seats, the Panchayati Raj Institution shall be deemed to be not competent to perform the duties imposed on it by or under this Act.

95. Consequences of dissolution.- (1)When a Panchayati Raj Institution is dissolved under this Act, the following consequences shall ensue:-

(a) all the members of the Panchayati Raj Institution including the chairperson shall, on the date of dissolution vacate their respective offices but without prejudice to their eligibility for re-election or re-appointment;

(b) all powers and duties of the Panchayati Raj Institution shall, during the period of dissolution, be exercised and performed by such administrator as the State Government may appoint in this behalf; and

(c) all property vested in the Panchayati Raj Institution shall, during the period of dissolution, vest in the Government.

(2) If it shall not be possible to reconstitute the Panchayati Raj Institution within the time specified in clause (b) of sub-section (3) of section 17 because of any stay by any competent court or authority on any general election to the Panchayati Raj Institution concerned and the proceedings consequent thereon the consequences specified in clauses (b) and (c) of sub-section (1) shall follow.

(3) An order of dissolution made under section 94 together with a statement of the reasons thereof shall be laid before the House of the State Legislature, as soon as may be, after it has been made.

[1][**95-A. Transitional provision as to Administrators**.- Notwithstanding anything contained in this Act, an Administrator exercising the powers and performing the duties of a Panchayati Raj Institution on the date of coming into force of the Constitution (Seventy-Third Amendment) Act, 1992 shall continue to do so till 31st March, 1995 or till the concerned Panchayati Raj Institution is constituted after the first election held under the provisions of the Act, whichever is earlier.]

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1. Inserted by section 8 of the Rajasthan Panchayati Raj (Amendment) Act, 1994 (Act No. 23 of 1994) published in Rajasthan Gazette, Extra-ordinary, Part IV (A) dated 6.10.94 as a new section (95 A) after section 95 (w.e.f. 23.4.94).

97. Power of revision and review by Government.- (1) The State Government may, either of its own motion or on an application from any person interested, call for and examine the record of a Panchayati Raj Institution or of a Standing Committee or sub-committee thereof in respect of any proceedings to satisfy itself as to the correctness, legality or propriety of any decision or order passed therein or as to the regularity of such proceedings and, if in any case, it appears to the State Government that any such decision or order should be modified, annulled, reversed or remitted for reconsideration, it may pass orders accordingly:

Provided that the State Government shall not pass any order prejudicial to any party unless such party has had a reasonable opportunity of being heard in the matter.

(2) The State Government may stay the execution of any such decision or order prejudicial to any party, pending the exercise of its powers under sub-section (1) in respect thereof.

(3) The State Government may, of its own motion or on an application received from any person interested, at any time, within ninety days of the passing of an order under sub-section (1), review any such order if it was passed by it under any mistake, whether of fact or of law, or in ignorance of any material fact. The provisions contained in the proviso to sub-section (1) and in section (2) shall apply to a proceeding under this sub-section.

[1][**97A. Appeals-** (1) Any person aggrieved by an order or direction of a Panchayati Samiti, made or issued under this Act or under any rule made thereunder may appeal against the order or direction given to Zila Parishad having jursdiction within thirty days from the date of such order or direction and the time taken in obtaining a copy thereof shall be executed in computing the same period.

(2) Any person aggrieved by any order or direction of a Zila Parishad made or issued under this Act or under any rule made thereunder may appeal against the order or direction given to the Divisional Commissioner having jurisdiction within thirty days from the date of such order or direction and the time taken in obtaining a copy thereof shall be excluded in computing the said period.]

98. Delegation of Powers.- The State Government may, by notification in the Official Gazette, delegate -

(a) all or any of its power under this Act to any officer or authority subordinate to it, and

(b) all or any of the powers of the officer-in-charge of Panchayats under this Act to any other officer or authority.

99. Appointment of officers and staff by Government.- For the discharge of such functions in regard to the administration of Panchayats as are provided for in this Act or as may be prescribed thereunder, the State Government may appoint an Officer-in-charge of Panchayats with such designation as it may from time to time notify and such other subordinate officers and staff as the State Government may deem necessary.

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101. Alteration in the limits of a Panchayati Raj Institution.- (1) The State Government may, at any time, after one month's notice published in the prescribed manner either on its own motion or at the request made in this behalf, and by notification in the Official Gazette,-

(a) declare the whole or a part of any local area included within the limits of a municipality to be a Panchayat Circle; or

(b) include in a Panchayat Circle any such local area or a part thereof or, as the case may be, any local area included within the limits of another Panchayat Circle; or

(c) otherwise alter the limits of a Panchayat Circle by amalgamating one Panchayat Circle into another or by splitting up a Panchayat Circle into two or more Panchayat Circles; or

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1. Inserted by Sec. 54 of the Rajasthan Act No. 9 of 2000.

(d) exclude the whole or a part of any local area from a Panchayat Circle, whether on its ceasing to be a rural area or, as the case may be, for its being included within the limits of another Panchayat Circle.

(2) Upon any action being taken under sub-section (1), the State Government shall, notwithstanding anything contained in this Act or any other law for the time being in force, by an order published in the Official Gazette, make provision for the following, namely:-

(a) that, in a case falling under clause (a) of that sub-section, a Panchayat shall be established for the local area declared to be a Panchayat Circle; or

(b) that, in a case falling under clause (b) of that sub-section, the election of the members for the additional local area shall be held; or

(c) that, in a case falling under clause (c) of that sub-section, the existing Panchayats shall stand dissolved and new Panchayats shall be constituted--

in accordance with the provisions of this Act within a period of six months from the appointed day; or

(d) that, in a case falling under clause (d), the Panchayat shall stand dissolved or, as the case may be, the members who, in the opinion of the State Government, represent the local area excluded from the Panchayat Circle shall stand removed:

Provided that for so long as a Panchayat or a new Panchayat is not established under clause (a) or, as the case may be, under clause (c), all power and duties of the Panchayat shall be exercised and performed by such administrator as the State Government may appoint in this behalf:

Provided further that no act of a Panchayat shall be deemed invalid by reason of any vacancy of the members referred to in clause (b).

(3) Upon the exclusion of any local area of a municipality and its declaration as or, as the case may be, inclusion in, a Panchayat Circle under sub-section (1),-

(a) such area shall cease to be a municipality;

(b) the members of the board representing the area of the municipality so declared or included in a Panchayat Circle shall vacate their respective offices but without prejudice to their eligibility for election to the Panchayat to be constituted for such area or, as the case may be, the Panchayat, in the area whereof, such area is included;

(c) the whole of the assets vesting in, and of the liabilities subsisting against, the municipality so declared to be a Panchayat or, in case where only a part of a municipality is included in, or declared to be a Panchayat, such portion of the said assets and liabilities as the State Government may direct, shall devolve upon the Panchayat declared for such area or upon the Panchayat in which such area of the municipality is included;

(d) until new rules, notifications, orders and bye-laws are made or issued under this Act and unless the State Government otherwise directs, all rules, notifications, orders and bye-laws applicable;-

(i) to the Panchayat in which such area is included; and

(ii) where the whole or a parts of a municipality is declared to be a Panchayat, to the area of the Panchayat Samiti which shall, by reason of the concerned area falling in the block of such Panchayat Samiti, have jurisdiction on the area so declared to be a Panchayat,

shall continue to apply to the area so included or declared;

(e) the Panchayat so established by inclusion of any area of a municipality therein or by the declaration of a municipality as a Panchayat shall levy or continue to levy such of the taxes as are lawfully imposed under this Act;

(f) any such area shall cease to be subject to all rules, notifications, orders and bye-laws made under the Rajasthan Municipalities Act, 1959 (Rajasthan Act 38 of 1959); and

(g) the Panchayat in which such area is included or the Panchayat which is declared for such area and the Panchayat Samiti and Zila Parishad respectively of the Block and District, in which the area so included or declared falls, shall exercise jurisdiction over such area and the municipality in which such area was included or, as the case may be, the municipality which was established for such area shall cease to function therein.

(4) When any local area ceases to be a Panchayat and is included within the local limits of the jurisdiction of some other local authority, the Panchayat Fund and other property and rights vesting in the Panchayat shall vest in such other local authority and the liabilities of the Panchayat shall be the liabilities of such other local authority.

(5) When any local area is excluded from a Panchayat Circle and included in another Panchayat Circle, such portion of the Panchayat Fund and other property vested in the Panchayat of the first mentioned Circle shall vest in, and such portion of the liabilities thereof shall be the liabilities of the other Panchayat as the State Government may, after consulting both the Panchayats, declare, by notification in the Official Gazette:

Provided that the provisions of this sub-section shall not apply in any case where the circumstances, in the opinion of the State Government, render undesirable the transfer of any portion of the Panchayat Fund or properties or liabilities.

[1][(5A) When it is considered necessary so to do, whether as a consequence of an action taken under sub-section (1) or otherwise, the State Government may alter the limits of a Panchayat Samiti or a Zila Parishad area and to every such case of alteration the provisions contained in the foregoing sub-sections shall *mutatis mutandis* apply.]

(6) The State Government may, for the purpose of the foregoing sub-sections, make such orders and give such directions as it may consider necessary.

(7) Save as otherwise provided in this section its provisions shall have effect, notwithstanding anythings contained in this Act or the Rajasthan Municipalities Act, 1959 (Rajasthan Act 38 of 1959) or any other law for the time being in force.

Explanation.- In this section, "appointed day" means the day from which a change referred to in sub-section (1) takes place.

102. Power to make rules.- (1) The State Government may, by notification in the Official Gazette, make rules, consistent with this Act, to carry out the purposes thereof.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may be made -

(a) for the whole or any part of the State of Rajasthan and for all or any Panchayati Raj Institution;
(b) to provide for any matter for which power to make provision is conferred expressly or by implication on the State Government by or under this Act; and
(c) for the guidance of the Panchayati Raj Institutions and of servants and authorities of the matter connected with the carrying out of the provisions of this Act; and

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1. Inserted by Section 9 of the Rajasthan Panchayati Raj (Amendment) Act, 1994 (Act No.23 of 1994) published in Rajasthan Gazette, Extra-ordinary, Part IV (A), dated 6.10.

(d) to provide for the levy of fees for the inspection or search of any document issued under this Act or of any record maintained under or for the purposes of this Act and for giving copies of or extracts from such document or record and the scale of such fees.

(3) All rules made under this section shall be laid, as soon as may be after they are so made, before the House of the State Legislature, while it is in session, for a period of not less than fourteen days, which may be comprised in one session or in two successive sessions and, if before the expiry of the sessions in which they are so laid or of the session immediately following, the House of the State Legislature makes any modification in any of such rules or resolves that any such rule should not be made, such rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however that any modification or annulment shall be without prejudice to the validity of anything previously done thereunder.

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CHAPTER V

Miscellaneous

108. Members and officers to be public servants.- The members, officers and servants of a Panchayati Raj Institution and a Standing Committee or sub-committee thereof shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860, (Central Act 45 of 1860).

109. Suits etc., against Panchayat, Panchayat Samiti and Zila Parishad.- (1) No suit or other civil proceeding against a Panchayati Raj Institution or against any member, officer or servant thereof or against any person acting under the direction of a Panchayati Raj Institution or any member, officer or servant thereof for anything done or purporting to be done under this Act in its or his official capacity--

(a) shall be instituted until the expiration of two months after notice in writing, stating the cause of action, the name and place of abode of the intending plaintiff and the nature of the relief which he claims, has been delivered or left at its office or, in the case of a member, officer, servant or person as aforesaid, delivered to him or left at the office or at his usual place of abode, and the plaint shall in each such case contain a statement that such notice has been so delivered or left, or

(b) shall be instituted, unless it is a suit for the recovery of immovable property or for a declaration title thereto, otherwise than within six months after [1][transfer next] the accrual of the alleged cause of action.

(2) The notice referred to in sub-section (1), when it is intended for a Panchayat, Panchayat Samiti or a Zila Parishad, shall be addressed to the Sarpanch, Vikas Adhikari or the Chief Executive Officer respectively.

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115. Determination of seats after each census. - Upon the publication of the figures of each census, the number of seats of a Panchayati Raj Institution shall be determined by the State Government on the basis of the population of the area of the Panchayati Raj Institution concerned as ascertained at that census:

Provided that the determination of the number as aforesaid shall not affect the then composition of the Panchayati Raj Institution concerned until the expiry of the term of office of the elected members then in office.

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1. There is some mistake of printing here in this clause. Hindi text of Clause (b) runs as under, may be persued-
"(ख) यदि वह स्थावर सम्पत्ति की वसूली के लिए या उसके हक की किसी घोषणा के लिए कोई वाद न हो तो अभिथित वाद हेतुक के प्रेदूभूत होने के पश्चात् के छः मास के भीतर से अन्यथा संस्थित नहीं की जायेगी।"

116. Requisitioning of vehicles etc. for purposes of general elections.- (1) If it appears to the Collector that in connection with general election to be held under this Act, 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 maintaining order during the conduct of such election, or transport of any officer or other person for performance of any duties in connection with any such election, the Collector may by order in writing requisition such vehicle, vessel or animal, as the case may be, and may make such further orders as may appear to him to be necessary or expedient in connection with the requisitioning:

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

(2) The requisition shall be effected by an order in writing addressed to the person deemed by the Collector to be the owner or person deemed by the Collector to be the owner or person in possession of the vehicle, vessel or animal and such order shall be served in the prescribed manner on the person to whom it is addressed.

(3) Whenever any vehicle, vessel or animal is requisitioned under sub-section (1), the period of such requisition shall not extend beyond the period for which the same is required for any of the purposes mentioned in that sub-section.

(4) Whenever the Collector requisitions any vehicle, vessel or animal, there shall be paid to the owner thereof, out of the Consolidated Fund of the State, compensation the amount of which shall be determined by the Collector on the basis of the fares or rates prevailing in the locality for the hire of such vehicle, vessel or animal :

Provided that, where the owner of such vehicle, vessel or animal being aggrieved by the amount of compensation so determined, makes an application within the prescribed time to the State Government, the amount of compensation to be paid shall be such as the State Government may determine.

(5) Where, immediately before the requisition, the vehicle or vessel is, by virtue of a hire purchase agreement, in the possession of a person other than the owner, the amount determined under sub-section (4), as the total compensation payable in respect of the requisition shall be apportioned between that person and the owner in such manner as they may agree upon, and, in default of agreement, in such manner, as the Collector or the State Government may decide.

(6) The Collector may, with a view to requisitioning any vehicle, vessel or animal or determining the amount of compensation payable under this section, by order, require any person to furnish to such officer or authority as may be specified in the order, such information in his possession relating to such vehicle, vessel or animal as may be so specified.

(7) Any person authorised in this behalf by the Collector may enter into or upon any land or premises and inspect any vehicle, vessel or animal therein for the purpose of determining whether and if so in what manner, an order under sub-section (1) should be made in relation to such vehicle, vessel or animal, or with a view to securing compliance with any order made under this section.

(8) If any person contravenes any order made under this section shall be punishable with imprisonment for a term which may extend to one year or with fine or with both.

117. Bar to interference by courts in certain matters - Notwithstanding anything contained in this Act, -

(a) the validity of any law relating to the delimitation of constituencies or wards or the allotment of seats to such constituencies or wards made or purporting to be made under this Act, shall not be called in question in any court, and

(b) no election to any Panchayati Raj Institution shall be called in question except by an election petition presented to such authority and in such manner as is provided for by or under this Act.

[1][117- A. **Jurisdiction of Civil Courts barred**.- No civil court shall have jurisdiction -

(a) to entertain or adjudicate upon any question whether any person is or is not entitled to be registered in an electoral roll for a constituency; or

(b) to question the legality of any action taken by or under the authority of an electoral registration officer, or any decision given by any authority appointed under this Act for the revision of such roll; or

(c) to question the legality of any action taken or of any decision given by the returning officer or by any other person appointed under this Act in connection with an election.]

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119. Officers and staff of State Election Commission.- (1) There shall be a Chief Electoral Officer who shall be such officer of the State Government as the State Election Commission may, in consultation with the Government, designate or nominate in this behalf.

(2) Subject to the superintendence, direction and control of the State Election Commission, the Chief Electoral Officer shall --

(a) supervise the preparation, revision and correction of all electoral rolls in the State under this Act;
(b) supervise the conduct of all elections under this Act; and
(c) exercise such other powers and functions as the State Election Commission may direct.

(3) For each district in the State, the State Election Commission shall in consultation with the Government, designate or nominate an officer of the Government as a District Election Officer:

Provided that the State Election Commission may designate or nominate more than one such officer for a district if the Commission is satisfied that the functions of the office can not be performed satisfactorily by one officer.

(4) Where more than one District Election Officer are designated or nominated for a district, the Commission shall in the order designating or nominating the District Election Officers also specify the area in respect of which each such officer shall exercise jurisdiction.

(5) The electoral roll for each constituency shall, subject to the control of the District Election Officer, be prepared, revised, modified, updated and published by the Electoral Registration Officer who shall be such officer of the Government or a local authority as the State Election Commission may, in consultation with the Government, designate or nominate in this behalf.

(6) The State Election Commission may appoint one or more persons as Assistant Electoral Registration Officers to assist the Electoral Registration Officer in the performance of his function.

(7) The Government shall, when so requested by the State Election Commission, make available to the State Election Commission such staff as may be necessary for the discharge of the functions conferred on the State Election Commission by or under this Act or any other law for the time being in force.

[2][**119.-A. Staff of local authorities to be made available**.- (1) Every local authority in the State shall, when so requested by the Chief Electoral Officer or the District Election Officer (Panchayats), make available to any Electoral Registration Officer such staff as may be necessary for the performance of any duties in connection with preparation and revision of electoral rolls.

(2) The authorities specified in Sub-sec. (3) shall, when so requested by the Chief Electoral Officer or the District Election Officer (Panchayats), make available to any Returning Officer such staff as may be necessary, for the performance of any duties in connection with an election.

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1. Inserted by Section 5 of the Rajasthan Panchayati Raj (Amendment) Act, 1995 (Act No. 7 of 1995) published in Rajasthan Gazette, E.O., Part IV (A) dated 26.4.95 (w.e.f. 28.5.94).
2. Subs. by Sec. 11 of the Rajasthan Panchayati Raj (Third Amendment) Ordinance, 1999. Notification No. F.4(12)Vidhi/2/99 Pub. in Raj. Gazette, E.O., Part IV-B, dated 27.12.99. (=by S. 55 of the Raj. Act No. 9 of 2000).

(3) The following shall be the authorities for the purposes of Sub-sec. (2), namely:-

(i) every local authority;

(ii) any other body corporate or public undertaking which is established by the State Government by or under a State Act or a Central Act or which is established otherwise but controlled, aided or financed wholly or substantially by the State Government.

119-B. Officers and Staff deemed to be on deputation to State Election Commission.- The officers or staff employed in connection with the preparation, revision and correction of the electoral rolls for, and the conduct of, all elections under this Act shall be deemed to be on deputation to the State Election Commission for the period during which they are so employed and such officers and staff shall, during that period be, subject to the control and superintendence of the State Election Commission.]

[1][**119-C. Penalty for staff.-** (1) Whether a member of staff having deputed for performing duties in connection with elections or in connection with preparation, revision and correction of electoral rolls under this Act, does not report for duty or having reported for such duty, does not perform duties assigned to him, shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to Rupees five thousand, or with both.

(2) An offence punishable under Sub-sec. (1) shall be cognizable.]

120. Delegation of functions of Election Commission.- The functions of the State Election Commission under this Act or the rules or orders issued thereunder, subject to such general or special directions, if any, as may be given by the State Election Commission in this behalf, be performed also by a Deputy Election Commissioner, if any, or by the Secretary to the State Election Commission.

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123. Removal of difficulties.- (1) If any difficulty arises in giving effect to, enforcing or carrying out the provisions of this Act, the State Government may, by order published in the Official Gazette, give such directions and do such things which appear to it to be necessary for the removal of such difficulty:

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

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

124. Repeal and savings.- [2][(1)] On the date of commencement of this Act, hereinafter in this section referred to as the date of commencement, the Rajasthan Panchayat Act, 1953 (Rajasthan Act 21 of 1953) and the Rajasthan Panchayat Samitis and Zila Parishads Act, 1959 (Rajasthan Act 37 of 1959) shall stand repealed and the following consequences shall ensue, that is to say--

(a) all property, movable and immovable, and all interests of whatsoever kind therein, which vested in an existing Panchayati Raj Institution, immediately before the date of commencement, shall be deemed to be transferred to, and shall vest in the successor Panchayati Raj Institution, subject to all limitations, conditions and rights or interests of any person, body or authority in force or subsisting immediately before the date of commencement;

(b) all rights, liabilities and obligations of an existing Panchayati Raj Institution, (including those arising under any agreement or contract) shall be deemed to be the rights, liabilities and obligations of the successor Panchayati Raj Institution;

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1. Inserted by Notification No.F.4(2)/Vidhi/2/2000 dated 22.1.2000 (Ordinance No. 3 of 2000) published in Rajasthan Government Gazette Extraordinary Part 4 (Kha) dated 22.1.2000 with immediate effect. (= S. 56 of the Raj. Act No. 9 of 2000).
2. Numbered by section 10 of the Rajasthan Panchayati Raj (Amendment) Act, 1994 (Act No. 23 of 1994) published in Rajasthan Gazette, extra-ordinary, Part IV (A) dated 6-10-94, (w.e.f. 26-7-94).

(c) all functions of the existing Panchayati Raj Institutions, whether under the Acts repealed as aforesaid or under any other law for the time being in force, shall be deemed to have been transferred to the successor Panchayati Raj Institutions under this Act;

(d) all sums due to an existing panchayati Raj Institution, whether on account of any tax or otherwise, shall be recoverable by the successor Panchayati Raj Institution and for the purposes of such recovery the successor Panchayati Raj Institution shall be competent to take any measure or institute any proceedings which it would have been open to an existing Panchayati Raj Institution or any authority thereof to take or institute before the date of commencement;

(e) the unexpended balance in the funds of the existing Panchayati Raj Institutions and all sums due to such Institutions and such sums of any other body or bodies as the State Government may direct shall form part of, and be paid into, the funds of the corresponding successor Panchayati Raj Institutions;

(f) all contracts made with, and all instruments executed by or on behalf of an existing Panchayati Raj Institution shall be deemed to have been made with, or executed by or on behalf of the successor Panchayati Raj Institution, and shall have effect accordingly;

(g) all proceedings and matters pending before an existing Panchayati Raj Institution or any authority of an existing Panchayati Raj Institution under the repealed Acts immediately before the date of commencement shall be deemed to have been instituted and to be pending before the successor Panchayati Raj Institution or such authority as the successor Panchayati Raj Institution may direct;

(h) in all suits and legal proceedings pending on the date of commencement in or to which an existing Panchayati Raj Institution, is a party, the successor Panchayati Raj Institution, shall be deemed to be substituted therefor;

(i) any appointment notification, notice, tax, fee, order, scheme, licence, permission, rule, bye-law, regulation or form made, issued, imposed or granted in respect of any existing Panchayati Raj Institution or the local area thereof under the repealed Acts and in force immediately before the date of commencement, shall, in so far as it is not inconsistent with the provisions of this Act, continue to be in force as if made, issued, imposed or granted under this Act in respect of the successor Panchayati Raj Institution or the corresponding local area thereof until superseded or modified by any appointment, notification, notice tax, fee, order, scheme, licence, permission, rule, bye-law, regulation or form made, issued, imposed or granted under this Act;

(j) all budget estimates, assessments, assessment lists, valuations or measurements made or authenticated by or in respect of an existing Panchayati Raj Institution under the repealed Acts and in force immediately before the date of commencement shall, in so far as they are not inconsistent with the provisions of this Act, be deemed to have been made or authenticated by the successor Panchayati Raj Institution;

(k) all officer and servants in the employment of an existing Panchayati Raj Institution immediately before the date of commencement, shall, subject to the provisions of this Act, be deemed to be transferred to the service of the successor Panchayati Raj Institution; and

(l) any reference in any law or in any instrument to any provision of the repealed Acts, or any authority constituted, elected or appointed thereunder shall, unless a different intention appears, be construed as a reference to the corresponding provision of this

Act, or as the case may be, to the corresponding authority constitued, elected or appointed under this Act.

[1][(2) On the date of commencement of the Rajasthan Panchayati Raj (Amendment) Act, 1994 (Act No. 23 of 1994), section 43 of the Rajasthan Gramdan Act, 1971 (Act No. 12 of 1971) shall stand deleted, and as a result of such deletion, consequences enumerated in clauses (a) to (1) of sub-section (1) shall ensue as if the Gram Sabha of a Gramdan Village referred to in the aforesaid deleted section was an existing Panchayati Raj Institution.]

Explanation :- For the purposes of this section,--

(a) "an existing Panchayati Raj Institution" means a Panchayat, Panchayat Samiti or a Zila Parishad existing immediately before the date of commencement and, where any such Panchayat Raj Institution has been superseded or dissolved or the term thereof has expired, includes the person or persons appointed to exercise the powers or to perform the functions of such Panchayati Raj Institution; and

(b) "the successor Panchayati Raj Institution" means a Panchayat, a Panchayat Samiti or a Zila Parishad constituted under this Act for such local area as corresponds to the respective local area of the existing Panchayat, Panchayat Samiti or Zila Parishad.

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1. Added by section 10 of the Rajasthan Panchayati Raj (Amendment) Act, 1994 (Act No. 23 of 1994) published in Rajasthan Gazette, extra-ordinary, Part IV (A) dated 6-10-94 as sub-section (2) after existing section 124 numbered as sub-section (1) (w.e.f. 26-7-94).

PART - IV

ACTS OF STATE LEGISLATURE

2. THE RAJASTHAN LEGISLATIVE ASSEMBLY MEMBERS (REMOVAL OF DISQUALIFICATION) ACT, 1956

(ACT NO. 7 OF 1957)

[11th day of January,1997]

An Act to declare certain offices of profit not to disqualify their holders for being, or for being chosen as, members of the Legislative Assembly of the State.

WHEREAS it is expedient to consolidate and amend the law declaring the offices of profit in the State which shall not disqualify their holders for being,or for being chosen as, members of the Legislative Assembly of the State.

Be it enacted by the Rajasthan State Legislature in the Seventh Year of the Republic of India as follows:-

1. **Short title and commencement-** (1) This Act may be called the Rajasthan Legislative Assembly Members(Removal of Disqualification) Act, 1956.

(2) It shall come into force at once.

2. **Interpretation-** (1) In this Act unless the subject or context otherwise requires, "State"means the new State of Rajasthan as formed by section 10 of the States Reorganisation Act, 1956 (Central Act 37 of 1956).

(2) The provisions of the Rajasthan General Clauses Act, 1955 (Rajasthan Act 8 of 1955) in force in the pre-reorganisation State of Rajasthan shall as for as may be, apply *mutatis mutandi*s to this Act.

3. **Removal and prevention of disqualification for membership of the State Legislative Assembly -** It is hereby declared that the following offices shall not disqualify, and shall be deemed never to have disqualified, the holders thereof for being chosen as, or for being members of the State Legislative Assembly, namely:-

(a) the office of a Minister of State or a Deputy Minister;

[1][(aa)the office of the Government Chief Whip];

[2][(aaa)the office of the Deputy Government Chief Whip];

(b) the office of a Parliamentary Secretary or a Parliamentary Under Secretary;

[3][(bb)the office of the Leader of the Opposition in the Rajasthan Legislative Assembly];

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1. Inserted and shall be deemed always to have been inserted by section 5 of Rajasthan Act No. 7 of 1969, published in the Rajasthan Gazette, Extraordinary, Part IV-A, dated 16-4-1969
2. Inserted by section 16(a) of Rajasthan Act No. 4 of 1981, published in the Rajasthan Gazette, Extra-ordinary, Part IV- A, dated 2-4-1981.
3. Inserted by section 16(b), ibid.

(c) the office of a chairman or the member of a committee set up for the purpose of advising the Government or any other authority in respect of any matter of public importance or for the purpose of making an enquiry into, or collecting statistics in respect of,any such matter; provided that the holder of any such office is not in receipt of, or entitled to, any fee or remuneration other than compensatory allowance;

(d) the office held by officers in the National Cadet Corps raised and maintained under the National Cadet Crops Act, 1948 (Central Act, 31 of 1948) or the Territorial Army raised and maintained under the Territorial Army Act, 1948(Central Act 56 of 1948) or in the Auxiliary Air Force or the Air Defence Reserve raised under the Reserve and Auxiliary Air Force Act, 1952 (Central Act 62 of 1952);

(e) the office of a chairman or a member of the committee other than any such committee as is referred to in clause (c);

(f) the office of a chairman, director, member or any officer of a statutory body, where the power to make any appointment to any such office or the power to remove any person therefrom is vested in the Government;

(g) the office of profit under an insurer, the management of whose controlled business has vested in the Central Government under the Life Insurance (Emergency Provisions) Act, 1956 (Central Act 9 of 1956).

Explanation.- In this section, unless the subject or context otherwise requires,-

(i) "committee" means any committee, commission, council, board or any other body of persons whether a statutory body or not, set up by Government;

(ii) "compensatory allowance" means such sum of money as the Government may determine as being payable to the chairman or any other member of a committee by way of travelling allowance, daily allowance, conveyance allowance or house rent allowance for the purpose of enabling the chairman or other member to recoup any expenditure incurred by him in attending any meeting of a committee or performing any other function as a member of the committee;

[1][(iii) "daily allowance" means such daily allowance as shall not exceed the amount of daily allowance admissible to a Member of the State Legislative Assembly in accordance with the provisons of the Rajasthan Legislative Assembly (Officers and Members Emoluments) Act, 1956, as amended from time to time, and the rules made thereunder;]

(iv) "insurer" means an insurer as defined in clause (5) of section 2 of the Life Insurance (Emergency Provisions) Act, 1956 (Central Act 9 of 1956);

(v) "statutory body" means any corporation, board, company, society or any other body of persons, whether incorporated or not, established, registered or formed by or under any law for the time being in force or exercising powers and funcitons under any such law.

4. **Repeal** - The Rajasthan Legislative Assembly Members (Removal of Disqualification) Ordinance, 1956 (Rajasthan Ordinance 10 of 1956) is hereby repealed.

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1. Substituted by section 2 of Rajasthan Act No. 3 of 1976, published in the Rajasthan Gazette, Extraordinary, Part IV- A, dated 24-1-1976. Amendment shall be deemed to have come into force w.e.f. 1-4-1975.

PART - V

STATUTORY RULES

PART - V
STATUTORY RULES

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PART - V

STATUTORY RULES

*(1). THE RAJASTHAN PANCHAYATI RAJ (ELECTION) RULES, 1994**

G. S. R. 67. - In exercise of the powers conferred by Section 102 read with Section 17 (5) of the Rajasthan Panchayati Raj Act, 1994 (Rajasthan Act No. 13 of 1994) and of all other powers enabling it in this behalf, the State Government hereby makes the following rules, namely :-

CHAPTER - I

Preliminary

1. Short title and commencement.- (1) These rules may be called the Rajasthan Panchayati Raj (Election) Rules, 1994.

(2) These rules shall come into force at once.

2. Definition.- (1) In these rules, unless the subject or context otherwise requires-

(i) "Act" means the Rajasthan Panchayati Raj Act, 1994 (Rajasthan Act No. 13 of 1994) ;

(ii) "Commission" means the State Election Commission as defined in the Act;

(iii) "Constituency" means a constituency of a Panchayat Samiti or of a Zila Parishad;

(iv) "District Election Officer (Panchayats)" means the officer nominated by the Commission as District Election Officer in consultation with the State Government for [1][preparation of Electoral Roll and] conduct of elections to Panchayati Raj Institutions;

(v) "Form" means a form appended to these rules;

(vi) "Registration Officer" means the Electoral Registration Officer of a ward or a constituency and includes Assistant Electoral Registration Officer to be nominated by the State Election Commission, in Consultation with the State Government;

(vii) "Returning Officer" means the officer appointed as such under these rules and includes an Assistant Returning Officer;

(viii) "Section" means a section of the Rajasthan Panchayati Raj Act, 1994,

(ix) "Voter list" means the list of voters of the village for which a Panchayat is to be established under section 12 of the Act; and

(x) "Ward" means a ward of a Panchayat.

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

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* Issued vide notification No. F.4(8)RDP/ L&J/94/2628 dated 30.7.94 and first published in Rajasthan Gazette, EO., Part IV-C, dated 10.8.94.

1. Added vide notification No. F.4(12)L&J/94/RDP/4288, dt. 15 Nov. 94.

CHAPTER - II

Formation of Wards and Constituencies and Reservation

3. Matters to be taken into consideration in formation of wards and constituencies :- (1) A Panchayat circle shall be divided into as many wards as may be fixed under Section 12.

(2) A block shall be divided into as many territorial constituencies as may be fixed under Section 13.

(3) Each Zila Parishad area shall be divided into as many territorial constituencies as may be fixed under Section 14.

(4) While dividing a Panchayat circle into wards under Section 12, the Officer authorised by the government shall form, as far as practicable, a contiguous group of houses into a ward.

(5) While dividing a Panchayat Samiti area into constituencies under section 13, Officer authorised by the Government shall as far as practicable place contiguous panchayats in a constituency:

Provided that a whole village comprising a part of a panchayat circle may be placed in a different constituency if it is necessary to do so to distribute the population in the constituencies, as far as practicable, equally.

(6) While dividing a Zila Parishad area into constituencies under section 14, the Officer authorised by; the Government shall place contiguous panchayats into a constituency.

(7) Each ward or constituency shall be assigned a separate serial number, starting from North-West corner following anti-clock-wise direction and assigning consecutive numbers to contiguous wards or constituencies, as far as possible.

4. Publication of wards or constituencies.- (1) The wards or constituencies formed under rule 3 shall be notified by the Officer authorised by the Government by affixing statement thereof on the notice board of the office of the District Election Officer (Panchayats) and the office of Panchayat Samiti in respect of constituencies for Zila Parishads; on the notice board of the District Election Officer (Panchayats), the Panchayat Samiti, and Panchayats in respect of constituencies for Panchayat Samiti, and on the notice board of the Panchayat and a conspicuous place in every village of the Panchayat in respect of wards of the Panchayats.

(2) Any adult inhabitant of the Panchayat area/constituency may, if he objects to anything contained in the Statement affixed under sub-rule (1) pertaining to the ward or constituency related to the Panchayati Raj Institution of which he is a voter, submit his objection in writing to the Officer authorised by the Government within seven days from the date of affixing of such statement.

[1](3) All objections received under sub-rule (2) shall be affixed on the notice board of the office of the Officer authorised by the Government on the date of their receipt. After the time prescribed for receipt of objections is over, the Officer authorised by the Government under rule 4 (2) shall forward all the statement of wards/constituencies formed under rule 3 and the objections, if any, received under rule 4 (2) alongwith his comments thereon to the State Government.

(4) The State Government, or any Officer authorised by it, shall thereon consider the objection and other material before it including the comments of the Officer authorised by the State Government under sub-rule (2) and shall decide the objections and thereafter amend, if necessary, the statements accordingly, finally determine the wards and constituencies and shall notify the same by affixing the final statement of wards/constituencies at the following places, namely:-

(a) On the notice board of the office of District Election Officer (Panchayats) and the office of the Panchayat Samiti in respect of constituencies for Zila Parishad,

(b) On the notice board of the District Election Officer (Panchayats) and the notice board of Panchayat Samiti and Panchayats in respect of constituencies of Panchayat Samiti,

(c) On the notice board of the panchayat and a conspicuous place in every village of the Panchayat in respect of wards.']

5. Reservation of seats for Scheduled Castes/Scheduled Tribes and Other Backward Classes.- The number of wards or constituencies to be reserved for persons belonging to the Scheduled Castes/Scheduled Tribes or Other Backward Classes shall be determined by the Officer authorised by the Government in accordance with the provisions of the Act.

6. Reservation for Women.- (1) [2][One half] of the seats reserved for the Scheduled Castes or the Scheduled Tribes or the Backward Classes shall be reserved for the women belonging to such Castes, Tribes or, as the case may be, Classes.

(2) [2][One half], including the number of seats reserved under sub-rule (1), of the total number of seats shall be reserved for women.

(3) The Officer authorised by the Government shall determine the seats to be reserved for women.

7. Procedure for reservation.- (1) The Officer authorised by the Government shall for the purpose of reservation of seats for persons belonging to Scheduled Castes under section 15 of the Act, first identify the wards or constituencies which consist of population of the Scheduled Castes and such wards or constituencies shall be serially arranged in the descending order of percentage of population of Scheduled Castes. excluding the wards and constituencies where such percentage is less than five, and shall be assigned serial numbers as SC 1, SC 2 and so on.

(2) The serial numbers so assigned shall be known as special serial numbers for Scheduled Castes.

(3) The Officer authorised by the Government shall first allocate the number of seats reserved for SCs (including [2][One half] of such seats reserved for women belonging to the Scheduled Castes) serially to the wards bearing special numbers for Scheduled Castes.

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1. Substituted vide notification No. F.4 (8) RDP/L&J/94/3192, dated 2-9-94.
2. Substituted vide notification No. F.4 (12) PRD/Legal/Rule/Amend/08/2362, dated 25-6-08 for words "One third".

(4) The Officer authorised by the Government shall for the purpose of reservation of seats for persons belonging to Scheduled Tribes under section 15 of the Act, after the seats having been determined and allocated under the aforesaid section for SCs, proceed to identify the wards and constituencies which consist of population of Scheduled Tribes and such wards and constituencies shall be serially arranged in the descending order of percentage of population of Scheduled Tribes excluding the wards and constituencies where such percentage is less than five, and shall be assigned serial number as ST 1, ST 2 and so on.

(5) The serial number so assigned shall be known as special serial numbers for Scheduled Tribes.

(6) The Officer authorised by the Government shall, after having allocated the seats reserved for the Scheduled Castes under sub-rule (3), allocate the seats reserved for Scheduled Tribes (including [1][One half] of such seats reserved for women belonging to Scheduled Tribes) serially to the wards bearing special serial numbers for Scheduled Tribes.

(7) The Officer authorised by the Government shall for the purpose of reservation of seats for persons belonging to Backward Classes under section 15 of the Act, after having determined and allocated seats reserved for the persons belonging to the Scheduled Castes and the Scheduled Tribes (including [1][One half] of the seats reserved for women belonging to such Castes and Tribes), proceed further to allocate such number of seats in the Panchayati Raj Institutions as are required to be reserved for persons belonging to Backward Classes, (including one third of such seats reserved for women belonging to Backward Classes) out of remaining seats by lot.

(8) (a) The number of seats reserved for women belonging to the Scheduled Castes or the Scheduled Tribes or, as the case may be, the Backward Classes respectively shall be derived by dividing the seats to be reserved for the SCs or STs or as the case may be BCs by [2][two].

(b) If only one seat each is reserved for SC, ST or BC in any Panchayati Raj Institution, one seat out of the three as determined by draw of lots shall be reserved for women.

(9) The remaining number of seats reserved for women shall be determined by dividing the total number of seats by [2][two] and number so determined shall be reduced by the aggregate of the number of the seats derived for women belonging to the SCs, STs and BCs under sub-rule (8).

(10) The seats so reserved for women under rule 6 shall be allocated by lot.

(11) Where ever seats are to be reserved by draw of lots, the Officer authorised by the Government shall fix place, date and time for the purpose of drawing lots and inform the members of Legislative Assembly of the constituencies or part of the constituency falling in the district. The lots shall be drawn in accordance with the procedures laid down by the Government in the presence of such members of Legislative Assembly who may choose to be present at the appointed time.

(12) In every succeeding general election of the Panchayati Raj Institutions, the list of wards or constituencies bearing special serial number for Scheduled Castes or, as the case may be, Scheduled Tribes shall -

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1. Substituted vide notification No. F.4 (12) PRD/Legal/Rules/Amend/08/2362, dated 25-6-08 for words "One third".
2. Substituted vide notification No. F.4 (12) PRD/Legal/Rules/Amend/08/2362, dated 25-6-08 for words "three".

(i) continue to be operated serially from special serial number following the special serial number where the allocation of seats reserved for the SCs or, as the case may be, the STs has ended in the preceding election.

(ii) be operated till it is exhausted, and

(iii) be re-operated from the begining after it is exhausted.

(13) Wards and constituencies reserved for Backward Classes and women by draw of lots in the first general election shall be excluded while drawing lots for such reservation in succeeding elections till the cycle is completed.

8. Reservation for SCs or STs.- Notwithstanding anything to the contrary contained in rule 6 and 7, where a ward or constituency becomes common to be reserved for SCs/STs, then it will be reserved for SCs or STs, as the case may be, which ever has higher percentage of SCs or STs.

Explanation : While arranging wards or constituencies in descending order for the purpose of making reservation for persons belonging to SCs or STs, if a particular ward or constituency appears in both the lists, where the population of SCs is 14% and those of STs is 11%, in that case ward or constituency will be reserved for SCs.

9. Reservation of offices of Sarpanchas and Pradhans.- (1) The Officer authorised by the Government shall determine the number of offices of Sarpanchas and Pradhans as required to be reserved in a Panchayat Samiti or in a Zila Parishad area for persons belonging to SCs, STs, or Backward Classes and women in accordance with the provisions of section 16 of the Act.

(2) The number of offices of Sarpanchas and Pradhans so reserved for SCs, STs and OBCs shall be allocated by the Officer authorised by the Government to different Panchayats or Panchayat Samitis, as the case may be, by following the procedure as laid down in rule 7.

(3) The Officer authorised by the Government shall determine by draw of lots the offices of Sarpanchas and Pradhans to be reserved in the district for women.

10. Reservation of office of Pramukh.- (1) The Government shall determine the number of offices of Pramukhs to be reserved for SCs/STs/OBCs and women.

(2) The number of offices of Pramukhs reserved for SCs and STs shall be allocated by the Government to different districts by arranging them in descending order of the percentage of population of SCs or STs separately, excluding such districts where percentage of population of SCs or STs is less than five, and by following the procedure as laid down in rule 7.

(3) After having determined the offices of Pramukhs reserved for SCs and STs, the Government shall allocate the offices of Pramukhs reserved for Backward Classes by drawing lots out of the remaining districts.

(4) (a) One office of Pramukh out of the total number of offices of Pramukhs reserved for women shall be allocated to each Division as constituted under the Rajasthan Land Revenue Act, 1956, (Act No. 15 of 1956). The office so allotted to a Division shall further be allocated by draw of lots to a District in the Division by the Government.

(b) The remaining number of offices reserved for women shall be allocated by the Government by draw of lots to the districts remaining after the allocation under clause (a).

(5) The offices of Pramukh reserved in the State for Backward Classes and women by draw of lots in the first general election, shall be excluded while drawing lots for such reservation in the succeeding elections till the cycle is completed.

[1][CHAPTER - III

Electoral Rolls

11. Preparation of electoral rolls.- (1) The Commission shall subject to the provisions of section 18, cause to be prepared a ward or constituency-wise electoral roll in Hindi in Devnagri script for each Panchayati Raj Institution.

(2) (a) The names of electors in a roll for a ward in the case of a Panchayat Circle shall be arranged in the order of the serial number of houses as may be comprised in each ward.

(b) The electoral roll for constituency of Panchayat Samiti or Zila Parishad, shall consist of the electoral rolls for the wards or part thereof of Panchayat Circles which are comprised within the constituency concerned, which will be arranged Panchayat Circle-wise on the basis of list arranged under clause (a) of this sub-rule.

(3) Whenever limits of wards or constituencies of a Panchayat Circle or Panchayat Samiti or Zila Parishad are revised or when a Panchayat circle or Panchayat Samiti or Zila Parishad is constituted or re-constituted, such roll may be prepared afresh and shall contain names of all persons entitled to be registered after enquiry as electors under the Act, as far as possible.

(4) For the purpose of preparing any roll or deciding any claim or objection to a roll, the Electoral Registration Officers and any person employed by him, shall have access to any register of births and deaths and to the admission register of any educational institution and it shall be the duty of every person in charge of any such register to give to the said officer or person such informtion and such extracts from the said register as he may require.

12. Publication of rolls in draft.- (1) Electoral roll of each ward or constituency so prepared shall be published by exhibiting it.-

(a) in the case of a Panchayat at the office of the Panchayat,

(b) in the case of a Panchayat Samiti, at the office of the Panchayat Samiti,

(c) in the case of a Zila Parishad, at the office of the Zila Parishad,

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1. Substituted vide Notification No. F.(15)Vidhi/PR/94/28, dated 3.12.99 for the existing chapter III.

and at one or two conspicuous places within the ward or the territorial constituency to which the roll pertains alongwith a notice inviting objections and fixing date and time by which objection shall be entertained.

(2) All objections under this rule shall be entertained only when they are made or presented within a period of ten days of the publication of the electoral roll under this rule.

(3) From the date of the notice referred to in sub-rule (1), the roll shall be open for inspection free of charge by the public for ten days during office hours at the offices of the Panchayati Raj Institutions mentioned in sub-rule (1) and the Electoral Registration Officer.

13. Claims and objections.- (1) Any person, whose name is not entered in the electoral roll or is entered at an incorrect place or in an incorrect manner or with incorrect particulars or any person whose name is entered in the roll and who objects to the inclusion of his own name or the name of any other person in that roll, may prefer a claim or objection personally or by sending it by post to the Electoral Registration Officer. All objections or claims shall be received within the period prescribed under sub-rule (2) of rule 12 and no claim or objection received after that time shall be entertained.

(2) Every claim shall be in Form I and shall be signed by the person desiring his name to be included in the electoral roll.

(3) Every objection to the inclusion of name in the electoral roll shall be in Form II and preferred by the person whose name is already included in the electoral roll of any ward or constituency comprised within the Panchayati Raj Institution concerned.

(4) Every objection to a particular or particulars of entry in the electoral roll shall be in Form III and shall only be preferred by the person to whom such entry relates.

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

14. Disposal of claims and objections.- (1) The Electoral Registration Officer before deciding whether or not to allow the claim or objection cause to be served.-

(a) in the case of a claim a notice on the claimant;

(b) in the case of an objection a notice on the objector and on the person to the inclusion of whose name the objection relates; and

(c) in the case of an objection to a particular or particulars in an entry, to the objector :

Provided that any claim or objection which is not lodged within period, or in the form and manner, as prescribed, shall be rejected.

Provided further that it shall not be necessary to serve any such notice where the Electoral Registration Officer on being satisfied as to the validity of the claim or objection and decides to allow it without further inquiry :

Provided further also that a list containing the names and addresses of the persons applying for inclusion of their names shall be exhibited on the notice board of the office of the Electoral Registration Officer for 3 clear days before making an order on the claim.

(2) A notice under sub-rule (1) shall be given either personally or by registered post or by *** residence or last known residence within the ward or constituency.

(3) The Electoral Registration Officer, shall hold a summary inquiry into every claim or objection in respect of which notice has been given under sub-rule (1) and record his decision thereon.

(4) At the hearing, the claimant or, as the case may be, the objector and the person objected to and any other person who, in the opinion of the Electoral Registration Officer, is likely to be of assistance to him, shall be entitled to appear and be heard.

(5) The Electoral Registration Officer may in his discretion.-

(a) require any claimant, objector or person objected to, to appear in person before him,

(b) require that the evidence tendered by any person shall be given on oath and administer an oath for the purpose.

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

(7) The Electoral Registration Officer shall also correct any clerical or printing errors which he may discover in the roll.

15. Inclusion of names inadvertently omitted.- If it appears to the Electoral Registration Officer that owing to inadvertence or error during preparation, the names of any electors have been left out of the roll and that remedial action should be taken under this rule, the Electoral Registration Officer shall-

(a) prepare a list of the names and other details of such electors;

(b) exhibit on the notice board of his office a copy of the list together with a notice as to the time and place at which the inclusion of these names in the roll will be considered, and also publish the list and the notice in such other manner as he may thinks fit; and

(c) after considering any verbal or written objections that may be preferred, decide whether all or any of the names should be included in the roll.

16. Deletion of names of dead electors and persons who cease to be or are not, ordinarily residents.- If it appears to the Electoral Registration Officer at any time before the final publication of the roll that owing to inadvertence or error or otherwise, the names of dead persons or of persons who have ceased to be, or are not, ordinarily residents in the ward or constituency or of persons who are otherwise not entitled to be registered in that roll, have been included in the roll and that remedial action should be taken under this rule, the Electoral Registration Officer shall.-

(a) prepare a list of the names and other details of such electors;

(b) exhibit on the notice board of his office a copy of the list together with a notice as to the time and place at which the question of deletion of these names from the roll will be considered, and also publish the list and the notice in such other manner as he may think fit; and

(c) after considering any verbal or written objections that may be preferred, decide whether all or any of the names should be deleted from the roll.

Provided that before taking any action under this rule in respect of any person on the ground that he has ceased to be, or is not, oridinarily resident in the ward or constituency or is otherwise not entitled to be registered in that roll, the Electoral Registration Officer shall make every endeavour to give him a reasonable opportunity to show cause why the action proposed should not be taken in relation to him.

17. Final publication of roll.- (1) The Electoral Registration Officer shall thereafter-

(a) prepare a list of amendments to carry out his decisions under rule 14, 15, and 16 and to correct any clerical or printing errors or other inaccuracies subsequently discovered in the roll; and

(b) publish the roll together with the list of amendments, by making a complete copy thereof available for inspection and displaying a notice at his office and may also publish it in the office of the concerned Panchayati Raj Institution.

(2) on such publication, the roll together with the list of amendments shall be the electoral roll of the ward or the constituency.

(3) Subject to such general or special directions as may be given by the State Election Commission, supply free of cost, one copy of the roll, as finally published, with the list of amendments, if any, to every political party which is recognised in the State under the Election Symbols (Reservation and Allotment) Order, 1968.

(4) Where the roll (hereafter in this sub-rule referred to as the basic roll), together with the list of amendments, becomes the electoral roll for a ward or constituency under sub-rule (2), the Electoral Registration Officer may, for the convenience of all concerned integrate, subject to any general or special directions issued by the State Election Commission in this behalf, the list into the basic roll by including the names of electors in the list together with all particulars relating to such electors in the basic roll itself, so however that no change shall be made in the process of such integration in the name of any elector or in any particulars relating to any elector as given in the list of amendments.

(5) Every member of the public shall have the right to inspect the electoral roll referred to in sub-rule (2) on payment of a fee of rupees two and attested copies of the same may be issued to the applicant on payment of such fee as may be fixed by the Commission.

18. Duration of electoral rolls.- Every electoral roll referred to in sub-rule (2) of rule 17 shall continue to be in force until revised in accordance with rule 19.

19. Revision of rolls.- (1) The roll for every ward or constituency shall be revised either intensively or summiarily or partly intensively and party summarily, as the State Election Commission may direct with reference to the qualifying date, i.e.; 1st January of the year in which it is so revised.

(2) Where the roll is to be revised intensively, it shall be prepared afresh and rule 11 to 17 shall apply in relation to such revision as they apply in relation to the first preparation of a roll.

(3) When the roll or any part thereof is to be revised summarily, the Electoral Registration Officer shall cause to be prepared a list of amendments to the roll on the basis of such information as may be readily available and publish the roll together with the list of amendments in draft; and the provisions of rule 11 (4) and 12 to 17 shall apply in relation to such revision as they apply in relation to the first preparation of a roll.

(4) Where at any time between the publication in draft of a revised roll under sub-rule (2) or of the roll and list of amendments under sub-rule (3) and the final publication of the same under rule 17, any names have been directed to be included in the roll for the time being in force under rule 20, the Electoral Registration Officer shall cause the names to be included unless there is no legal objection in his opinion.

(5) Notwithstanding any thing contained in sub-rule (1) the State Election Commission may at any time for reasons to be recorded, direct a special revision of the electoral roll for any ward/wards or constituency/constituencies in such manner as it may deem fit.

Provided that the electoral roll as in force at the time of the issue of any such direction, shall continue to be in force until the completion of the special revision so directed.

20. Interim alterations.- (1) If the Electoral Registration Officer on his own motion or on the application made to him is satisfied after such enquiry as he thinks fit, that any entry in a electoral roll-

(a) is erroneous or defective in any particular,

(b) should be transposed to the electoral roll of another ward or constituency on the ground that the person concerned has changed his place of ordinary residence, or

(c) should be deleted on the ground that the person concerned has changed his place of ordinary residence, or

(d) should be deleted on the ground that the person concerned is dead or has ceased to be ordinarily resident of the ward/constituency or is otherwise not entitled to be registered in the roll, he shall, subject to such general or special directions, if any, given by the State Election Commission in this behalf, amend, transpose or delete the entry :

Provided that before taking any action under clause (a) or clause (b) or clause (c) or any action under clause (d) on the ground that the person concerned has ceased to be ordinarily resident in the ward/constituency or that he is otherwise not entitled to be registered in the electoral roll of that ward/constituency, the Electoral Registration Officer shall give the person concerned a reasonable opportunity of being heard in respect of the action proposed to be taken in relation to him.

(2) Any person whose name is not included in the electoral roll of a ward/constituency, may apply to Electoral Registration Officer for inclusion of his name in that roll and the aforesaid officer, if satisfied that the applicant is entitled to be registered in such roll direct his name to be included therein.

(3) A list of persons applying under sub-rule (1) or (2) shall be exhibited on the notice board of the Electoral Registration Officer for a period of three clear days before making an order.

(4) [1][XXXXXX]

(5) Where an application referred to in sub-rule (2) is made at any time after the date of final publication of electoral roll under sub-rule (1) of rule 17 it shall be accompained by a fee of one rupee payable by means of non-judicial stamps.

(6) The Electoral Registration Officer may cause to be corrected any clerical error in the electoral roll at any time.

(7) The electoral rolls altered in accordance with this rule shall be deemed to be the roll for the time being in force.

(8) The applications referred to in sub-rule (1) and (2) shall be in Form I or II or III, as the case may be.

21. Appeals.- (1) An appeal shall lie to the Collector from an order made under rule 14 or 20 by a Electoral Registration Officer, within a period of 15 days from the date of order :

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1. Deleted vide Notification No. F.4 (12) PRD/Legal/Rule/Amend/08/2362, dated 25-6-08.

Provided that an appeal shall not lie where a person desiring to appeal has not availed himself of his right to be heard by or to make representation to the Electoral Registration Officer on the matter which is the subject of appeal.

(2) Such appeal shall be -

(a) in the form of memorandum signed by the applicant;

(b) Accompained by a copy of the order appealed from and fee of rupees five shall be paid in non-judicial stamps; and

(c) presented to the Collector, or sent by registered post so as to reach him within the said period.

(3) The presentation of an appeal under this rule shall not have the effect of staying or postponing any action to be taken by the Electoral Registration Officer under rule 17 or 19.

Provided that no injunction or stay order shall be issued in case where the subject of appeal is an order made under rule 20.

(4) Decision of the collector shall be final, but in so far as it reverses or modifies the decision of Electoral Registration Officer, it shall take effect only from the date of decision in appeal.

[1] [**21A. Restrictin of corrections in electoral rolls-** No amendment, transposition or deletion of any entry shall be made and no direction for the inclusion of a name in the electoral roll shall be given under rule 20 and 21 after the issue of the public notice under rule 23 or 58, as the case may be, and until completion of elections.]

22. Custody and preservation of rolls.- (1) After the roll for a ward or constituency has been finally published the following papers shall be kept in the office of the Electoral Registration Officer until the completion of the next intensive revision of that roll -

(i) One complete copy of the electoral roll duly authenticated by the Electoral Registration Officer;

(ii) All applications in regard to the preparation of draft electoral roll;

(iii) All manuscript copies prepared by the enumerating agencies and used for compiling the draft electoral roll;

(iv) All claims and objections to the draft electoral roll.
(v) All decisions passed on the claims and objections.
(vi) Paper relating to appeals under rule 21.
(vii) Application under rule 20.

(2) One complete copy of the roll for a ward or constituency duly authenticated by the Electoral Registration Officer shall also be kept in the office of the District Election Officer until the completion of the next intensive revision of that roll.

(3) The papers referred to in [2][sub-rule (1) and (2)] shall, on expiry of the period specified therein, be disposed of in such manner as the State Election Commission may direct.

(4) Copies of electoral rolls, until disposal under sub-rule (3), shall be made available for sale to public.]

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1. Inserted vide Notification No. F.4(25)Amen./Rule/Ele/Legal/PR/09/4127 dated 21.11.09.
2. Substituted vide ibid.

CHAPTER - IV

Election of Panchas

23. Notification of election.- (1) Subject to the general direction of the Commission as often as a general election of panchas in a Panchayat circle becomes necessary, or is required by the provisions of the Act to be held, the District Election Officer (Panchayats) shall by public notice :-

(i) call upon wards in the Panchayat circle to elect one Panch each within the time specified in the public notice, and

(ii) appoint -

(a) a day on which and the hours between which nomination papers are to be presented;

(b) a day not later than the day next succeeding the day fixed for the presentation of nomination papers, and the hours thereof, at which the scrutiny of such nomination papers shall be made;

(c) a day, not later than the day next succeeding the day fixed for the scrutiny of nomination papers, and the hour thereof by which nominations may be withdrawn;

(d) a day on which a poll shall, if necessary, be taken; and

(e) the hours within which such poll be taken.

(2) The District Election Officer (Panchayats) shall appoint a person by name or by virtue of his office to act as Returning Officer for each Panchayat circle.

(3) The District Election Officer (Panchayats) may also authorise one of the Polling Officer appointed for booths of each Panchayat circle or any other officer to act as Returning Officer in the event of the Returning Officer being unavoidably prevented from performing his functions.

[1][**24. Duties and powers of Returning Officer.-** In addition to the duties imposed and powers conferred on a Returning Officer by or under these rules, it shall be his general duty to do all such acts and things as may be necessary for conducting election effectively under these rules and he shall also see that the poll, if held, is fairly conducted at each polling station within his juridiction]

[2][**24A. Duties and powers of Polling Officer.-** The Polling Officer shall kept order at the polling booth, see that the election is fairly conducted and regulate the number of voters to be admitted at any one time inside the polling booth and shall exclude therefrom all persons other then :-

(a) the Assistant Polling Officers;
(b) the police and other public servants on duty in connection with elction.
(c) persons authorized by the State Election Commission.
(d) the candidates;
(e) a child in arms accompanying a voter; and
(f) such other persons as he may admit for the purpose of identifying electors.

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1. Substituted vide notification No. F.4(25)Amen./Rule/Ele/Legal/PR/09/4127 dated 21.11.09.
2. Inserted vide notification No. F.4(25)Amen./Rule/Ele/Legal/PR/09/4127 dated 21.11.09.

25. Presentation of nomination papers.- (1) On the day appointed under sub-clause (b) of clause (ii) of sub-rule (1) of rule 23 for the presentation of nomination papers any person qualified under section 19 for election as a Panch and desiring to seek such election, hereafter in this chapter referred to as a candidate, shall deliver in person to the Returning Officer his nomination paper in [1][Form IV alongwith Form IV-D] duly filled in and signed by him or bearing his thumb impression:

Provided that if a candidate belonging SC, ST or Other Backward Class submits his nomination paper for a reserved ward, he shall attach a certificate to that effect issued by the Collector or any officer authorised by the State Government:

Provided further that a candidate belonging to SC or ST or Other Backward Class shall not be debarred to contest election from a general ward:

Provided also that no male candidate shall be eligible for filling nomination paper from a ward reserved for women.

(2) Any nomination paper not delivered as provided in sub-rule (1) shall be rejected.

26. Procedure upon delivery of nomination papers.- Upon delivery of a nomination paper under rule 23 the Returning Officer shall inform the person so delivering the same of the day, hour and place appointed for the scrutiny thereof and shall endorse thereon in his handwriting :-

(i) the serial number of the ward from which the candidate proposes to seek election,

(ii) the serial number of the nomination paper for such ward,

(iii) the name of the person, delivering the nomination paper together with the name of the person, if any, identifying such person, and

(iv) the date on which ,and the hour at which, the nomination paper was delivered to him.

27. Scrutiny of nomination papers.- (1) On the day and at the hour appointed under sub-clause (c) of clause (ii) of sub-rule (1) of rule 23 for the scrutiny of nomination papers in the Returning Officer shall examine the same.

(2) At the time of such examination the candidates themselves and no other person may attend and the Returning Officer shall afford each of them -

(i) all reasonable facilities for examining the nomination papers delivered by them, and
(ii) a reasonable opportunity of making objections to any of them.

(3) The Returning Officer shall decide all such objections and may either on the basis of such objection or on his own motion reject any nomination paper on any of the following grounds, namely:-

(a) that the candidate is not qualified or is disqualified for election;

(b) that he is not identical with the person whose number or name on the voters' list is stated in the nomination paper to be the number or name of the candidate;

(c) that his signature or thumb impression is not genuine or has been obtained by fraud, coercion or undue influence;

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1. Substituted vide notification No. F.4(25)Amen./Rule/Ele/Legal/PR/09/4127 dated 21.11.09 for word "Form IV"

(d) that there has been a failure in complying with the provisions of Rule [1][25].

(4) The Returning Officer shall endorse on each nomination paper his decision accepting or rejecting the same and, in case of rejection, a brief statement of his reason for such rejection.

(5) The scrutiny shall be completed on the same day and no adjournment of the proceeding shall be allowed.

28. Withdrawal from candidature.- (1) Any candidate [2][may] withdraw his candidature by notice in writing in duplicate signed by him or bearing his thumb impression and delivered in person to the Returning Officer on the date and by the hour appointed under sub-clause (c) of clause (ii) of sub-rule (1) of rule 23.

(2) No notice of withdrawal shall be entertained after the day and hour referred to in sub-rule (1).

(3) A candidate who has withdrawn his candidature shall not be allowed to cancel the notice of withdrawal.

(4) The Returning Officer shall, on receiving a notice of withdrawal under sub-rule (1), cause, as soon as may be, one copy thereof to be exhibited at some conspicuous place at the office of the Panchayat or in any conspicuous place at the headquarters of the Panchayat where no Panchayat office is established.

29. Subsequent procedure to be observed by Returning Officer.- (1) Immediately after the time fixed by sub-rule (1) of rule 23 has expired, the Returning Officer shall, for each ward cause to be prepared a list in Form V showing the names of the candidates whose nomination papers have been accepted and have not been withdrawn.

(2) If there is only one candidate in a ward and his nomination has been accepted the Returning Officer shall declare him to be duly elected.

(3) If the number of candidates to be elected from a ward is more than one, the Returning Officer shall,

[3][(i)assign a symbol to each such candidate out of the symbols specified by the State Election Commission.

Provided that in case the symbols specified by the State Election Commission are found to be short of requirements, the Returning Officer may allot such other symbols in the manner laid down by the State Election Commission, but not reserved for a political party by the Election Commission of India and inform the State Election Commission and the District Election Officer (Panchayats) concerned]

[4][(ii) have the names of all such candidates in Hindi in alphabetical order published, alongwith the symbol assigned to each, by affixing it at a conspicuous place in the ward and a copy of the list, so published ,shall be given to each contesting candidates.]

(iii) direct that a poll shall be taken on the date and between the hours appointed under sub-clause (d) and (e) respectively of clause (ii) of sub-rule (1) of rule 23,

(iv) proceed to make further arrangements necessary for the holding of the poll.

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1. Substituted vide notification No. F.4(12)L&J/94/RDP/4288, dt. 15 Nov., 94, for figure "23"
2. Inserted by ibid.
3. Substituted vide notification No.F(15)Vidhi/PR/94/28, dt.3.12.99, for existing cl. (1) and its proviso:.
4. Substituted vide notification No. F.4(25)Amen./Rule/Ele/Legal/PR/09/4127 dated 21.11.09.

(4) (a) The ballot papers shall be in such form as the Commission may direct and the particulars therein shall be written in Hindi in Devnagri script.

[1][(b) The names of candidates shall be arranged on the ballot papers in the same order as they appear in the list in Form V and NOTA (none of the above) shall be shown after last candidate on the ballot papers.]

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

30. Polling Stations and Polling Booths.- (1) If a poll is to be held in any ward, the Returning Officer subject to any general or special order of the District Election Officer (Panchayats) shall select a suitable place for a polling station :

Provided that the place so selected shall not ordinarily be outside the place of the headquarters of the Panchayat to which the election is to be held.

(2) The Returning Officer subject to any general or special order of the District Election Officer (Panchayats) may establish in each polling station as many polling booths as he may consider necessary and where more booths than one are so established, he shall direct that the electors of the ward commencing from and ending with specific serial numbers on the voters list thereof, or electors of more than one ward shall be admitted to cast their votes in a particular booth.

(3) A notice announcing the place of polling station shall be published at the office of Panchayat or if there is no office of Panchayat at the place selected for polling station at least a day before the elections are held.

31. Polling Officer and other staff.- (1) For each polling booth the Officer nominated by the District Election Officer (Panchayats) shall appoint, by name or by virtue of office, as many persons to act as Polling Officer/Assistant Polling Officer and such other staff as he thinks necessary to assist each Polling Officer and Returning Officer:

Provided that if a Polling Officer or any other member of the staff is absent from polling station or polling booth the Returning Officer may appoint any person to act in place of such absentee and inform the District Election Officer (Panchayats) accordingly:

Provided further that 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 as Polling Officer or a member of the staff.

(2) The Polling Officer and other staff appointed under sub-rule (1) shall perform such duties and exercise such powers as are imposed and conferred on them by these rules or as are entrusted to them by the Returning Officer.

Explanation:- The Polling Officer in Panchayat election shall function as Presiding Officer of a polling booth.

32. Supply of Election Material.- (1) Each Polling Station shall be provided with material, including ballot papers, copies of voters lists, instrument necessary for electors to mark the ballot papers and ballot boxes, sufficient for the purpose of enabling electors to cast their votes.

(2) In supplying such material, regard shall be had to the number of electors entitled to vote at the polling station and the number of polling booths established therein.

33. Ballot boxes.- (1) Every ballot box used at a polling station shall bear the name of Panchayat and the number of the ward of the Panchayat circle.

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1. Substituted vide notification No. F.4(25)Am/Rule/Ele/Legal/PR/2014/1625 dated 18.12.14.

(2) Every ballot box shall be so constructed that ballot papers may be introduced therein but cannot be withdrawn therefrom without the box being unlocked.

34. Commencement of poll.- (1) The poll shall commence at the hour appointed for such commencement.

(2) Immediately before such commencement, each Polling Officer shall:-

(i) show every ballot box to such of the candidates; as may be present at the time in verification of the fact that it is empty,
(ii) thereafter lock the same,
(iii) place a seal thereupon in such manner as to prevent its being opened or unlocked without breaking the seal, and
(iv) place it within his view.

[1][**35. Manner of voting at elections.-** At every election where a poll is taken, votes shall be given by ballot and in person in the polling station or in the polling booth provided under sub-rule (2) of rule 30, save as expressly provided under this rule, and the Polling Officer shall not allow any vote to be cast by proxy:

Provided that the giving and recording of votes by voting machines may be adopted in such wards/constituencies as the State Election Commission may, having regard to the circumstances of each case, specify.

Provided further that officers on election duty shall be entitled to vote by post in the manner as may be specified by the State Election Commission.

Explanation 1 : For the purpose of this rule, "voting machine" means any machine or apparatus whether operated electronically or otherwise used for giving or recording of votes and any reference to a ballot paper in these rules shall, save as otherwise provided, be construed as including a reference to such voting machine wherever such voting machine is used at any election.

Explanation 2 : "Voter on election duty" means any Polling Agent, any Polling Officer, Returning Officer or other public servant, who is an elector in any Panchayati Raj Institution and is by reason of his being on election duty unable to vote at the polling station where he is entitled to vote.]

36. Arrangement for secrecy of voting.- (1) Each polling station or booth, as the case may be shall contain a separate compartment in which electors can cast their votes screened from observation.

(2) While elector is in such compartment, no other person shall subject to the provisions contained in rule 41 enter it.

(3) The Polling Officer may occasionally enter such compartment, alongwith the candidates, if they so desire, when no elector is in the compartment.

37. Identity of electors.- Immediately before the ballot paper is delivered to an elector, the Polling Officer shall satisfy himself as to the identity of the elector with reference to the entries relating to that elector in the voters' list. He shall also hear and decide then and there any objection raised in this behalf. He may refuse to issue a ballot paper or papers to any person who declines to answer any reasonable question put to him for the purpose of ascertaining such identity or, whose identity is not established to his satisfaction, but issue of ballot paper shall not be refused merely on the ground of any typographical error or omission in the relevant entries of the voter's list if the identity of the elector is otherwise established.

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1. Substituted vide notification No. F.4(25)Amen./Rule/Ele/Legal/PR/09/4127 dated 21.11.09

38. Safeguard against impersonation.- (1) Every voter about whose identity the Returning Officer or the Polling Officer, as the case may be is satisfied shall allow his left hand fore-finger to be inspected by the Returning Officer or the Polling Officer, and cause an indelible ink mark to be put on it.

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

Explanation.- Any reference in this rule to the left hand fore-finger of a voter shall, in the case where voter has his left hand fore-finger 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 reference to the fore-finger 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.

39. Ballot Paper.- (1) Every ballot paper shall before issue to the elector be authenticated in such manner as may be directed by the Commission.

(2) At the time of issuing a ballot paper to an elector, the Polling Officer [1][or Assistant Polling Officer] shall record the serial number thereof against the entry relating to elector in the copy of voters list (marked copy) set apart for the purpose.

(3) Save as provided in sub-rule (2) no person in the polling station shall note down the serial number of ballot papers issued to particular electors.

[2][**40. Manner of casting votes.-** (1) An elector shall on, receiving the ballot paper issued to him, forthwith proceed to one of the polling compartments, there make a mark on the face of the ballot paper with the instrument supplied for the purpose on the symbol or the name of the candidate or in the column against the name and symbol printed in the space earmarked for the candidate for whom he intends to vote or NOTA (none of the above) in case he wishes to exercise the option of not voting for any candidate in the fray and then fold the ballot paper thus marked so as to conceal his vote and put the ballot paper so folded into the ballot box which shall be placed within the view of the Returning Officer or the Polling Officer.]

(2) Every elector shall record and cast his vote or votes without undue dely and shall quit the polling compartment, the polling booth and the polling station as soon as may be conveniently possible.

41. Assistance to blind and infirm electors.- If an elector, owing to blindness or physical infirmity is unable, to record his vote in the manner laid down in rule 40, the Polling Officer shall do so according to the direction of the elector and fold it so as to conceal the vote and insert it into ballot box and make a brief note against the entry relating to such elector in the copy of voters list referred to in rule 39, the reason for such action.

42. Spoiled ballot papers.- An elector who had inadvertently dealt with his ballot paper in such a manner that it cannot conveniently be used as such may, on delivering it to polling officer and satisfying him of the inadvertence, obtain another ballot paper in place of the spoilt ballot paper and such spoilt ballot paper shall be marked by the Polling Officer as cancelled.

[3][**43. Return of ballot papers.- **** Deleted ****]**

44. Tendered voters.- (1) If a person representing himself to be a particular elector applies for a ballot paper after another person has already voted as such elector, he shall on satisfactory answering such questions relating to his identity as the Returning Officer or any Polling Officer may ask, be entitled, subject to the following provisions of this rule, to mark a ballot paper (hereinafter in these rules referred to as a "tendered ballot paper") in the same manner as any other elector.

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1. Inserted vide notification No. F.4(12)L&J/94/RDP/4288, dated 15 Nov., 94.
2. Substituted vide notification No. F.4(25)Am/Rule/Ele/Legal/PR/2014/1531 dated 12.11.14.
3. Deleted vide notification No. F.4(25)Am/Rule/Ele/Legal/PR/2014/1531 dated 12.11.14.

(2) Every such person shall, before being supplied with a tendered ballot paper, sign his name against the entry relating to him in a list in Form VI.

(3) A tendered ballot paper shall be the same as the other ballot papers used at the polling booth except that it shall be :-

(a) serially the last in the bundle of ballot papers issued for use at the polling station or booth; and

(b) endorsed on the back with the words "tendered ballot paper" by any Polling Officer in his own hand and signed by him.

(4) The elector, after making a tendered ballot paper in the voting compartment and folding it, shall, instead of putting it into the ballot box, give it to the Returning Officer or any Polling Officer who shall place it in a cover specially kept for the purpose.

45. Removal from polling station for misconduct.- (1) If any person misconducts himself at a polling station, or fails to obey the lawful orders of the Returning Officer or any Polling Officer appointed therefor, the Returning Officer or such Polling Officer as the case may be shall immediately remove, or order any Police Officer present thereat to remove, from the polling station the person so misconducting himself and such person shall not be allowed again to enter the polling station without the permission of the Returning Officer or the Polling Officer.

(2) No removal from a polling station shall be ordered under sub-rule (1) so as to prevent an elector, entitled to cast his vote thereat, for having an opportunity of casting the votes.

46. Closing of poll.- (1) The Polling Officer shall close the polling station at the hour appointed for such closure so as to prevent the entry therein of any elector after that hour.

(2) Any elector who has been admitted thereto before that hour shall however, be allowed to cast votes even after that hour.

47. Procedure on closing of poll.- (1) As soon as practicable after the close of the poll, the Polling Officer shall, in the presence of such candidates as may be present there :-

(i) examine each ballot box used at the polling station to see that it is unopened and has not been tampered with,

(ii) affix his seal thereon,

[1][(iii) make up into separate packets,-

(a) the envelops containing Tendered Votes,
(b) the unused ballot papers,
(c) the spoilt ballot papers,
(d) the marked copy of the voters list, and]

(iv) affix his seal to every such packet.

(2) Subject to any directions given by the Officer nominated by the District Election Officer (Panchayats), or the Returning Officer in that behalf, the ballot boxes and packets referred to in sub-rule (1) shall be forwarded by the Polling Officer to the Returning Officer.

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1. Substituted vide notification No. F.4(25)Am/Rule/Ele/Legal/PR/2014/1625 dated 18.12.14

48. Adjournment of poll.- (1) The Returning Officer may, in emergencies such as a likely distrubance of the public peace, close the poll and announce and adjournment thereof to a subsequent day to be notified by District Election Officer (Panchayats) or on Officer nominated by him.

(2) The circumstances leading to such closure and adjournment shall be reported by the Returning Officer forthwith to the District Election Officer (Panchayats) or Officer nominated by him.

[1]**[48(A) Fresh poll in the case of destruction, etc. of ballot boxes.-** (1) If at any election :-

(a) any ballot box used at a polling station or at a place fixed for the poll is unlawfully taken out of the custody of the Presiding Officer or the Returning Officer, or is accidentally or intentionally destroyed or lost, or is damaged or tempered with, to such an extent that the result of the poll at that polling station or place cannot be assertained, or

(b) any voting machine develops a mechanical failure during the course of the recording of votes; or

(c) any such error or irregularity in procedure as is likely to vitiate the poll is committed at a polling station or at a place fixed for the poll,

the returning officer shall forthwith report the matter to the Election Commission.

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

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

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

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

48(B) Adjournment of poll or coutermanding of election or the ground of booth capturing.- (1) If at any election -

(a) booth capturing has been taken place at a polling station or at a place fixed for the poll (hereafter in this [2][rule], referred to as a place) in such a manner that the result of the poll at that polling station or place cannot be ascertained, or

(b) booth capturing takes place in any place for counting of votes in such a manner that the result of the counting at that place cannot be ascertained.

the returning officer shall forthwith report the matter to the Election Commission.

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1. Added vide notification No. F.4(13)RDPR/LJ/94/5833, dt. 12.12.94, new R. 48(A) and 48(B).
2. Subs. vide notification No. F.(15)/Vidhi/PR/94/28, dt. 3.12.99, for word "section".

(2) The Election Commission shall, on the receipt of a report from the returning officer under [1][sub-rule (1)] and after taking all material circumstances into account, either -

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

(b) if satisfied that in view of the large number of polling stations or places involved in booth capturing the result of the election is likely to be affected, or that booth capturing had affected counting of votes in such a manner as to affect the result of the election, countermand the election in that constituency.

Explanation :- For the purposes of this [2][rule], "booth capturing" includes, among other things, all or any of the following activities, namely :-

(a) seizure of a polling station or a place fixed for the poll by any person or persons making polling authorities surrender the ballot papers or voting machines and doing of any other act which affects the orderly conduct of elections ;

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

(c) threatening any elector and preventing him from going to the polling station or a place fixed for the poll to cast his vote ;

(d) seizure of a place for counting of votes by any person or persons, making the counting authorities surrender the ballot papers or voting machines and the doing of anything which affects the orderly counting of votes ;

(e) doing by any person in the service of Government, of all or any of the aforsaid activities or aiding or conniving at, any such activity in the furtherance of the prospects of the election of a candidate.]

[3]**[48(C)** The powers vested in Election Commission in rule 48(A) and 48(B) may be delegated by the Election Commission* to the District Election Officer (Panchayat) or to any other officer subordinate to the Election Commission.]

49. Counting of votes.- (1) The counting of votes shall commence on such date and at such time and place as the Returning Officer may appoint.

(2) Such date, time and place shall be communicated to all the candidates.

(3) Votes shall be counted by or under the supervision of the Returning Officer and each candidate shall have a right to be present at the time of counting.

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1. Subs. vide notification No. F.(15)/Vidhi/PR/94/28, dt. 3.12.99, for word "sub-section".
2. Subs. by ibid, for word "section".
3. Inserted vide notification No. F.4(8) RDP/L&J/94/362 dated 24.1.95; new r. 48(C).

* See Notification No. F.4(2)(1)P.E/SEC/94/659 dated 25th January, 1995.

(4) No other person shall be allowed to be present at the counting of votes except Polling and Assistant Polling Officers and such other persons as the Returning Officer may permit to assist him in the task.

(5) The Returning Officer shall allow each candidate a reasonable apportunity to inspect, without handling, the ballot papers which he considers to be liable to rejection.

(6) Any candidate present at the counting may, at any time during the counting of votes, request the Returning Officer in writing, to recount the ballot papers relating to the ward and the Returning Officer may for reasons to be recorded either reject the request or order recounting of votes.

(7) The Returning Officer may, in his discretion recount the ballot papers of all or any of the candidates once or more than once, if he is not satisfied as to the accuracy of the immediately preceding count.

(8) Every ballot paper which is not rejected under rule 50 shall be deemed to be valid and shall be counted as one valid vote.

[1][(9) The Returining Officer count all valid votes given to candidates and NOTA (none of the above) and make candidatewise packets of counted ballot papers and also make packet of valid votes given to NOTA (none of the above) and rejected ballot papers and then all such packets shall be sealed properly.]

[2]**[49(A) Destruction, loss, etc., of ballot papers at the time of counting.-** (1) If at any time before the counting of votes is completed any ballot papers used at a polling station or at a place fixed for the poll are unlawfully taken out of the custody of the Returning Officer or are accidentally or intentionally destroyed or lost or are damaged or tampered with, to such an extent that the result of the poll at that polling station or place cannot be ascertained, the Returning Officer shall forthwith report the matter to the Election Commission.

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

(a) direct that the counting of votes shall be stopped, declare the poll at that polling station or place to be void, appoint a day, and fix the hours, for taking a fresh poll at that polling station or place and notify the date so appointed and hours so fixed in such manner as at may deem fit, or

(b) if satisfied that the result of a fresh poll at that polling station or place will not, in any way, effect the result of the election, issue such directions to the Returning Officer as it may deem proper for the resumption and completion of the counting and for the further conduct and completion of the election in relation to which the votes have been counted.

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

[3]**[49(B).** The powers vested in Election Commission in rule 49 (A) may be delegated by the Election Commission* to the District Election Officer (Panchayats) or to any other officer subordinate to the Election Commission.]

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1. Substituted vide notification No. F.4(25)Am/Rule/Ele/Legal/PR/2014/1625 dated 18.12.14
2. Added vide notification No. F.4(13)RDPR/LJ/94/5833, dt. 12.12.94, new r. 49(A).
3. Added vide notification No. F.4(8)RDP/L&J/94/362 dated 24.1.95; new r. 49(B).

* See Notification No. F.4(2)(1)P.E/SEC/94/659 dated 25th January, 1995.

50. Rejection of ballot papers.- (1) A ballot paper shall be liable to rejection :-

(i) if it bears any mark by which the elector can be identified,

[1][(ii) if it bears marking for more than one candidate or a candidate and NOTA (none of the above),

(iii) if no vote is recorded on the face of the ballot paper or the vote is recorded on the back of the ballot paper or it is recorded otherwise than with the instrument supplied for the purpose,

(iv) if the ballot paper of the vote recorded thereon is void for uncertaintly, or

(v) if it is spurious ballot paper, or

(vi) if it is so damaged or mutiliated that its identity as a genuine ballot paper cannot be established.

(2) No ballot paper shall be rejected otherwise than on any of the grounds enumerated in sub-rule (1).

(3) The Returning Officer shall record in brief on every ballot paper which he rejects the reasons for such rejection.

(4) The decision of the Returning Officer as to the validity or otherwise of the ballot paper shall be final.

51. Equality of votes.- In case of equality of votes, the result shall be declared by drawing of lot in the manner which the Returning Officer may think proper.

52. Result of election.- (1) When the counting of votes has been completed, the Returning Officer shall :-

(a) make up separate packets of :-

(i) the counted valid ballot papers, and
(ii) the ballot papers rejected at the counting.

(b) affix his seal to each such packet,

[2][(c) prepare and certify a return in form VII setting forth therein :-

(i) the names and addresses of the candidates who have been declared under sub-rule (2) of rule 29 to have been elected unopposed;

(ii) the names and addresses of the candidates for whom valid votes have been cast;

(iii) the number of valid votes cast for each candidate;

(iv) the number of valid votes given to NOTA (none of the above);

(v) the number of votes rejected as invalid; and

(vi) the result of the lot, if any, drawn under rule 51 and]

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1. Substituted vide notification No. F.4(25)Am/Rule/Ele/Legal/PR/2014/1531 dated12.11.14
2. Substituted vide notification No. F.4(25)Am/Rule/Ele/Legal/PR/2014/1531 dated12.11.14

(d) declare the candidates who has secured the largest number of votes as a result of the poll or the lot drawn under rule 51 to be elected, and

(e) specify the wards which have failed to elect the Panchas.

(2) As soon as may be possible the Returning Officer shall forward -

(i) One copy of the return prepared under sub-rule (1) to the office of the Panchayat, if any

(ii) One such copy each to the officer-in-charge of Panchayats, and to the newly elected Sarpanch,

(iii) One copy thereof alongwith all papers relating to the election, to the District Election Officer (Panchayats)

(iv) One such copy to the Panchayat Samiti of the Block within which the Panchayat circle lies

(v) One such copy to Director, Rural Development and Panchayati Raj, Rajasthan, Jaipur.

53. Custody, production, inspection and destruction of election papers.- (1) All papers relating to elections shall remain in the custody of the District Election Officer (Panchayat).

(2) The packet of used ballot papers whether valid, tendered or rejected, and the marked copies of the voters' lists shall not be opened and their contents shall not be inspected or produced except, under the orders of a Court of competent jurisdiction.

(3) Subject to any direction to the contrary given by the Commission or by a competent court:-

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

(b) the other packets or papers referred to in sub-rule (2) shall be retained for a period of one year and shall thereafter be destroyed ;

Provided that the packets containing the counterfoils of used ballot papers shall not be destroyed except with the previous approval of the Commission :

(e) all other papers relating to the election shall be retained for such period as the Commission may direct.

54. Notification of names of Panchas.- The names of all Panchas elected under rule 52 shall be notified by the Commission in the Official Gazette of the State.

55. Bye election.- Whenever the office of a Panch falls vacant and a bye election is required to be held under section 42, provisions of rule 25 to 54 shall *mutatis matandis* apply to every bye-election for filling such vacancy.

[1][CHAPTER- IVA
Voting and counting of votes by Electronic Voting Machines for election of Panchas

55A. Voting and counting of votes by voting machines.- In relation to voting and counting of votes, custody, inspection and disposal of election papers etc., where voting machine is used,-

(a) the provisions of CHAPTER IV, except rules 32, 33, 34, 36 to 44, 47, 49, 50, 52 and 53 shall, so far as may be, *mutatis mutandis* apply and any reference in those provisions to ballot paper shall be construed as including a reference to such voting machine.

(b) in lieu of rules 32, 33, 34, 36 to 44, 47, 49, 50, 52 and 53, the following rules of this chapter shall apply, namely: -

32A. Supply of Election Material.- (1) At each polling station, there shall be set up one or more voting compartments in which the voters can record their votes free from observation.

(2) The Returning Officer shall provide at each polling station one electronic voting machine, copies of the relevant part of the electoral roll and such other articles and materials necessary for voters to vote.

(3) In supplying such material, regard shall be had to the number of electors entitled to vote at the polling station and the number of polling booths established therein.

33A. Design of Electronic Voting Machines.- Every electronic voting machine (here in after referred to as the voting machine) shall have a control unit and a balloting unit and shall be of such designs as may be approved by the State Election Commission.

[2][**33B. Preparation of Voting Machine by the Returning Officer.-** Subject to the provisions of rule 39A, the returning officer shall,-

(a) fix the ballot paper containing the names and symbols of the contesting candidates and NOTA (none of the above) in the balloting unit and secure that unit with his seal and the seals of such of the contesting candidates present as are desirous of affixing the same;

(b) set the number of contesting candidates and close the candidate and NOTA (none of the above) set section in the control unit and secure it with his seal and the seals of such of the contesting candidates present as are desirous of affixing the same.]

34A. Preparation of voting machine for poll.- (1) For securing the control unit of voting machine the Presiding Officer shall affix his own signature on the paper seal and obtain thereon the signature of such of the candidates, present as are desirous of affixing the same.

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

(3) The seal used for securing the control unit of voting machine shall be fixed in such manner that after the unit has been sealed, it is not possible to press the "result section" without breaking the seal.

(4) Every control unit and balloting unit of the voting machine used at a polling station shall bear labels, both inside and outside marked with,

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1. Inserted vide notification No. F.4(25)Amen/Rule/Ele/Legal/PR/09/4127 dated 21.11.2009.
2. Substituted vide notification No. F.4(25)Am/Rule/Ele/Legal/PR/2014/1625 dated 18.12.14.

(a) the serial number of the ward and name of Gram Panchayat;
(b) the serial number and name of the polling station;
(c) the serial number of the unit; and
(d) the date of poll.

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

(6) The control unit shall than be closed, sealed and secured and placed in full view of the Presiding Officer and the candidates present and the balloting unit placed in the voting compartment.

36A. Procedure for voting and secrecy of voting.- (1) Every voter who has been permitted to vote under rule 40A shall maintain secrecy of voting within the polling station and for that purpose observe the voting procedure here-in-after laid down.

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

(3) The voter shall thereafter forthwith,-

(a) proceed to one of the voting compartments;
(b) [1][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 or NOTA (none of the above) in case he wishes to exercise the option of not voting for any candidate in the fray; and]
(c) come out of the voting compartment and quit the polling station.

(4) Every voter shall vote without undue delay.

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

(6) If a voter who has been permitted to vote under rule 40-A or 44-A, refuses after warning given by the Presiding Officer, to observe the procedure as laid down in sub-rule (3), the Presiding Officer or a Polling Officer under the direction of Presiding Officer shall not allow such voter to vote.

(7) Where a voter is not allowed to vote under sub-rule (6), a remark to the effect that voting procedure has been violated, shall be made against the name of voter in the register of voters in Form XII by the Presiding Officer under his signature.

36B. 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.

(2) If the Presiding Officer has reason to suspect that a voter 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.

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1. Substituted vide notification No. F.4(25)Am/Rule/Ele/Legal/PR/2014/1531 dated 12.11.14.

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

37A. Identity of voter.- At any time before permitting the voter to vote the Presiding Officer or Polling Officer may of his own accord, if he has reason to doubt the identity of the voter or his right to vote at such polling station and shall, if so required by a candidate or polling agent, satisfy himself by putting to the voter such questions as he may deem necessary that such person is identical with the voter to whom such entry relates.

38A. Safeguard against impersonation.- Before permitting a voter to vote, the Polling Officer shall cause a mark to be put on the left forefinger of the voter with an indelible ink:

Provided that where such a mark already exists on the left forefinger of the voter, it shall be deemed that he had cast his vote already at the election and shall not be permitted to vote.

Provided further that no voter shall be allowed to vote unless he has allowed a mark to be put on his left forefinger with an indelible ink.

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 on 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 of the right hand and shall, in case the fingers of both the hands are missing, be constructed as a reference to such extremity of the left or right arm as he possesses.

[1][**39A. Form of ballot paper.-** (1) Every ballot paper shall be in such form as may be prescribed by the State Election Commission.

(2) The names of the candidates shall be shown on the ballot paper in the same manner and arranged in the same order in which they appear in the list of contesting candidates and NOTA (none of the above) shall also be shown on ballot paper.

(3) The particulars on the ballot paper shall be in Hindi in Devngari script.

(4) The symbol allotted to the candidates shall be shown alongside the name of the candidate on the ballot paper and symbol fixed for NOTA (none of the above) shall also be shown alongside the NOTA (none of the above) on the ballot paper.

(5) The space allotted to each candidate and for NOTA (none of the above) on the ballot paper shall have the same dimensions.

(6) If two or more candidates bear the same name, they shall be distinguished by the addition of their occupation or residences or in some other manner.

40A. Procedure for voting by voting machines.- (1) Before permitting a voter to vote, the Polling Officer shall,-

(a) record the electoral roll number of the voter as entered in the marked copy of the electoral roll in a register of voters in Form XII;
(b) obtain the signature or thumb impression of that voter on the said register of voters; and
(c) mark the name of the voter in the marked copy of the electoral roll to indicate that he has been allowed to vote:

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

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1. Substituted vide notification No. F.4(25)Am/Rule/Ele/Legal/PR/2014/1531 dated 12.11.14.

(2) It shall not be necessary for any Presiding Officer or Polling Officer or any other officer to attest the thumb impression of the voter on the register of voters.

41A. Assistance to blind or infirm electors.- (1) If an elector owing to blindness or other physical infirmity, is unable to recognize the symbols on the balloting unit of the voting machine or unable to record his vote by pressing the appropriate button thereon without assistance, the Polling Officer shall do so for recording the vote on his behalf and in accordance with his wishes.

(2) The Polling Officer shall, for all cases under this rule, shall make a brief note against the entry relating to such elector in the copy of voters list and the reason of such action.

[1][**43A. Elector deciding not to vote.-** ***Deleted ***]

44A. Tendered Votes.- (1) If a person representing himself to be a particular voter seeks to vote after another person has already voted as such voter, he shall on satisfactorily answering such question relating to his identity as the Presiding Officer may ask, be, supplied with a tendered ballot paper which shall be of such design as the State Election Commission may specify, instead of being allowed to vote through the balloting unit.

(2) Every such person shall, before being supplied with a tendered ballot paper, write his name against the entry relating to him in a list in Form XIII.

(3) On receiving the ballot paper such person shall forthwith, -

(a) proceed to the voting compartment;

[2][(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 the symbol or the name of the candidate or in the column against the name and symbol printed in the space earmarked for the candidate for whom he intends to vote or NOTA (none of the above) in case he wishes to exercise the option of not voting for any of the candidate in the fray.]

(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.

47A. Sealing of voting machine after close of poll.- (1) As soon as practicable after the closeing of the poll, the Presiding Officer shall, in the presence of such candidates as may be present there, close the control unit to ensure that no further votes can be recorded and shall detach the balloting unit from control unit.

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

47B. Sealing of Polling materials and other papers.- (1) The Presiding Officer of each polling booth, as soon as practicable after the close of the poll, shall in the presence of any candidate who may be present, make up into separate packets and seal with his seal and the seal of such candidates as may desire to affix their seals,-

(a) the marked copy of the electoral roll;

(b) the tendered ballot papers;

(c) the list of tendered votes;

(d) the list of challenged votes;

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1. Deleted vide notification No. F.4(25)Am/Rule/Ele/Legal/PR/2014/1531 dated 12.11.14.
2. Substituted vide notification No. F.4(25)Am/Rule/Ele/Legal/PR/2014/1531 dated 12.11.14.

(e) the certificate produced by officers on election duty;
(f) the register of voters in Form XII; and
(g) any other papers directed by the State Election Commission to be kept in a sealed packet.

(2) The Presiding Officer shall after sealing all the packets, endorse on each packet a description of its contents.

47C. Accounts of votes recorded.- (1) The Presiding Officer shall at the close of the poll, prepare an account of votes recorded in Form XIV.

(2) The Presiding Officer shall place the account of votes recorded in a separate envelope and endorse on it the words "Account of Votes Recorded".

47D. Transmission of voting machines 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 may direct,-

(i) the voting machine;
(ii) the account of votes recorded in Form XIV;
(iii) the sealed packets under rule 47B; and
(iv) all other papers used at the poll.

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

49C. Scrutiny and inspection of voting machines.- (1) The Returning Officer may have the control units of the voting machines used at more than one polling station taken up for scrutiny and inspection and votes recorded in such units counted simultaneously.

(2) Before the votes recorded in any control unit of a voting machine are counted under sub-rule (1), the candidate at the counting table shall be allowed to inspect the paper seal and such other vital seals as might have been affixed on the unit, and to satisfy themselves that the seals are intact.

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

(4) If the Returning Officer is satisfied that any voting machine has, in fact, been tampered with he shall not count the votes recorded in that machine and shall follow the procedure laid down in rule 49B, in respect of the polling station where that machine was used.

49D. Counting of votes.- (1) The counting of votes shall commence on such date and at such time and place as the Returning Officer may appoint.

(2) Such date, time and place shall be communicated to all the candidates.

(3) Votes shall be counted by or under the supervision of the Returning Officer and each candidate shall have a right to be present at the time of counting.

(4) No other person shall be allowed to be present at the counting of votes except,-
(a) Polling and Assistant Polling Officers;
(b) such other persons as the Returning Officer may permit to assist him in the task, and
(c) person authorised by State Election Commission.

[1][(5) 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 for each candidate and NOTA (none of the above) shall be displayed in respect of each such candidate and NOTA (none of the above) on the display panel provided for the purposes in the unit.

(6) As the votes polled for each candidate and NOTA (none of the above) are displayed on the control unit, the Returning Officer shall have,-

(a) the number of such votes recorded separately in respect of each candidate and NOTA (none of the above) in Part-II of Form XIV;
(b) Part II of Form XIV completed in other respects and signed by the counting supervisor and also by the candidates or their election agents or their counting agents present; and
(c) corresponding entries made in a result sheet in Form VII and the particulars so entered in the result sheet announced.]

(7) No envelope containing the tendered ballot papers shall be opened and no such votes shall be counted.

50A. Counting and rejection of postal ballot papers.-(1) Subject to general or specific direction given in this behalf by the State Election Commission, the provisions under rule 50 shall apply in relation to rejection of postal ballot papers received from the officers on election duty referred to in rule 35.

(2) The Returning Officer shall record the result of counting of votes received by post, if any, in the result sheet in Form VII and announce the same.

(3) The Returning Officer shall make up packets of the counted votes and affix his seal to each such packet.

[2]**[52A. Sealing of voting machines after counting of votes and result of election.-** (1) After the result of voting recorded in a control unit has been ascertained candidate-wise and to NOTA (none of the above) and entered in Part II of Form XIV and Form VII under rule 49D, the Returning Officer shall re-seal the unit with his seal and the seals of such of the candidates present who may desire to affix their seals thereon so however that the result of voting recorded in the unit is not obliterated and the unit retains the memory of such result.

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

(a) the name of the Gram Panchayat with ward number;
(b) the particulars of polling station where the control unit has been used;
(c) serial number of the control unit;
(d) date of poll; and
(e) date of counting.

(3) When the counting of votes has been completed under rule 49-D and 50A, the Returning Officer shall-

(a) prepare and certify a return in Form VII setting forth therein :-
(i) the name and addresses of candidates who have been declared under sub-rule (2) of rule 29 to have been elected unopposed,

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1. Substituted vide notification No. F.4(25)Am/Rule/Ele/Legal/PR/2014/1625 dated 18.12.14.
2. Substituted vide notification No. F.4(25)Am/Rule/Ele/Legal/PR/2014/1625 dated 18.12.14.

(ii) the names and addresses of the candidates for whom valid votes have been cast, and the number of votes cast for each candidate,

[1][(ii-a) the number of valid votes given to NOTA (none the above),]

(iii) the number of votes rejected as invalid under rule 50A, and

(iv) the result of the lot, if any, drawn under rule 51.

(b) declare the candidate who has secured the largest number of votes as a result of the poll or the lot drawn under rule 51 to be elected, and

(c) specify the wards which have failed to elect the panchas.

(4) As soon as may be possible the Returning Officer shall forward -

(i) one copy of the return prepared under sub-rule (1) to the office of the Panchayat, if any;

(ii) one such copy each to the officer-in-charge of Panchayats, and to the newly elected Sarpanch;

(iii) one copy thereof alongwith all papers relating to the election, to the District Election Officer (Panchayats);

(iv) one such copy to the Panchayat Samiti of the Block within which the Panchayat circle lies; and

(v) one such copy to Commissioner, Panchayati Raj, Rajasthan, Jaipur.

53A. Custody, Production and inspection of election papers.- (1) All papers relating to election shall remain in the custody of the District Election Officer (Panchayat).

(2) While in the custody,

(a) the packets of unused postal ballot papers,

(b) the packets of used postal ballot papers whether valid, rejected or cancelled,

(c) the packets of used or unused tendered ballot papers,

(d) the packets of the marked copy of electoral roll,

(e) the packets containing register of voters in Form XII, and

(f) the packets of the declaration by electors and attestation of their signatures.

shall not be opened, inspected or produced except under the orders of a competent court.

(3) The control units sealed under rule 52A and kept in the custody of the District Election Officer (Panchayat) shall not be opened, inspected or produced except under the orders of a competent court.

(4) Subject to such conditions and to the payment of such fee as the State Election Commission may direct, all other papers relating to the election shall be open to public inspection and copies thereof shall, on application, be furnished.

53B. Disposal of election papers etc..- Subject to any direction to the contrary given by the State Election Commission or by a competent court .-

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

(b) the voting machines kept in custody of the District Election Officer (Panchayat) under sub-rule (3) of rule 53-A, shall be retained intact for such period as the State Election Commission may direct;

(c) the other packets or papers referred to in sub-rule (2) of rule 53-A shall be retained for a period of one year and shall thereafter be destroyed:

Provided that the packets containing the counterfoil of used postal ballot papers shall not be destroyed except with the previous approval of the State Election Commission; and

(d) all other papers relating to the election shall be retained for such period as the State Election Commission may direct.]

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1. Substituted vide notification No. F.4(25)Am/Rule/Ele/Legal/PR/2014/1625 dated 18.12.14.

CHAPTER - V

Election of Sarpanch

56. Simultaneous election of Sarpanch & Panchas.- (1) On every occasion of a general election referred to in sub-rule (1) of rule 23, the election of the Sarpanch of a Panchayat under sub-section (1) of section 26 shall be held simultaneiously with the election of Panchas therefor.

(2) A candidate at an election may appoint as many polling agents as there are polling stations in the Panchayat and when any such appointment is made, notice of the appointment shall be given in writing to the Returning Officer.

[1][(3) the provisions of rules 23 to 54 shall, so far as may be, apply *mutatis mutandis* to such election except that the nomination paper of Sarpanch will not be valid unless accompanied with a security deposit of Rs. 500/- in the case of general candidates and Rs. 250/- in the case of women candidates and candidates belonging to Scheduled Caste, Scheduled Tribe and Other Backward Classes. The security shall be refundable except that it shall stand forfeited [2][in the case of such candidates who is not elected and fails] to secure atleast one sixth of the total valid votes polled in the election.

[3][Provided further that at the elections where voting machines are used the provisions of Chapter IV-A instead of the provisions of rule 32, 33, 34, 36 to 44, 47, 49, 50, 52 and 53 shall, so far as may be, apply *mutatis mutandis* to such election.]

Provided that where a candidate has been nominated by more than one nomination paper for election, not more than one deposit shall be required under this sub rule.]

(4) (a) The polling compartment and the ballot box provided for the casting of votes by electors in relation to the election of the Panch may be used for the casting of votes by electors in relation to election of the Sarpanch also unless a separate polling compartment or a separate ballot box is provided for the same.

(b) In case one ballot box is provided or used for the election of Panch and Sarpanch, the ballot box shall bear the word "Sarpanch" besides other particulars mentioned in rule 33(1).

(c) In case a separate ballot box is provided or used for the election of Sarpanch then that ballot box shall bear the name of Panchayat and the word "Sarpanch".

(5) Every elector qualified to vote at polling booth for election of a Panch shall be issued, another ballot paper [4][X X X] for the election of the Sapranch.

(6) In case a Panchayat circle has failed to elect a Sarpanch, the fact shall be forthwith reported by the Returning Officer to the District Election Officer (Panchayats) who shall inform the Commission and the State Government. There upon the State Government shall appoint a person as Sarpanch under sub-section (2) of section 26.

57. Bye-election of Sarpanch.- Whenever the office of a Sarpanch falls vacant and a bye-election is required to be held under section 42, provisions of rule [5][23] to [6][56] shall *mutatis mutandis* apply to every bye-election for filling such vacancy.

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1. Substituted vide notification no. F.(15) Vidhi/PR/94/28, dt. 3.12.99, for existing sub-rule (3).
2. Inserted vide notification No. F.4(25)Amen./Rule/Ele/Legal/PR/09/4127 dated 21.11.09.
3. Substituted vide notification No. F.4(25)Amen./Rule/Ele/Legal/PR/09/4127 dated 21.11.09.
4. Deleted vide notification No. F,4(12)L&J/RDP/4288, dt. 15.11.94, the words "by a seperate polling officer".
5. Substituted vide notification no. F.(15) Vidhi/PR/94/28, dt. 3.12.99, for figure "25".
6. Substituted by notification No. F,4(12)L&J/RDP/4288, dt. 15.11.94, for the figure "54".

CHAPTER - VI

Election of Members of Panchayat Samitis/ Zila Parishads

58. Election of members of Panchayat Samiti/Zila Parishad.- (1) In accordance with the time Schedule determined by the Commission, the District Election Officer (Panchayats) shall, by notification, call upon the constituencies of the Panchayat Samitis in the district and the constituencies of Zila Parishad to elect one member each and appoint -

(a) the dates on which and the hours between which nomination papers are to be presneted to the Returning Officer/Assistant Returning Officer;

(b) the day following the last day appointed for the presentation of nomination papers and the hours thereof, at which the scrutiny of such nomination papers shall be made;

(c) the day not later than the following day fixed for the scrutiny of nomination papers and the hours thereof between which the nomination may be withdrawn;

(d) the day which shall not be earlier than 7 days after the date fixed for withdrawal of nomination, on which a poll shall, if necessary, be taken;

(e) the hours within which such poll be taken;

(f) the place, date and time at which counting of votes shall commence.

(2) The District Election Officer (Panchayats) shall appoint a Returning Officer for each Panchayat Samiti for election of its members and may also appoint Assistant Returning Officer to assist him.

(3) The Commission shall appoint Returning Officer for election of members of the Zila Parishad and also Assistant Returning Officers to assit him.

(4) It shall be general duty of the Returning Officer/Assistant Returning Officers to perform functions mentioned in rule 24 for conducting effectively election of the members of Panchayat Samitis and Zila Parishads under these rules.

[1][(5) In the case where ballot boxes are used, the provisions of rule 24-A to 54 shall *mutatis mutandis* apply, and in the case where voting machines are used the provisions of rule 24-A to 31, 35, 45, 46, 48, 48A, 48B, 48C, 49A, 49B, 51 and 54 and Chapter IVA shall *mutatis mutandis* apply, so far as may be, to such elections of members of Panchayati Samities/Zila Parishads:]

[2][Provided that -

(a) a candidate shall not be deemed to be duly nominated for election from a constituency, unless he deposits a sum of Rupees 500/- or where the candidate is a women or a member of SC/ST/OBC, a sum of Rs.250/-.

(b) the security deposit shall stand forfeited [3][in the case of such candidates who is not elected and fails] to secure atleast one sixth of the total valid votes polled in the Constituency election.

(c) where a candidate has been nominated by more than one nomination paper for election, not more than one deposit shall be required of him in this sub rule.

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1. Substituted vide notification No. F.4(25)Amen./Rule/Ele/Legal/PR/09/4127 dated 21.11.09.
2. Substituted vide notification no. F.(15) Vidhi/PR/94/28, dt. 3.12.99, for existing proviso of sub-rule (5).
3. Substituted vide notification No. F.4(25)Amen./Rule/Ele/Legal/PR/09/4127 dated 21.11.09.

(d) for the purpose of listing the names under clause (ii) of sub rule (3) of rule 29, the candidates shall be classified in two categories namely (i) candidates set up by recognised political parties and (ii) other candidates, and shall be arranged in that order. Further the names of candidates in each category shall be arranged in Hindi alphabetical order.

(e) a candidate set up by a recognised political party, shall not be deemed to be duly nominated from a constituency unless the nomination paper is subscribed by one proposer being elector of the same constituency.

Explanation:- A candidate who desires to be considered as candidate set up by a recognised political party, shall produce letter to that effect signed by the president or head of the State unit of that party or any person authorised by him in this behalf on or before 3 PM on the last day for making nominations specified in notification under sub-rule(1) of rule 58.

(f) a candidate not set up by a recognised political party, shall not be deemed to be duly nominated for election from a constituency unless the nomination paper is subscribed by 5 proposers being electors of the same constituency.

[1][(g) A voter cannot nominate, as a proposer more than one candidate. Where a voter has signed on nominations, for more than one candidate, all such nominations other than the first one received by the Returning Officer shall be declared invalid.]

[2][(6) (a) The State Election Commission shall, by notification in the official gazette, specify the symbols that may by chosen by candidates at elections of the members of Panchayat Samiti and members of Zila Parishad and the restrictions to which their choice shall be subject to.

(b) For the candidates set up by a party which is a recognised political party in the State under the Election Symbols (Reservation and Allotment) Order, 1968 symbols reserved for that party under the said order shall be alloltted, provided that such a political party sets up only one candidate per constituency.

[3][xxx]

(c) [2][Subject to any general or special direction issued by the State Election Commission under clause (a), where at any] such election more nomination papers than one are delivered by a candidate, the choice of symbols made in the nomination paper first delivered, and no other choice of symbols, shall be taken into consideration even if that nomination paper has been rejected.

(d) The candidate shall present his nomination paper in [4][Form IV-A alongwith Form IV-D] to the returning officer and indicate his choice of symbol.

(e) The Returning Officer shall consider the choice of symbols expressed by the contesting candidates in their nomination papers and shall; [5][subject to any general or special direction issued by the State Election Commission under clause (a);]

(i) allot a different symbol to each contesting candidate in conformity, as far as practicable with his choice; and

(ii) if more contesting candidates than one have indicated their preference for the same symbol, decide by lot (including computerised ramdom draw) to which of such candidates the symbol will be allotted.

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1. Added by vide notification No. F.4(25)Amen./Rule/Ele/Legal/PR/09/4127 dated 21.11.09.
2. Added by notification No.F.4( ) RDP/L&J/94/6035, dated 25.12.94, new sub-rule (6) of rule 58.
3. Deleted by notification no. F.(15)Vidhi/PR/94/28, dt. 3.12.99, the explanation given below clause (b).
4. Substituted vide notification No. F.4(25)Amen./Rule/Ele/Legal/PR/09/4127 dated 21.11.09.
5. Subs. by notification no. F.(15)Vidhi/PR/94/28, dt. 3.12.99, for certain words.

(f) The allotment by the Returning Officer of any symbol to a candidate shall be final except where it is inconsistent with any directions issued by the State Election Commission in this behalf in which case the State Election Commission may revise the allotment in such manner as it thinks fit.]

[1][**58A - Bye election of members of Panchayat Samiti or Zila Parishad.-** Whenever the office of a member of Panchayat Samiti or Zila Parishad falls vacant and a bye-election is required to be held under section 42, provisions of rule 58 shall *mutatis mutandis* apply to every such bye-election for filling such vacancy.]

[2][CHAPTER - VII

Election of Pradhan and Up-Pradhan of Panchayat Samiti and Pramukh and Up-Pramukh of Zila Parishad

59. Election of Pradhan.- (1) The Pradhan of a Panchayat Samiti shall be chosen by the elected members of the Panchayat Samiti from amongst themselves.

(2) That the meeting of elected members for election of a Pradhan shall be held at the office of the Panchayat Samiti on the day and the time fixed by the State Election Commission and the meeting shall be presided over by the Returning Officer.

Explanation:- For the purpose of this rule "Returning Officer" means an officer appointed by the District Election Officer.

(3) The Returning Officer shall affix notice of the meetingon the notice board of the Panchayat Samiti stating therein the time schedule fixed by the State Election Commission for election of Pradhan:

[3][Provided that the Returning officer may declare the poll as finally concluded earlier in case all the members holding office have voted.]

(4) (a) The nomination of every candidate shall be made by means of a nomination paper in Form IV B.

(b) Every nomination paper shall be signed by a member as proposer and the candidate shall sign a declaration on it expressing his willingness to stand for the election.

(c) Each candidate shall be nominated by a separate nomination paper.

(d) Every nomination paper shall be presented by the candidate or his proposer on the date, at the place and during the hours specified in the notice for filing nomination paper.

(e) Immediately after the time for receipt of nomination papers is over, the Returning Officer shall cause to be published a list containing the names of the candidates whose nominations have been received.

(5) (a) At the time appointed for scrutiny of nominations, the candidate or his proposer may attend at such place and time as is specified in the notice for the scrutiny of nomination papers and the Returning Officer shall give such person all reasonable facilities to examine the nomination papers of all the candidates which have been received as aforesaid.

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1. Inserted vide notification No. F.(15)Vidhi/PR/94/28, dt. 3.12.1999, new Rule 58 A.
2. Chaper VII substituted vide No. F/15/Law/Rules/2000 dated 5.2.2000.
3. Substituted vide notification No. F.4(25)Amen./Rule/Ele/Legal/PR/09/4127 dated 21.11.09.

(b) The Returning Officer shall then examine the nomination papers and shall decide all objections which may be made at the time to any nomination and may, either on such objection or on his own motion, and after such summary enquiry, if any, as he may deem necessary, reject any nomination on any one or more of the following grounds:-

(i) that the proposer is a person who is not a member of the Panchayat Samiti;
(ii) that any of the provisions of clauses (a) to (d) of Sub-rule (4) have not been complied with:

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

(6) The Returning Officer shall cause to be published a list containing the names of the validly nominated candidates in Form IV-C by affixing it on the notice board of the Panchayat Samiti.

(7) (a) Any candidate may withdraw his candidature by a notice in writing before the time fixed under Sub-rule (3) and deliver the same to the Returning Officer personally.

(b) No person who has given a notice of withdrawal of his candidature under clause (a) shall be allowed to cancel the notice.

(c) The Returning Officer shall arrange the names of contesting candidates in Hindi in alphabetical order, and prepare the list of contesting candidates in Form V-A in Hindi Language written in devnagri script and affix it on the notice board of the Panchayat Samiti.

Explanation- Alphabetical arrangement shall be made with reference to the names of candidates and not with reference to their surnames, if any.

(8) (a) If there is only one candidate, there shall be no poll and the candidate so nominated shall be declared to have been duly elected as the Pradhan in Form VII-A.

(b) If there are two or more contesting candidates, an election shall be held by secret ballot and votes of the members present at the meeting shall be taken. No member shall be allowed to vote by post or proxy.

(c) If there is no validly nominated candidate, all proceedings in relation to election shall be commenced afresh on the date and time fixed by the State Election Commission for the purpose.

(9) If poll is to be taken, the Returning Officer shall assign shymbol to each contesting candidate according to Sub-rule (10) and the decision of the said officer in the allotment of symbols shall be final.

(10) (a) The State Election Commission shall by notification in the official gazette, specify the symbols that may be chosen by candidates at elections of Pradhan the restriction to which their choice shall be subject to.

(b) For the candidates set up by a party which is a recognized Political Party in the State under the Election Symbols (Reservation & Allotment) Order, 1968, symbols reserved for that party under the said order shall be allotted provided such a political party sets up only one candidate per office.

Explanation:- To be considered a candidate set up by a recognized political party, a candidate should produce a letter to that effect signed by the president of the State unit of that party or any person authorized by him in this behalf before the time and date fixed for withdrawal of nomination is over.

(c) Where at any such election more nomination papers than one are delivered by a candidate, the choice of symbol made in the nomination paper first deliverd, and no other choice of symbol, shall be taken into consideration even if that nomination paper has been rejected.

(d) The candidate shall present his nomination paper in Form IV-B to the Returning Officer and indicate his choice of symbol.

(e) The Returning Officer shall consider the choice of symbol expressed by the contesting candidates in their nomination papers and shall;

(i) allot a different symbol to each contesting candidate in conformity, as far as practicable with his choice; and

(ii) if more than one contesting candidates have indicated their reference for the same symbol decide by lot to which of such candidates the symbol will be allotted.

(11) Immediately after allotment of symbols, the Returning Officer shall announce the names of the contesting candidates on the basis of list of contesting candidates prepared by him in Form V-A in Hindi language written in Devnagri script and a copy of the said list of contesting candidates along with symbols shall be supplied to each candidate.

(12) (a) The ballot paper for the election shall be in such form as the Commission may direct and the particulars therein shall be in Hindi written in Devnagri script.

[1][(b) The names of candidates shall be typed or legibly written on ballot papers in the same order as they appear in the list of contesting candidates and NOTA (none of the above) shall be shown after last candidate on the ballot papers.]

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

(13) (a) The Returning Officer shall cause such arrangement to be made as will ensure the secrecy of the ballot paper.

(b) Returning Officer will be assisted by Polling Officer to be appointed by District Election Officer (Panchayats).

[1][(c)The ballot paper shall be duly authenticated by the seal and signature of the Returning Officer. The names of the candidates shall be arranged on the ballot paper in the same order in which they appear in the list of contesting candidates and NOTA (none of the above) shall be shown after last candidate on the ballot papers. If two or more candidates bear the same name this shall be distinguished by addition of their father's or husband's name, as the case may be, or in such other manner as the Returning Officer may deem fit.]

(d) The Polling Officer shall tick mark the entry in the list of members before issuing ballot paper.

[1][(e)Every member wishing to vote shall place a cross-mark on the ballot paper against the name of the candidate whom he wants to vote or NOTA (none of the above) in case he wishes to exercise the option of not voting for any candidate in the fray, by means of the instrument supplied for the purpose by the Returning officer.]

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1. Substituted vide notification No. F.4(25)Am/Rule/Ele/Legal/PR/2014/1531 dated 12.11.14.

(f) He shall then fold up the ballot paper so as to conceal his vote and deposit the same in a ballot box placed in the view of the Returning Officer.

(g) If a voter to whom a ballot paper has been issued, does not conceal his vote, the Returning Officer shall take back the ballot paper and cancel it recording on its back the words "cancelled-voting procedure" and put his signature below those words.

(h) If the voter is unable to place a mark on the ballot paper owing to blindness or other physical infirmity the Returning Officer shall record the vote on the ballot paper in accordance with the wishes of the voter and fold it up so as to conceal the vote and the voter shall then himself or with the assistance of the Returning Officer insert the ballot paper into the ballot box.

(i) The ballot box shall be so constructed that the ballot papers can be introduced therein but cannot be withdrawn.

(14) (a) The Returning Officer shall scrutinise the ballot papers in the meeting and separate those which in his opinion are valid from those which in his opinion are invalid, endorsing on the later the word "rejected" and the ground of rejection.

(b) A ballot paper shall be invalid on the following grounds:-

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

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

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

(iv) that it is a spurious ballot paper, or

(v) that voter has failed to conceal his vote, or

(c) Every ballot paper which is not rejected shall be counted as one valid vote.

(d) If after the counting of the votes is completed, an equality of votes is found between any candidates and the 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 had received an additional vote.

(e) The candidate who secures the largest number of votes shall be declared elected.

(f) The declaration of result of election shall be made in the Form VII-A.

(g) Immediately after the declaration of the result in Form VII-A the Returning Officer shall cause to be affixed a copy of the same on the notice board of the Panchayat Samiti and supply copy to the elected candidate, to the State Election Commission for publication of name of elected candidate in the official Gazette, to the District Election Officer (Panchayats) and to the Director, Panchayati Raj Department.

60. Packing preservation, production and inspection of election record.- (1) The Returning Officer shall then make up in to packets the ballot papers and other papers relating to the election, seal up the packets and note thereon a description of the contents and the election to which it relates.

(2) The packets shall be retained in safe custody of the District Election Officer (Panchayats) concerned for a period of six months and shall then unless otherwise directed by the competent court be destroyed.

(3) While in the custody of the District Election Officer (Panchayats) the packets of the election papers shall not be opened and their contents shall not be inspected by or produce before any person or authority except under the order of a competent court.

61. Election of Up-Pradhan.- The election of Up-Pradhan shall be held on the day immediately succeeding the day on which the result of election of Pradhan is declared in accordance with the provisions of foregoing rules contained in this chapter subject to the reference therein to "Pradhan" wherever it occurs shall be construed as reference to Up-Pradhan :

Provided that the State Election Commission, may for reasons to be recorded in writing, direct that the election Up-Pradhan to be held on some other day and time as it deems fit.

62. Election of Pramukh and Up-Pramukh.- (1) The Returning Officer shall conduct the election of Pramukh in accordance with the procedure laid down in the foregoing rules contained in this chapter subject to the following variations, namely:-

(a) The references therein to 'Pradhan', wherever they occur, shall be construed to be references to 'Pramukh'.

(b) The references therein to "Panchayat Samiti", wherever they occur, shall be construed to be references to "Zila Parishad".

(2) The election of Up-Pramukh shall be held on the day immediately succeeding the day on which the result of election of Pramukh is declared in accordance with the provisions of foregoing rules contained in this chapter subject to the following variations, namely:-

(a) The references therein to 'Pradhan', wherever they occur, shall be construed to be references to "Up-Pramukh",

(b) The references therein to "Panchayat Samiti", wherever they occur, shall be construed to be references to "Zila Parishad":

Provided that State Election Commission may for reasons to be recorded in writing, direct that the election of Up-Pramukh to be held on some other day and time as it deems fit.

Explanation:- For the purpose of this rule the Returning Officer means an officer appointed by the State Election Commission.

63. Filing up of vacancies of Pradhan, Up-Pradhan, Pramukh and Up_Pramikh.- (1) Any vacancy occuring otherwise than by efflux of time shall be filled by holding bye-election in accordance with the provisions of the foregoing rules contained in this chapter and the person so elected as Pradhan, Up-Pradhan, Pramukh or Up-Pramukh shall hold office for the residue of the tenure of the Panchayati Raj Institution concerned :

Provided that a person who has been removed from the office of Pradhan, or Up-Pradhan or Pramukh or Up-Pramukh under Sub-section (1) of Section 38 of the Act, shall be ineligible for re-election to such office for the remaining term.

(2) The date for such bye-election along with notice period to elected members of the Panchayat Samiti or Zila Parishad, as the case may be, shall be fixed by the State Election Commission.]

CHAPTER - VIII

Election of Members of Standing Committees of Panchayat Samitis and Zila Parishads[1]

64. Standing Committees of Panchayat Samiti and Zila Parishad.- (1) The Panchayat Samiti or Zila Parishad, as the case may be, in a meeting called for this purpose, shall elect, from amongst the elected members of the 'Panchayat Samiti or Zila Parishad, as the case may be, members for each of the standing committees constituted under section 56 and 57 of the Act, respectively. Such meetings for election of the members of standing committees shall be presided over by Pradhan in the case of Panchayat Samiti and Pramukh in the case of Zila Parishad.

(2) Save a provided in section 56 and 57 the members of the standing committees shall also elect chairman of the standing committee in its first meeting.

(3) If such standing committees are not constituted within a period of three months from the date of constitution or re-constitution of the Panchayat Samiti or Zila Parishad, as the case may be, the Collector of the district or officer authorised by him shall convene a meeting of the members of the Panchayat Samiti or Zila Parishad, as the case may be, for election of members of the Standing Committees. The Collector or officer authorised by him in this behalf, shall preside over such meeting and exercise all the functions of Pradhan or Pramukh, as the case may be, for constituting a Standing Committee except that he shall have no power to vote.

CHAPTER - IX

Election of Up-Sarpanch

65. Election of Up-Sarpanch.- (1) Election of Up-Sarpanch shall be held on the day following the date of election of Ward Panchas and Sarpanch :

Provided that the [2][Returning Officer] for reasons to be recorded in writing, may provide that election of Up-Sarpanch be held on some later day.

(2) The [1][Returning Officer] shall after the declaration or result of Ward Panch, convene a meeting of the newly elected Panchas and Sarpanch for the election of the Up-Sarpanch and the notice specifying the time and place of the meeting shall be affixed not less than two hours before the poll on notice board of the office of Panchayat and where no such office is established or where election is to be held at a place other than the Hqrs. of the Panchayat, at some conspicuous place and shall also inform the Sarpanch and the Panchas present of such time and place of the meeting for such election.

[3][**Explanation:-** Returning Officer means an officer appointed under sub-rule (2) of rule 23].

66. Procedure for election.- (1) At the meeting, each Panch or the Sarpanch present thereat may propose in writing the name of any Panch (hereinafter referred to as candidate) for election as Up-Sarpanch :

Provided that all such proposals shall be made within an hour of the commencement of the meeting and no proposal shall be entertained or received thereafter.

(2) If the candidate is not present at the meeting his acceptance in writing of the proposals shall be submitted along with the proposal :

Provided that in case the candidate for such election is present at such meeting, his written acceptance shall not be necessary, if he signifies such acceptance orally.

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1. See Latest Rules राजस्थान पंचायजी राज (स्थायी समिति गठन) नियम, 2000
2. Subs. vide notification no. F/15(Vidhi)/PR/94/28, dt.3.12.99, for words "Competant Authority".
3. Added by, ibid.

(3) The [1][returning officer] shall read out the names of the candidates and examine the proposals one by one, afford a reasonable opportunity to the Sarpanch and Panchas present to examine the same and raise objections thereto and shall then decide all such objections and may, either on such objection or on his own motion reject any proposal on any of the following grounds :-

(a) that the candidate is not elibible for election as Up-Sarpanch under the provisions of the Act; or

(b) that there has been a failure in complying with the provisions of this rule.

(4) If any proposal is rejected the [1][returning officer] shall record a brief statement of the reason for such rejection.

(5) The names of all the candidates whose nominations are found to be in order shall be read out by the [1][returning officer].

(6) If there is only one candidate, he shall be declared to be duly elected as Up-Sarpanch.

(7) If the number of candidates exceeds one, votes shall be taken by secret ballot and the procedure laid down in rule 59 and 60 *mutatis mutandis* shall apply.

(8) If there is no candidate and the Panchayat fails to elect an Up-Sarpanch, the [1][returning officer] shall inform the officer-in-charge Panchayats and the Collector, who in turn shall inform the Government for appointment of Up-Sarpanch under section 26 (2) of the Act.

(9) [1][Returning Officer] shall draw summary proceedings of election of Up-Sarpanch.

67. Bye-election of Up-Sarpanch.- As and when a bye-election of Up-Sarpanch becomes necessary under section 20 of the Act, the [1][Returning Officer] shall convene a meeting of Sarpanch and Panchas after serving on them notice specifying the date time and place of such meeting and the provisions of rule 65 and 66 shall apply, so far as may be.

CHAPTER - X

Candidates and Their Agents

68. Appointment of election agent and revocation of such appointment.- (1) If a candidate seeking election to a Panchayat Samiti or Zila Parishad desires to appoint an election agent such appointment shall subject to the provisions of sub-rule (2) and (3), be made in form VIII 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 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.

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1. Subs. vide notification no. F/15(Vidhi)/PR/94/28, dt.3.12.99, for words "Presiding Officer".

69. Appointment of polling agent.- (1) At an election at which poll is to take place for the office of Sarpanch or members of Panchayat Samiti or Zila-Parishad, any contesting candiate, 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 IX 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.

70. Appointment of counting agent.- (1) Each candidate cantesting election to the office of Sarpanch may appoint not more than 2 counting agents by a letter in writing in duplicate in form X signed by the candidates.

(2) Each candidate seeking election as member of a Panchayat Samiti or Zila Parishad may appoint [1][as many counting agents as] the number of tables provided for counting of votes by the Returning Officer, one for the table of Returning Officer and one relief agent by a letter in writing in duplicate in form X signed by the candidates or his election agent.

(3) 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 58. 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.

71. Revocation of the appointment on 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 [2][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.

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1. Subs. by ibid, for words "Competent Authority".
2. Subs. vide notification no. F/15(Vidhi)/PR/94/28, dt.3.12.99, for certain words.

(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 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 69 :

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 69 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 69.

72. Revocation of the appointment on 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 under rule 49.

(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 under rule 49.

(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 70.

(4) The provisions of sub-rule (2) and (3) of rule 70 shall apply in relation to counting agent appointed under sub-rule (3) as they apply in relation to counting agent appointed under sub-rule (1) of rule 70.

73. Death of candidates 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 their remains only one contesting candidate, the Returning Officer shall, upon being satisfied of the fact of the death of the candidate, countermand the poll and report the fact to the Commission through the District Election Officer (Panchayat) and all proceedings with reference to the election shall be commenced again as if for a new election in accordance with the rules herein before :

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) or rule 28 before the countermanding of the poll, shall be ineligible for being nominated as a candidate for the election after such-countermanding.

CHAPTER - XI

Oath or Affirmation

74. Publication of Election Result.- The names of persons elected as members of a Panchayati Raj Institution or as Chairpersons or Deputy Chairpersons shall be published in the official gazette.

75. Oath or affirmation.- Oath or affirmation to be made under section 24 by a Panch, Sarpanch, Pradhan, Up-Pradhan, Pramukh, Up-Pramukh and member of Panchayat Samiti and Zila Parishad shall be in Form XI.

76. Time and manner of making oath or affirmation.- (1) The Oath or affirmation shall be made by all members or Chairperson and Dy. Chairperson of a Panchayati Raj Institution at any time within 3 months after the declaration of his result.

(2) Subject to the provisions contained in sub-rule (1) such oath or affirmation may be made at any time after the declaration of the result -

(i) before the Returning Officer; or

(ii) before the Tehsildar concerned or any officer appointed in this behalf by the Collector; or

(iii) in the case of Panch before the Sarpanch; or

(iv) at any meeting of the Panchayat, Panchayat Samiti or Zila Parishad, as the case may be, and the forms of oaths or affirmations subscribed at the time of making them shall be sent to or retained in the office of the District Election Officer (Panchayats) for a period of 5 years upon the expiry of which they shall be destroyed.

CHAPTER - XII

Prohibited Acts and Corrupt Practices

77. Servants of Panchayati Raj Institutions not to canvass.- As servant of the Panchayati Raj Institution shall not canvass or otherwise interfere or in any way, use influence in election or members of any Panchayati Raj Institutions.

78. Penalties.- Any person contraventing the provisions of rule 77 shall on conviction be punishable with fine which may extend to Rupees two hundred.

79. Corrupt Practice.- The following shall be deemed to be corrupt practices for the purposes of an election under these rules, namely :-

(1) Bribery, that is to say, any gift, offer or promise by a candidate or by any other person of any gratification to any person whomsoever with the object directly or indirectly, of inducing -

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

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

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

(ii) an elector for having voted or refrained from voting.

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

(2) Undue influence that is to say, any direct or indirect interference on the part of a candidate or of any other peson with the free exercise of right to vote :

Provided that -

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

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

(ii) induces or attempts to induce a candidate or an elector to believe that he or any person in whom he is interested, will become or will be rendered an object of divine displeasure or spiritual censure;

shall be deemed to interfere with the free exercise of the right of such candidate or elector to vote within the meaning of this clause;

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

(3) The systematic appeal by a candidate or any other person to vote or refrain from voting on grounds of caste, race, community or religion or the use of, appeal to the religious symbols, or the use of, or appeal to, national symbols, such as the national flag or the national emblem, for the furtherance of the prospects of that candidate's election.

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

(5) The hiring or procuring, whether on payment or otherwise, of any vehicle or vessel by a candidate or by any other person on behalf of the candidate for the conveyance of the elector other than the candidate himself or any member of his family to or from any polling station or place fixed for the poll:

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

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

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

(6) The incurring or authorising by a candidate or by any other person of expenditure in contravention of the provision of any rule or order relating to election.

(7) The obtaining or procurring or abetting or attempting to obtain or procure by a candidate or by any other person any assistance other than the giving of vote for the furtherance of the prospects of the candidate's election from any person in the service of the Government (or any local authority) and belonging to any of the following classes, namely :-

(a) Gazetted Officers;
(b) stipendiary Judges and Magistrates;
(c) members of the armed forces of the Union;
(d) members of the police force;
(e) excise officers;

(f) revenue officers including village accountants such as Patwaris and the like but excluding other village officers;

(g) such other class of persons in the service of the Government as may be notified;

(h) members of the Rajasthan Panchayat Samiti and Zila Parishad Service, Rajasthan Panchayat Samiti and Zila Parishad (Class IV) Service and persons placed on deputation under section 79 and 82 the Rajasthan Panchayati Raj Act, 1994, and

(i) employees of other local authority.

Explanation.- The word "candidate" means for the purpose of this rule and rules 80 to 89 the person who stood for, or was nominated for, the election to which an election petition pertains.

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

Explanation.- For the purposes of this clause, "sati" and "glofification" in relation to sati shall have the meanings respectively assigned to them in the Commission of Sati (Prevention) Act, 1987].

CHAPTER - XIII

Election Disputes

80. Manner of challenging an election under the Act.- An election under the Act or under the Rules may be called in question by any candidate at such election by presenting a petition to the District Judge having jurisdiction within thirty days from the date on which the result of such election is declared, on any one or more of the following grounds :-

(a) that on the date of election, a returned candidate was not qualified or was disqualified, for such election, or

(b) that any corrupt practice was committed by a candidate or by any other person with the consent or connivance of the candidate, or

(c) that any nomiation was improperly rejected, or

(d) that the result of the election in so far as it concerns the returned candidate was materially affected-

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1. Added vide notification No. F.14(13)/RDP/LJ/94/5833 dt. 12.12.1994.

(i) by the improper acceptance of any nomination, or

(ii) by any corrupt practice committed in the interest of the candidate by a person other than that candidate or by a person acting with the consent or connivance of such candidate, or

(iii) by improper reception, refusal or rejection of any vote or the reception of any vote which was void, or

(iv) by any non-complience with the provisions of the Act or of these rules, or

(e) that in fact the petitioner or some other candidate received a majority of the valid votes, or

(f) that, but for votes obtained by the returned candidate by corrupt practices, the petitioner or some other candidate would have obtained a majority of the valid votes.

81. Who may present election petition.- (1) A petition under rule 80 may be presented by any candidate at such election.

Explanation.- The petition shall be deemed to have been duly presented, if it is delivered by the person making the petition or by person authorised in writing in this behalf by the person making the petition.

(2) No petition shall be deemed to have been presented under these rules unless the petitioner deposits a sum of Rs. 500/- alongwith the petition by way of security for the costs of the opposite party.

(3) The petitioner shall also send a copy of the petition under a certificate of posting to the District Election Officer (Panchayats) concerned.

82. Contents and verification of election petition.- (1) The petition shall contain a concise statement of the material facts on which the petitioner relies and shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908 (Central Act V of 1908), for the verification of pleadings.

(2) Any schedule or annexure to the petition shall also be signed by the petitioner and verified by him in the same manner as the petition.

83. Parties to the petition.- The person whose election is challenged, and where the petition claims that any other candidate shall be declared as elected in place of such person, every unsuccessful candidate who has polled more vote than such candidate, shall be made respondent to the petition.

84. Appearance and acts.- Any appearance, application or act before the Judge may be made or done by the party in person or by a pleader duly appointed to act on his behalf.

85.Hearing of petition.- The procedure provided in the Code of Civil Procedure, 1908 (Central Act V of 1908) in regard to suits, shall, in so far as it can be made applicable, be followed in the hearing of the petition:

Provided that -

(a) any two or more petitioners relating to the election of the same person shall be heard together;

(b) the Judge shall not be required to record evidence in full but shall only made a memorandum thereof sufficient in his opinion for the purpose of deciding the petition;

(c) the petitioner may, at any stage of the proceeding be asked to give further security for the payment of the costs likely to be incurred by any respondent;

(d) the Judge, shall only be bound to require the production of, or to receive so much evidence, oral or documentary as he considers necessary; and

(e) no witness or other person shall be required to state for whom he has voted at an election.

86. Powers of Court hearing petition.- The Judge hearing a petition shall have the same powers and privileges as a Judge of a Civil Court when trying a suit and may for the purpose of serving any notice or issuing any process of doing any other thing employ an officer, clerk or peon attached to his Court:

Provided that no injunction or stay order shall be issued restraining the person, whose election is questioned, from exercising the power and performing the duties under the Act and rule made thereunder.

87. Order of the Court.- (1) Upon the conclusion of the hearing the Judge shall make an order :-

(a) dismissing the petition, or

(b) declaring the election of all or any of the returned candidates to be void, or

(c) declaring the election of all or any of the returned candidates to be void and the petitioner or any other candidate to have been duly elected.

[1][(d) where any charge is made in the petition of any corrupt practice having been committed at the election, record -

(i) a finding whether any corrupt practice has or has not been proved to have been committed at the election, and the nature of that corrupt practice; and

(ii) the names of all persons, if any, who have been proved at the trial to have been guilty of any corrupt practice and the nature of that practice;

Provided that a person who is not a party to the petition shall not be named in the order under sub-clause (ii) of clause (d) above, unless -

(i) he has been given notice to appear before the court and to show cause why he should not be so named; and

(ii) if he appears in pursuance of the notice, he has been given an opportunity of cross examining any witness who has already been examined by the court and has given evidence against him, of calling evidence in his defence and of being heard.]

(2) The Judge, after pronouncing the order made under sub-rule (1), shall send a copy thereof to the District Election Officer (Panchayats) for taking further necessary action in pursuance thereof.

88. Execution of order as to costs.- Any order with regard to costs passed by the Judge shall be executed by him on application made in that behalf in the same manner and by the same procedure as if it were a decree for the payment of money made by himself in a suit.

89. General power of transfer or withdrawal.- (1) On the application of any of the parties and after notice to the parties and after hearing such of them as desire to be heard, or of his own motion, without such notice, the District Judge within whose jurisdiction the place or headquarters of the Panchayat Samiti or Zila Parishad, as the case may be, is situated, may at any stage of the proceeding withdraw any petition pending in the Court of any Judge sub-ordinate to him; and

(i) try or dispose of the same, or

(ii) transfer the same for trial or disposal to the Court of any other Judge within his jurisdiction, or

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1. Added vide notification no. F/15(Vidhi)/PR/94/28, dt.3.12.99, new cl.(d) and proviso in sub-rule (1) of rule 87.

(iii) re-transfer the same for trial or disposal to the Court from which it was withdrawn.

(2) Where any petition has been withdrawn or transferred under sub-rule (1) the Court which thereafter tries such petition may subject to any special directions contained in the order of transfer, either re-try it or proceed from the point at which it was withdrawn or transferred.

CHAPTER - XIV

Miscellaneous

90. Manner of serving the order of requisition of vehicles etc.- The order of requisition under sub-section (2) of section 116 shall be served -

(a) Where the 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 XXIV or rule 3 of order XXX as the case may be, in the First Schedule to the Code of Civil Procedure, 1908 (Act V of 1908); and

(b) Where, the person to whom such order is addressed in an individual :-

(i) personally by delivering or tendering the order,

(ii) by registered post, or

(iii) if the peson cannot be found, by leaving an authentic copy of the order with any adult member of his family or by affixing such copy to some conspicuous part of the premises in which he is known to have last resided or carried on business or personally worked for gain.

91. Time for application.- The time within which the owner of vehicles, vessel or animal who is aggrieved by the amount of compensation determined under sub-section (1) of section 116 may make an application to the Commissioner in this behalf, shall be fourteen days from the date of receipt of intimation of determination of the amount of such compensation.

[1][**91-A. Removal of difficulties.-** If any difficulty arises in the implementation of the rules, the State Election Commission or any authority directed by it, may by an order in writing give the directions as may appear necessary to it for the removal of any such difficulty.]

92. Supersession of existing rules.- On these rules coming into force, the Rajasthan Panchayat Election Rules, 1960 shall in respect of the matter, covered by these, stand superseded.

93. General provisions.- (1) Save as otherwise provided in the Act or in these rules, no act done or proceeding taken under or with reference to the foregoing rules shall be called in question by means of suit or otherwise in a court of law.

(2) Any public building within the Panchayat circle selected by the Returning Officer or the District Election Officer (Panchayat), as the case may be, for the location of polling station for the purpose of conducting elections shall be placed at his disposal with effect from such day as the Returning Officer or the District Election Officer (Panchayat), as the case may be, direct.

(3) If the Collector considers it necessary that educational institutions within the Panchayat circle shall remain closed on the day of poll, he may by an order in writing declare such day as Holiday for the educational institutions within the Panchayat circle.

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1. Added vide notification No. F.4(13)RDPR/L&J/94/5833, dt. 12.12.94.

"FORM - I
[See rules 13(2)]

Application for inclusion of name in electoral roll

To
The Electoral Registration Officer
…… Panchayat Samiti.

Sir,

I request that my name be included in the electoral roll for the ward no. ---------- of panchayat circle ---------- Particulars in support of my claim for inclusion in the electoral roll are given below:

SPACE FOR PASTING ONE RECENT PASSPORT SIZE PHOTOGRAPH

(3.5 CM X 3.5 CM) SHOWING FRONTAL VIEW OF FULL FACE

I. Applicant's details	Name		Surname (if any)
Age as on 1st January …… (write year)	Years:	Months:	
Date of birth, if known:	Day:	Month:	Year:
Sex* (male/female/others):			
Father's/ Mother's/ Husband's (Strike out the inappropriate alternative)	Name		Surname (if any)

II. Particulars of place of present ordinary Residence (Full address)

House/ Door number:									
Street/ Area/Locality/ Mohalla/Road:									
Town/ Village:									
Tehsil:			Panchayat Samiti:						
District:				Pin Code:					
Mobile (if any) :			E-mail (if any) :						
Name of Assembly constituency			Part no. of Assembly constituency						

III. Details of member(s) of applicant's family already included in the current electoral roll of the Constituency:

Sr. No.	Name	Relationship with applicant	Serial No. of Voter List

* If Kinner/sex changer do not want to mention their gender as male/female, then they write their gender as others.
\# Please enclose a passport size photograph with the application form.

IV. Declaration

I hereby declare that to the best of my knowledge and belief: -

(i) I am a citizen of India;
(ii) I am ordinarily resident at the address given in para II above since ……..(date, month, year);
(iii) I am eligible for the registration of state assembly voter list related above ward constituency;
(iv) I have not applied for the inclusion of my name in the electoral roll for any other panchayat circle constituency;
(v) *My name has not already been included in the electoral roll for this ward or any other ward in panchayat circle constituency;

or

*My name may have been included in the electoral roll for ward no. _____ serial number in voter list _____ in which I was ordinarily resident earlier at the address mentioned above and if so, I request that the same may be deleted from that electoral roll.

Place:
Date: Signature or thumb impression of the applicant

Note- Any person who makes a statement or declaration which is false and which he either knows or believes to be false or does not believe to be true, is punishable under section 18-A of the Rajasthan Panchayati Raj Act, 1994.

Details of action taken on Application

Remarks of Field Level Officers (e.g Investigation Officer, Designated Officer, Supervisory Officer)
To be filled by Electoral Registration Officer of the constituency

The application of Shri/Smt./Km …….. for inclusion of name in the electoral roll in Form-I has been accepted*/rejected*.
Detailed reason for acceptance or rejection [under or in pursuance of sub-rule (3) rule 14] ……..
……
……

Place: Date	Signature of Electoral Registration Officer (Seal of the Electoral Registration Officer)

[**This page should be thick enough so that it does not get mutilated /damaged in postal transit**]

Intimation of action taken **(Section-II of the page is to be filled by Electoral Registration Officer of the constituency and to be posted to the applicant on the address as given by the applicant in Section-I)**

----------First Fold----------

Section-I

Applicant name & postal address-	Postage Stamp to be affixed by the Electoral Registration Authority at the time of dispatch

----------Second Fold----------

Section-II

The application in Form-I of inclusion name in voter list -
(a) accepted and the name of Shri/Shrimati/Kumari …… has been registered at serial number …… in Ward No. …….. of Panchayat Circle. ……
(b) rejected for the reason ……
Place ..... Electoral Registration Officer
Date …….. (Address).....

----------(Perforation for detachment)----------

(To be filled in by the applicant)

Receipt for application

Received the application in Form-I of Shri/Shrimati/Kumari……..
Address……

Date…… Signature of the officer receiving the application on behalf of the Electoral Registration Officer
(Address) …….

* Strike out the inappropriate alternative."

12. Substitution of Form II.- The existing Form II appended to the said rules, shall be substituted by the following, namely :-

"FORM II

[See rule 13(3)]

Application for objecting inclusion of name in electoral roll

To
The Electoral Registration Officer,
…… Panchayat Samiti.

Sir,

I object to the proposed inclusion of the name of the under mentioned person in the electoral roll for the ward no. ….. of …….. panchayat circle.

I. Details of person inclusion of whose name is objected to:	Name	Mother's/Father's/Husband's Name
	Ward No. :	Serial Number of Voter list :
II. Details of objector	Name	Mother's/Father's/Husband's Name
Sex* (Male/Female/Other)	Ward No. :	Serial Number of Voter list :

Particulars of place of ordinary residence								
House/ Door number:								
Street/ Area/Locality/Mohalla/Road:								
Town/ Village:								
Post Office:			Pin Code:					
Tehsil:	Panchayat Samiti		Mobile no. (if any) :					
District:			E-mail . (if any) :					

III. Reason(s) for objection:

*If Kinner/sex changer do not want to mention their gender as male/female, then they write their gender as others.

IV. Declaration

I hereby declare that the facts and particulars mentioned above are true to the best of my knowledge and belief.

Place:

Date: Signature or thumb impression of the applicant

Note- Any person who makes a statement which is false and which he either knows or believes to be false or does not believe to be true, is punishable under section 18-A of the Rajasthan Panchayati Raj Act, 1994.

Details of action taken on Application

Remarks of Field Level Officers (e.g Investigation Officer, Designated Officer, Supervisory Officer)
To be filled by Electoral Registration Officer of the constituency

The application of Shri/Smt./Km. ……. objecting to inclusion of name of Shri/Smt./Km……. in the electoral roll in Form II has been accepted*/rejected*.

Detailed reasons for *acceptance /*rejection [under or in pursuance of sub-rule (3) of rule 14]

……..……..……..……...……

Place:
Date: Electoral Registration Officer

[This page should be thick enough so that it does not get mutilated /damaged in postal transit]

Intimation of action taken

(Section-II of the page is to be filled by Electoral Registration Officer of the constituency and to be posted to the applicant on the address as given by the applicant in Section-I)

----------First Fold----------

Section-I

Applicant name & postal address-	Postage Stamp to be affixed by the Electoral Registration Authority at the time of dispatch

----------Second Fold----------

Section-II

The application receipt from Sh./Smt./Km. …… Form-II objection of inclusion name in voter list -

(a) accepted and the name of Sh./Smt./Km from voter list of ward no. …… of panchayat circle ……. has been deleted.

(b) rejected for the reason

……..……

Place ..... Electoral Registration Officer.
Date ……..
(Address).....

----------(Perforation for detachment)----------

(To be filled in by the applicant)

Receipt for application

Received the application in Form II of Shri/Shrimati/Kumari……..
Address……

Date…… Signature of the officer receiving the application on behalf of the Electoral Registration Officer
(Address) …….

---

* Strike out the inappropriate alternative."

13. Substitution of Form III.- The existing Form III appended to the said rules, shall be substituted by the following, namely :-

"FORM III
[See rule 13(4)]

Application for correction to particulars entered in electoral roll

SPACE FOR PASTING ONE RECENT PASSPORT SIZE PHOTOGRAPH

(3.5 CM X 3.5 CM) SHOWING FRONTAL VIEW OF FULL FACE WITHIN THIS BOX

To
The Electoral Registration Officer,
…… Panchayat Samiti.

Sir,
I request that entry relating to myself appearing in the electoral roll at serial number …….. of ward no. …… of panchayat circle …… ……. is not correct and it should be corrected. Correct particulars in support of my request are given below:

I. **Applicant's details**	Name			Surname (if any)
Age as on 1st January …….	Years:	Months:		
Date of birth, if known:	Day:	Month:		Year:
Sex* (male/female/others):				
Father's/ Mother's/ Husband's (Strike out the inappropriate alternative)	Name			Surname (if any)

II. Particulars of place of present ordinary Residence (Full address)

House/ Door number:								
Street/ Area/Locality/Mohalla/Road:								
Town/ Village:								
Tehsil			Pin Code:					
Panchayat Samiti :								
District:								
Mobile no. (if any)		E-mail (if any) :						
Name of the Assembly Constituency:		Part no. of the Assembly Constituency:						

III. Details of entries to be corrected:
My name / Age/Father's/Mother's/Husband's name/Sex/Address may be corrected in terms of information provided in this Form above.
(Strike out the inappropriate alternative)

Place:
Date: Signature or thumb impression of the elector

Note: Any person who makes a statement which is false and which he either knows or believes to be false or does not believe to be true, is punishable under section 18-A of the Rajasthan Panchayati Raj Act, 1994.

*If Kinner/sex changer do not want to mention their gender as male/female, then they write their gender as others.

Please enclose a passport size photograph if correction to be made in photo.

Details of action taken on Application

Remarks of Field Level Officers (e.g Investigation Officer, Designated Officer, Supervisory Officer)

To be filled by Electoral Registration Officer of the constituency

(i) The application of Shri/Smt./Km …….. for correction to particulars entered in electoral roll in Form III has been accepted*/rejected*.
(ii) Detailed reason for acceptance/rejection [under or in pursuance of sub-rule (3) of rule 14] .....

……
……

Place: Date	Signature of Electoral Registration Officer (Seal of the Electoral Registration Officer)

[**This page should be thick enough so that it does not get mutilated /damaged in postal transit**]

Intimation of action taken

(Section-II of the page is to be filled by Electoral Registration Officer of the constituency and to be posted to the applicant on the address as given by the applicant in Section-I)

----------First Fold----------

Section-I

Applicant name & postal address-	Postage Stamp to be affixed by the Electoral Registration Authority at the time of dispatch

----------Second Fold----------

Section-II

The application in Form-III has been –
(a) accepted and the entry at serial number .....of Ward No.....of Panchayat Circle…….. has been modified accordingly.
(b) rejected for the reason.....……..……

Date.....

Electoral Registration Officer.
(Address).....
.....

……..Perforation for detachment……

(To be filled in by the applicant)

Receipt for application

Received the application in Form 3 of Shri/Shrimati/Kumari……..
Address……

Date……

Signature of the officer receiving the application on behalf of the Electoral Registration Officer
(Address) …….

* Strike out the inappropriate alternative."

FORM IV

[See Rule 25 (1)]

Nomination Paper

Election of Panch/Sarpanch [1][xxx]

Election to ..... Panchayat [1][xxx] of ..... Panchayat Samiti/District.

I hereby give notice that I propose myself as a candidate for election as Panch/Sarpanch [2][xxx] of the above Panchayat [2][xxx] from ward [2][xxx] No. .....

1. Full Name .....
2. Sex of the candidate .....
3. Caste of the candidate .....
   (To be filled by persons belonging to Scheduled Castes/Tribes/OBC only).
4. [3][Serial number of elector indicating relevent ward number and name of panchayat]
   .....
5. Name of the Candidate's father/husband .....

I further declare that -

*(1) I am qualified to be a Panch/Sarpanch [2][xxx] under the provisions of the Rajasthan Panchayati Raj Act, 1994.

(2) I am not subject to any of the disqualifications specified in section 19 of the said Act.

(3) I belong/do not belong to the Scheduled Castes/Scheduled Tribes/ Other Backward Classes.

(4) That I have deposited security as required under Rule 56 (3) (only applicable for Sarpanch [2][xxx].

Date .....
Place ..... Signature of the candidate.

(To be filled by the Returning Officer)

*Serial Number of the Ward/Panchayat [2][xxx] from which the candidate proposes to seek election .....

*Serial Number of the nomination paper for such Ward/Panchayat [2][xxx] .....

---

1. Deleted vide notification no. F.15(Vidhi)/PR/94/28, dt. 3.12.99, the expressions "Member of Panchayat Samiti/ member of Zila Parishad" or "Member of Panchayat Samiti/Zila Parishad" or "Constituency".
2. Deleted vide notification no. F.15(Vidhi)/PR/94/28, dt. 3.12.99, the expressions "Member of Panchayat Samiti/ Zila Parishad" or "Constituency".
3. Subs. by ibid, for expression "Number in the Voters lits".

This nomination was presented to me at ..... (hrs) on ..... (date) by Shri/Smt./Miss ..... (candidate) [1](accompanied by Shri .....)

Decision accepting or rejecting the nomination paper.

I have examined the nomination in accordance with the provisions of these rules and decide as follows -

Date ..... Returning Officer.

(Receipt for nomination paper)

Serial Number of the Ward/Panchayat [1][xxx] from which the candidate proposes to seek election .....

Serial Number of nomination paper for such Ward/Panchayat [1][xxx] .....

The nomination paper of ..... a candidate for election as Panch/Sarpanch [1][xxx] was delivered to me at ..... (hrs.) on ..... (date) by Shri ..... accompained by Shri ..... as identifier.

The nomination paper will be taken up for security at ..... (hrs.) on ..... (date) at ..... (Place).

Date .....

Place ..... Returning Officer

---

* Note - Please strike off which is not related.

---

[1][FORM - IV(A)
(See rule 58)

NOMINATION PAPER

Election of member of Panchayat Samiti/member of Zila Parishad -

Election of member of Panchayat Samiti/Zila Parishad ..... of District.

[Strike off Part I or Part II below whichever is not applicable.]

PART-I

(To be used by the candidate setup by recognised political party)

1. I nominate as a candidate for election to the member of Panchayat Samiti/Zila Parishad of the above Panchayat Samiti/Zila Parishad from constituency No. ..... the following person :-

Name ..... Father's/Husband's name .... Sex..... Age ..... Postal Address ....
His name is entered at S.No..... in the Ward No. ..... of electoral roll for Panchayat ..... of Panchayat Samiti .....

2. My name is ..... and it is entered at S.No. ..... in the Ward No. ..... of electoral roll for Panchayat ..... which is comprised within above constituency of Panchayat Samiti .....

Date ...../...../.....

(Signature of the proposer)

---

1. Subs. by notification no. F.(15)Vidhi/PR/94/28, dt. 3.12.99, Form IV (A).

PART-II

(To be used by candidate NOT set up by recognised political party)

We hereby nominate as candidate for election to the member of the above Panchayat Samiti/Zila Parishad from constituency No. .....

Candidate's name .....

Father's/husband's name .....

Sex ..... Age .....

Postal address .....

.....

.....

His name is entered at Sl. No. ..... in the electoral roll for the ..... Ward No. ..... of Panchayat ..... of Panchayat Samiti .....

We declare that we electors of the above Constituency No. ..... and our names are entered in the electoral roll for Ward No. ..... of Panchayat, which is comprised within the above Constituency No. ..... as indicated below and we append our signatures below in token of subscribing to this nomination :-

Particulars of the proposers and their signatures :-

S.No.	Electoral Roll No. of proposers			Full name	Signature	Date
	Ward No. & S.No.in that ward	Name of Panchayat	Constituency No. in which the ward of Panchayat falls			
1.	2.	3.	4.	5.	6.	7.
1.						
2.						
3.						
4.						
5.						

N.B. There should be five electors of the constituency as proposers.

PART-III

3. I, the above mentioned candidate, assent to this nomination and hereby declare :-

(a) that I have completed ..... years of age;
@(b) that I am set up at this election by ..... party;
or
that the symbols I have chosen are -

(i) ..... (ii) .....

(d) that my name and my father's/husband's name have been correctly spelt out above in Hindi in Devnagri Script and I request that my name may be entered as such on the ballot paper;

(e) that to the best of my knowledge and belief, I am qualified and not also disqualified for being elected to the member of the constituency;

(f) that I have filed/not filed nomination paper in Constituency number/any other Constituency.

4. @*I further declare that I am a member of the ..... caste/tribe/class, which is a Scheduled Caste/Scheduled Tribe/Backward Classes in Rajasthan State. I am enclosing herewith an authenticated copy of the caste/tribe/class certificate issued by .....

Place...../...../.....
Date...../...../..... (Signature of the candidate)

@ Score out this paragraph if not applicable.

PART-IV

(To be filled by the Returning Officer)

1. Serial Number of the nomination paper is .....
2. This nomination was delivered to me at my office at ..... (hours) on...../...../..... (date) by the candidate[1][XXXX].

Date...../...../..... Returning Officer

1. Deleted vide notification No. F.4(25)Amen./Rule/Ele/Legal/PR/09/4127 dated 21.11.09.

PART-V

(Decision of Returning Officers Accepting or Rejecting the Nomination Paper)

I have examined this nomination paper in accordance with the provisions of the Rajasthan Panchayati Raj Act 1994 and Rules made there-under and decide as follows:-

Date .....

Returning Officer

PART-VI

(To be filled in by the Returning Officer and given to the person presenting the nomination paper).

1. Serial Number of the nomination paper is .....

2. This nomination was delivered to me at my office at ..... (hours) on...../...../..... (date) by the candidate [1][XXXX]..

Date...../...../..... Returning Officer

---

*Score out which is not applicable.

---

1. Deleted vide notification No. F.4(25)Amen./Rule/Ele/Legal/PR/09/4127 dated 21.11.09.

[1][FORM IV (B)

(See Rule 59, 61, 62)

Nomination paper

Nomination form of election of [*]Pradhan/UP Pradhan/Pramukh /Up Pramukh of [*]Panchayat Samiti/Zila Parishad .....

1. Full Name of the candidate.....
2. Father's or Husband's name .....
3. Age .....
4. Sex .....
5. Caste .....
6. Address .....
7. S.No. of Constituency from which he was elected member .....
8. Full name and address of the proposer .....

Date .....
Place ..... Signature of the candidate

Candidate's Declaration

I, the above named candidate, give my consent to this nomination and hereby declare that I do not hold any of the disqualifications enumerated in the Rajasthan Panchayati Raj Act, 1994 and that I am qualified to be candidate for the seat under the provisions of the said act.

I further declare that :-
(a) I am set up at this election by ..... (Name of Political Party), or
(b) I have chosen following symbols:-
(i) ..... (ii) ..... (iii) .....

Date .....
Place ..... Signature of the candidate

Endorsement by the Returning Officer

S.No.

This nomination paper was presented to me by ..... (name of the candidate or his proposer) at ..... (date and hour).

Date .....
Place ..... Signature of the Returning Officer

Order of the Returning Officer

Accepted/Rejected
Reasons for rejection .....

Date .....
Place ..... Signature of the Returning Officer

ACKNOWLEDGEMENT

Received nomination paper of Shri ..... for election as ..... of ..... Panchayat Samiti/ Zila Parishad which was presented to me at ..... (time) this day of ..... 20 ..... by Shri .....

Date .....
Place ..... Signature of the Returning Officer

* Score out which is not applicable.

---

1. Inserted vide notification dt. 5.2.2000, new form IV-B and IV-C.

*FORM IV (C)

(See Rule 59, 61, 62)

List of candidates validly nominated for election as ..... of Panchayat Samiti/ Zila Parishad .....

S.No.	Name & description of candidate	Address of candidate	Remarks
1.			
2.			
3.			
4.			
5.			
6.			

Date .....
Place ..... Signature of the Returning Officer]

[1][Form IVD

(See rule 25 & 58)

Declaration to be furnished by the candidate before the Returning Officer for election to Panch/Sarpanch/Member from Ward/Constituency number _____ of 'Gram Panchayat/Panchayat Samiti/Zila Parishad _____

I, _____, son/daughter/wife of _____ aged about _____ years, resident of _____ candidate at the above election, do hereby declare as under:-

---

1. Inserted vide notification dt. 21.11.2009, new form IV-D.

1. That I am/am not accused of any offence(s) punishable with imprisonment for five years or more in a pending case(s) in which a charge(s) has/have been framed by the court(s) of competent jurisdiction.

   If the deponent is accused of any such offence(s) he shall furnish the following information:-

(i) Case/First information report No./Nos._____
(ii) Police station(s)_____ District(s) _____ State(s) _____
(iii) Section(s) of the concerned Act(s) and short description of the offence(s) for which the candidate has been charged
.....
.....
.....
(iv) Court(s) which framed the charge(s) .....
.....
(v) Date(s) on which the charge(s) was/were framed .....
.....
(vi) Whether all or any of the proceeding(s) have been stayed by any court(s) of competent jurisdiction .....
.....
If yes, Name of the Court.....
Date of the Order .....

2. That I have been/ have not been convicted of an offence(s) and punished.

   If the deponent is convicted and punished, he shall furnish the following information:

(i) Case/First information report No./Nos.....
(ii) Court(s) which punished .....
(iii) Police station(s) ..... District(s) .....
State(s).....
(iv) Section(s) of the concerned Act(s) and short description of the offence(s) for which the candidate has ever been charged
.....
(v) Date(s) on which the sentence(s) was/were pronounced
.....
(vi) Details of punishment .....
.....
(vii) Whether the sentence(s) has/have been stayed by any court(s) of competent jurisdiction (give details)

.....
.....

(viii) Whether the conviction(s) has/ have been stayed by any court(s) of competent jurisdiction (give details)
.....
.....

3. That I give hereinbelow the details of my children who are alive:-

(a) On 27.4.1994 the total number of my children were ..... and whose details is as under :-

	Name	Date of Birth
(i)		
(ii)		
(iii)		
(iv)		

(b) The total number of children born in the period w.e.f. 27.04.1994 to 27.11.1995 are ..... and whose details is as under:-

	Name	Date of Birth
(i)		
(ii)		

(c) The total number of children born on 28.11.1995 and thereafter are ..... and whose details is as under:-

	Name	Date of Birth
(i)		
(ii)		

(4) That I give hereinbelow the details of the assets (immovable, movable, bank balance, etc.) of myself, my spouse and dependents*:

B. **DETAILS OF IMMOVABLE ASSETS**

[Note : Properties in joint ownership indicating the extent of joint ownership will also have to be indicated]

S.No.	Description	Self	Spouse Name	Dependent-1 Name	Dependent-2 Name	Dependent-3 etc. Name
(i)	Agricultural Land - Location(s) - Survey number(s) - Extent (Total measurement) - Current market value					
(ii)	Non-Agricultural Land - Location(s) - Survey number(s) - Extent (Total measurement) - Current market value					
(iii)	Buildings (commerical and residential) - Location(s) - Survey/door number(s) - Extent (Total measurement) - Current market value					
(iv)	Houses/Apartments, etc. - Location(s) - Survey/door number(s) - Extent (Total measurement) - Current market value					
(v)	Others (such as interest in property)					

]

[2][**FORM V**

(See Rule 29)

List of validly nominated candidate whose nominations papers have been accepted and have not been withdrawn

ELECTION TO THE WARD/PANCHAYAT/CONSTITUENCY OF P.S./Z.P. OF .....

Date of Election.....

S.No. of the Ward/Panchayat/ Constitueccy of PS/JP.	S.No. and name of the candidate with address	In case of member for PS/ZP, party affiliation, if any	Distinative symbol allotted
1	2		3

Date .....
Place ..... Signature of the Returning Officer]

[1][**FORM V-A**

(See Rule 59(7))

List of validly nominated candidate whose nominations papers have been accepted and have not been withdrawn

ELECTION TO THE PRADHAN/UP-PRADHAN/PRAMUKH/UP-PRAMUKH OF Panchayat Samiti/Zila Parishad, ...

Date of Election.....

S.No. of the Panchayat Samiti/Zila Parishad.	S.No. and name of the candidate with address	Party affiliation	Distinative symbol allotted
1	2	3	4

Strike out which is not applicable.
Date .....
Place ..... Signature of the Returning Officer]

FORM VI
(See Rule 44)

List of Tendered votes

ELECTION TO THE WARD/PANCHAYAT/CONSTITUENCY OF P.S./J.P. .....

S.No. of the Ward/Panchayat /Constituency of P.S./J.P.	S.No. and name of the Elector	Address of Elector	S.No. of tendered Ballot paper	S.No. of ballot paper issued to the person who has already voted	Signature or thumb Impression of person tendering vote
1	2	3	4	5	6

Date .....
Place ..... Signature of the Returning Officer

1 Inserted vide No. F15/LAW/Rules/2000 dt 5.2.2000.
2 Substituted vide notification No. F.4(25)Am/Rule/Ele/Legal/PR/2014/1625 dated 18.12.14.

[1][FORM VII

(See rule 52, 59, 60, 61)

Return showing the results of election for the office of Panch/Sarpanch/Member of Panchyat Samiti/Member of Zila Parishad.

Panch/Sarpanch/Member of Panchayat Samiti/Member of Zila Parishad.

Panchayat/Panchayat Samiti/Zila Parishad ..... Total Electorate ..... Panchayat Samiti ..... District ..... Date of election .....

1	2	3
No. of Ward/ Panchayat/ Constituency of Panchayat Samiti/Zila Parishad with total electorate.	Name of the candidates declared unopposed under rule 29(2)	Names of the candidates for whom valid votes have been cast.

Particular of the candidates mentioned in columns (2) and (3)

(a)	(b)	(c)	(d)	(e)	(f)
Address	Caste (mention S.C. or S.T. or O.B.C.	Educational standard whether illiterate below middle/matric/ Graduate.	Age in years	Occupation	Whether held office of Panch of Sarpanch previously.

5	6	7	8
No. of valid votes cast for each condidate	No. of rejected votes	Result of lot if any under rule 51	Remarks

I hereby declare that the following candidate/candidates has/have been elected as Panch/from the wards specified against each/as Sarpanch of the above Panchayat/as member of Panchayat Samiti/Zila Parishad from Constituency No.....

1	2	3	4	5	6	7
S.No.	Name of Office (Panch or Sarpanch) Member Panchayat Samiti/Zila Parishad	Name and address of the elected candidate	Sex	Caste	S.No. of Ward/ Constituency	Ramarks.

Date .....

Returning Officer

Place .....

[1][FORM VII-A

(See rule 59, 61, 62)

Declaration of the result of election for Pradhan//Up-Pradhan/Pramukh/Up-Pramukh/Panchayat Samiti/Zila Parishad.

Date of Election.....

S.No.	Name of candidate	(Party affiliation) As indicated in the Nomination Form	Number of votes polled

Total Votes .....
Total Number of valid votes polled .....
Total Number of rejected votes .....
Total Number of tendered votes .....
[2][Total Number of valid votes given to NOTA (none of the above) .....]

In pursuance of the provision contained in the Rajasthan Panchayati Raj (Election) Rules, 1994, I declare that

..... (Name)
..... (Address)

has been duly elected to fill the office of Pradhan/Up-Pradhan/Pramukh/Up-Pramukh of ..... Panchayat Samiti/ Zila Parishad.

Date .....
Place ..... Returning Officer]

---

1. Inserted vide No. F15/LAW/Rules/2000 dt 5.2.2000.
2. Substituted vide notification No.F.15/LAW/Rules 2000, dt. 5.2.2000.

FORM VIII

(See Rule 68)

Form of appointment of Election Agent.

I ..... a candidate for election of
[1][xxx]
[2][xxx]

*Member of Panchayat Samiti from Constituency No. ..... of Panchayat Samiti .....

*Member of Zila Parishad from Constituency No. ..... to be held on ..... hereby appoint Shri ..... as my election agent. (Name of the agent)

from this date at the above election.
Place .....
Date ....
Signature of Candidate

I accept the above appointment.
Place .....
Date ....
Signature of Election Agent

Approved
Place .....
Date ....
Signature of Returning Officer

---

* Strick out which is not applicable.

FORM IX

(See Rule 69)

Appointment of Polling Agent

Election to -
[1][xxx]
*Sarpanch, Gram Panchayat .....
*Member of Panchayat Samiti from Constituency No. .....

*Member of Zila Parishad from Constituency No. .....of Panchayat Samiti /Zila Parishad .....

---

* Strike out which is not applicable.

---

1. Deleted by notification no. F.(15) Vidhi/PR/94/28, dt. 3.12.99, the expression "Panch from ward no. ..... of Gram Panchayat ....."
2. Deleted by ibid, the expression "Sarpanch, Gram Panchayat .....".

I.....a candidate/ the election agent of ..... who is a candidate at the above election do hereby appoint ..... (Name and address) ..... as Polling Agent to attend polling station No. ..... at .....

Place .....
Date ....
Signature of Candidate/
Election Agent

I agree to act as such Polling Agent.

Place .....
Date ....
Signature of Polling Agent

Decleration 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 Act or Rules made thereunder.

.....
Signature of Polling Agent

Signed before me

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

.....
Signature of Presiding Officer

FORM X
(See Rule 70)
Appointment of Counting Agent

Election to -
[1][xxx]
[2][xxx]
*Member of Panchayat Samiti from Constituency No.....
*Member of Zila Parishad from Constituency No. ..... of ..... Panchayat Samiti/Zila Parishad.....

I..... a candidate/ the election agent of ..... who is a candidate at the above election do hereby appoint ..... (Name and address) ..... as a [3][counting agent to attend the place fixed for counting of votes] at .....

Place .....
Date ....
Signature of Candidate/
Election Agent

---

1. Deleted by notification no. F.(15) Vidhi/PR/94/28, dt. 3.12.99, the expression "Panch from ward no. ..... of Gram Panchayat ....."
2. Deleted by ibid, the expression "Sarpanch, Gram Panchayat .....".
3. Subs. by, ibid, for expression "Polling Station No.....".

I agree to act as such Polling Agent.

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

.....
Signature of Counting Agent

Declaration of Counting Agent to be singed before the Returning Officer.

I hereby declare that at the above election I will not do anything forbidden by the Act or Rules made thereunder.

.....
Signature of Polling Agent

Signed before me

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

.....
Signature of Returning Officer

---

* Strike out which is not applicable.

FORM NO. XI

(See Rule 75)

Form of Oath

I ..... having become a Panch/Sarpanch/Pradhan/Up-Pradhan/ Pramukh/ Up-Pramukh/member of Panchayat Samiti/Zila Parishad of the Panchayat/Panchayat Samiti/ Zila Parishad ..... swear in the name of God/Solemaly affirm that I will bear true faith and allegiance to the Constitution of India as by law established and that I will faithfully discharge the duty upon which I am about to enter.

Signature or thumb impression of
Person taking oath with designation

Signature of Returning Officer or
Authorised person with designation.

[1][FORM - XII
(See Rule 40A)
Register of Voters

Election to the Zila Parishad/Panchayat Samiti/Panchayat Circle .....
from Constituency/Ward No. .....
No. and Name of Polling Booth.....

Sl. No.	Sl. No. of elector in the electoral roll	Signature / Thumb impression of elector	Remarks
1.			
2.			
3.			
4.			
etc.			

Signature of the Presiding Officer

---

1. Added vide notification No. F.4(25)Amen./Rule/Ele/Legal/PR/09/4127 dated 21.11.09, new form XII, XIII, XIV

FORM - XIII
(See Rule 44A)

List of Tendered Votes

Election to the Zila Parishad/Panchayat Samiti/Panchayat Circle ..... from Constituency/Ward No. .....

No. and Name of Polling Booth..... .....

Sl. No.	Name of elector	Sl. No. of elector in the electoral roll	Sl.No. in register of voters (Form XII) of the person who has already voted in place of elector.	Signature/ Thumb impression of elector
1	2	3	4	5
1.				
2.				
3.				
4.				
5.				
6.				
7.				
etc.				

Date ..... Signature of the Presiding Officer

[FORM - XIV
[See Rule 47C and 49D (6)]
PART-I
Account of Votes Recorded

Election to the Zila Parishad/Panchyat Samiti/Panchayat Circle.....
from Constituency/Ward No. .....

No. and Name of Polling Booth..... .....
Identification No. of Voting Machine used at the Polling Station

Control Unit .....
Balloting Unit.....

1. Total No. of electors assigned to the Polling Booth.
2. Total No. of voters entered in the Register of Voters (Form XII).
3. No. of voters not allowed to vote under rule 36A, or 38A or 40A.
4. Total No. of votes recorded as per voting machine.
5. Whether the total No. of votes as shown against item 4 tallies with the total No. of voters as shown against item 2 minus No. of voters as against item 3 (2-3) or any discrepancy noticed.
6. No. of voters to whom tendered ballot papers were issued under rule 44A.
7. No. of tendered ballot papers.

Sl.No.
From to

(a) received for use .....
(b) issued to electors .....
(c) not used and returned .....

Signature of the Presiding Officer

8. Account of papers seals
Sl. Nos.
From To Signature of candidates/ polling agents.

(i) Serial Numbers of paper seals supplied From.....to.....	1. .....
(ii) Total numbers supplied	2. .....
(iii) Number of paper seals used	3. .....
(iv) Number of unused paper seals returned to Returning Officer (Deduct item 3 from item 2)	4. .....
(v) Serial Number of damaged paper Seal, if any	5. .....

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

Signature of Presiding Officer
Polling Booth No. .....

PART- II

Result of Counting

S. No.	Name of Candidate	No. of votes recorded
1.		
2.		
3.		
4.		
5.		
6.		
.....and so on		
	(NOTA) none of the above	
Total		

Whether the total numbers of votes shown above tallies with the total no. of votes shown against the item no. 4 of Part I or any discrepancy noticed between the two totals.

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

Signature of Counting Supervisor

Name of candidate / election agent/ counting agent Full Signature

1.
2.
3.
4.
5.
6.
7.
8.
.....
.....

Signature of Returning Officer]

PART - VI

STATUTORY ORDERS

PART - VI

STATUTORY ORDERS

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राजस्थान के राजपत्र विशेषांक भाग 6(ग) में तत्काल प्रकाशनार्थ

राज्य निर्वाचन आयोग, राजस्थान

(द्वितीय तल, विकास खण्ड, सचिवालय, जयपुर–302005)

संख्या 7(1)(7)पंचा/रानिआ/09/वा.IV/2479 दिनांकः 29/7/09

अधिसूचना

राजस्थान पंचायती राज (निर्वाचन) नियम, 1994 के नियम 29 के उपनियम (3) तथा सपठित नियम 56 के उपबन्धों के अन्तर्गत पंच एवं सरपंच के निर्वाचन में निर्वाचन लड़ने वाले प्रत्येक अभ्यर्थी को राज्य निर्वाचन आयोग द्वारा विनिर्दिष्ट प्रतीकों में से एक आवंटित किया जावेगा। अतः राज्य निर्वाचन आयोग पंच एवं सरपंच के निर्वाचन में प्रत्येक अभ्यर्थी को एक निर्वाचन प्रतीक आवंटित करने के प्रयोजनार्थ इस संबंध में पूर्व में जारी अधिसूचना क्रमांक 7(1)(7)पंचा/रानिआ/04/वॉ.III/2371 दिनांक 6.9.04 को अधिक्रमित करते हुये निम्नांकित सारणी में वर्णित निर्वाचन प्रतीकों को विनिर्दिष्ट करता है :–

सारणी

क्र.सं.	मुक्त प्रतीक	क्र.सं.	मुक्त प्रतीक
1.	2.	1.	2.
1.	बल्ला	21	डीजल पम्प
2.	टोकरी	22	केतली
3.	आलमारी	23	हारमोनियम
4.	गुब्बारा	24	रोड रोलर
5.	ब्रुश	25	रेल का इंजन
6.	मोमबत्तियॉ	26	जग
7.	कैमरा	27	स्टूल
8.	कोट	28	मेज
9.	कंघा	29	टेबिल लैम्प
10.	गैस का चूल्हा	30	टेलीविजन
11.	बल्लेबाज	31.	सीटी
12.	कॉच का गिलास	32.	पतंग
13.	कप और प्लेट	33.	प्रैशर कुकर
14.	चारपाई	34.	कैंची
15.	छत का पंखा	35.	गैस सिलेन्डर
16.	लेटर बाक्स	36.	नारियल
17.	अंगूठी	37.	सिलाई की मशीन
18.	शटल	38.	डोली
19.	वायलिन	39.	ब्रीफकेस
20.	छड़ी	40.	प्रेस

आदेश से,
ह0
(आर.के. जैन)
सचिव,
राज्य निर्वाचन आयोग,
राजस्थान, जयपुर।,

राजस्थान के राजपत्र विशेषांक भाग 6(ग) में तत्काल प्रकाशनार्थ

राज्य निर्वाचन आयोग, राजस्थान

(द्वितीय तल, विकास खण्ड, सचिवालय, जयपुर–302005)

संख्या 7(1)(7)पंचा/रानिआ/09/वा.IV/2490 जयपुर, दिनांकः 29/7/09

अधिसूचना

राजस्थान राज्य में पंचायती राज संस्थाओं के लिए सभी निर्वाचनों में अधीक्षण, निर्देशन तथा नियन्त्राण भारत के संविधान के अनुच्छेद 243 ट द्वारा राज्य निर्वाचन आयोग में निहित है,

और पंचायत समिति सदस्यों तथा जिला परिषद सदस्यों के निर्वाचनों के शुद्ध एवं सुचारू संचालन के लिए निर्वाचन प्रतीकों को और उनके आरक्षण, चयन, आवंटन एवं तत्संबंधी विषयों के लिए निर्बन्धन विनिर्दिष्ट करने की आवश्यकता है,

अतः राज्य निर्वाचन आयोग, राजस्थान पंचायती राज (निर्वाचन) नियम, 1994 के नियम 58 के उपनियम (6) के खण्ड (क) के साथ पठित भारत के संविधान के अनुच्छेद 243 ट द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और इस निमित्त उसे समर्थ बनाने वाली सभी शक्तियों का प्रयोग करते हुए समय–समय पर यथा संशोधित अपनी पूर्व अधिसूचना क्रमांक संख्या 7(1)(7)पंचा/रानिआ/04/वा.III/2382 दिनांक 6.9.04 जिसका राजस्थान राजपत्रा विशेषांक के भाग6(ग) में दिनांक 14.9.04 को प्रकाशन हुआ, के अधिक्रमण में निम्न प्रकार विनिर्देश जारी करता है:–

1. **संक्षिप्त नाम, विस्तार, लागू होना और प्रारम्भः–** (i) इस आदेश का नाम राजस्थान पंचायत समिति एवं जिला परिषद सदस्य निर्वाचन प्रतीक (सूची और आवंटन) आदेश, 2009 है,

   (ii) इसका विस्तार सम्पूर्ण राजस्थान राज्य पर है तथा यह पंचायत समिति एवं जिला परिषद के सदस्यों के निर्वाचन के संबंध में लागू होगा, और

   (iii) यह आदेश इसके जारी होने की तारीख से प्रभावी होगा।

2. **परिभाषाए** :– इस आदेश में जब तक कि विषय या संदर्भ से अन्यथा अपेक्षित न हो, –

   (i) ″सविरोध निर्वाचन″ से पंचायत समिति अथवा जिला परिषद के निर्वाचन क्षेत्रा के लिए ऐसा निर्वाचन अभिप्रेत है जिसमें मतदान होता है;

   (ii) ″निर्वाचन″ से पंचायत समिति अथवा जिला परिषद के निर्वाचन क्षेत्रा के लिए ″ साधारण निर्वाचन″ और ″उप निर्वाचन″ अभिप्रेत है;

   (iii) ″प्ररूप क″ से इस आदेश के संलग्न प्ररूप ″क″ अभिप्रेत है;

   (iv) ″प्ररूप ख″ से इस आदेश के संलग्न प्ररूप ″ख″ अभिप्रेत है;

(v) ″खण्ड″ से इस आदेश का खण्ड अभिप्रेत है;

(vi) ″दल″ से मान्यता प्राप्त राजनीतिक दल अभिप्रेत है;

(vii) ″मान्यता प्राप्त राजनीतिक दल″ से निर्वाचन प्रतीक (आरक्षण एवं आवंटन) आदेश, 1968 के अधीन राजस्थान में मान्यता प्राप्त राजनीतिक दल अभिप्रेत है;

(viii) ″नियम″ से राजस्थान पंचायती राज (निर्वाचन) नियम, 1994 के नियम अभिप्रेत है;

(ix) ″उप खण्ड ″ से उस खण्ड का उप खण्ड अभिप्रेत है जिसमें यह शब्द आता है;

(x) ″सारणी–1″ से इस आदेश के संलग्न सारणी–1 अभिप्रेत है;

(xi) ″सारणी–2″ से इस आदेश के सलंग्न सारणी–2 अभिप्रेत है;

(xii) ″सारणी–3″ से इस आदेश के सलंग्न सारणी–3 अभिप्रेत है;

(xiii) ″निर्वाचन क्षेत्रा″ से किसी पंचायत समिति अथवा जिला परिषद के निर्वाचन क्षेत्रा अभिप्रेत है; और

(xiv) जो शब्द ओर पद इस आदेश में प्रयुक्त किये गये है किन्तु परिभाषित नहीं किये गये है और राजस्थान पंचायती राज अधिनियम, 1994 अथवा राजस्थान पंचायती राज (निर्वाचन) नियम, 1994 में परिभाषित है, उनके वही अर्थ होंगे, जो उक्त अधिनियम और नियम में क्रमशः बताये गये हैं।

3. **निर्वाचन प्रतीकों का आवंटन** :– निर्वाचन लडने वाले अभ्यार्थियों को इस आदेश के उपबन्धों के अधीन प्रत्येक सविरोध निर्वाचन में एक प्रतीक आंवटित किया जायेगा तथा किसी निर्वाचन क्षेत्रा के निर्वाचन में भिन्न–भिन्न अभ्यर्थियों को भिन्न–भिन्न प्रतीक आवंटित किया जायेगा।

4. **निर्वाचन प्रतीकों का वर्गीकरण** :– (i) इस आदेश के प्रयोजन के लिए प्रतीक, या तो आरक्षित है अथवा मुक्त।

(ii) पंचायत समिति सदस्य और जिला परिषद सदस्य के लिये निर्वाचन में आरक्षित प्रतीक वह प्रतीक है जो सारणी–1 के स्तंभ 2 में वर्णित दल के लिए, उस दल के सम्मुख स्तंभ 3 में विनिर्दिष्ट किया गया है।

(iii) पंचायत समिति सदस्य के निर्वाचन में मुक्त प्रतीक ऐसा प्रतीक है जो आरक्षित प्रतीक से भिन्न है और जिसे सारणी–2 के स्तंभ 2 में विनिर्दिष्ट किया गया है।

(iv) जिला परिषद सदस्य के निर्वाचन में मुक्त प्रतीक ऐसा प्रतीक है जो आरक्षित प्रतीक से भिन्न है और जिसे सारणी–3 के स्तम्भ–2 में विर्निदिष्ट किया गया है।

5. **<u>दलों के अभ्यर्थियों द्वारा प्रतीकों का चयन तथा उनका आवंटन</u>** :–

(i) सारणी–1 के स्तम्भ 3 में विनिर्दिष्ट आरक्षित प्रतीक उसके सम्मुख स्तम्भ 2 में वर्णित दल द्वारा किसी निर्वाचन में खड़े किये गये अभ्यर्थी को ही आवंटित किया जायेगा, अन्य अभ्यर्थी को नहीं।

(ii) सारणी–1 के स्तम्भ 2 में वर्णित दल द्वारा किसी निर्वाचन में खड़े किये गये अभ्यर्थी को उस दल के सम्मुख स्तंभ 3 में विनिर्दिष्ट प्रतीक ही आवंटित किया जायेगा, कोई अन्य प्रतीक नहीं।

6. **<u>कोई अभ्यर्थी किसी दल द्वारा खड़ा किया गया कब माना जायेगा</u>** :– कोई अभ्यर्थी किसी मान्यता प्राप्त राजनीतिक दल द्वारा खडा किया गया तभी माना जायेगा, जबकि :–

(क) उस अभ्यर्थी ने अपने नाम निर्देशन पत्रा में उस आशय की घोषणा की हो,

(ख) संबंधित राजनीतिक दल की राज्य इकाई के अध्यक्ष अथवा उसके द्वारा नामित प्राधिकृत व्यक्ति के द्वारा प्ररूप 'ख' में इस आशय की लिखित सूचना नाम निर्देशन पत्रा प्रस्तुत करने के अन्तिम दिनांक को 3 बजे अपरान्ह तक रिटर्निंग अधिकारी को प्रदत्त कर दी गई हो,

(ग) यदि राजनीतिक दल की राज्य इकाई के अध्यक्ष द्वारा नियम 58 के उपनियम (5) के प्रावधानों के अन्तर्गत किसी अन्य व्यक्ति को प्राधिकृत किया है और इस प्रकार प्राधिकृत व्यक्ति द्वारा रिटर्निंग अधिकारी को पत्रा प्रेषित किया हो तो प्राधिकृत व्यक्ति के नमूने के हस्ताक्षर प्ररूप 'क' में रिटर्निंग अधिकारी को नाम निर्देशन पत्रा प्रस्तुत करने की अन्तिम तारीख के अपरान्ह 3.00 बजे तक उपलब्ध करा दिये गये हों, और

(घ) प्ररूप 'क' और प्ररूप 'ख' पूर्वोक्त पदाधिकारी अथवा प्राधिकृत व्यक्ति द्वारा केवल स्याही से हस्ताक्षरित किये गये हों।

स्पष्टीकरण–1 उपरोक्त खण्ड (6) के उप खण्ड (ख) एवं (ग) में किसी राजनीतिक दल की राज्य इकाई के अध्यक्ष से अभिप्रेत दल की राज्य इकाई के अध्यक्ष और जहॉ दल की राज्य इकाई का अध्यक्ष पद नहीं है, वहॉ सचिव से है।

स्पष्टीकरण–2 जहॉ किसी राजनीतिक दल की राज्य इकाई के अध्यक्ष द्वारा ही उपरोक्त खण्ड (6) के उप खण्ड (ख) के अन्तर्गत प्ररूप 'ख' में लिखित सूचना रिटर्निंग अधिकारी को निर्धारित समय तक प्रदत्त कर दी गई हो तो उपरोक्त खण्ड (6) के उप खण्ड (ग) के अन्तर्गत प्ररूप 'क' में राजनीतिक दल की राज्य इकाई के अध्यक्ष के नमूने के हस्ताक्षर रिटर्निंग अधिकारी को प्रस्तुत किया जाना आवश्यक नहीं होगा।

स्पष्टीकरण–3 प्ररूप 'क' और, यथास्थिति, प्ररूप 'ख' पर यदि दल के किसी पदाधिकारी या प्राधिकृत व्यक्ति के अनुकृति हस्ताक्षर या रबड

स्टाम्पों के हस्ताक्षर है तो उन्हें नहीं माना जायेगा तथा फैक्स द्वारा प्रेषित कोई प्ररूप भी स्वीकार नहीं किया जायेगा।

7. **दल द्वारा खड़ा किया गया प्रतिस्थानी अभ्यर्थी** :– (क) प्ररूप 'ख' के स्तम्भ 6 में वर्णित प्रतिस्थानी उम्मीदवार को उस दल द्वारा खड़ा किया गया तभी माना जायेगा जबकि उस दल के मुख्य अनुमोदित उम्मीदवार के नामनिर्देशन–पत्रा को नियम–27 के अन्तर्गत संवीक्षा में रद्द कर दिया गया हो या जिसने अपनी अभ्यर्थिता नियम–28 के अन्तर्गत वापस ले ली हों।

(ख) ऐसी स्थिति में जहॉ दल के मुख्य अनुमोदित अभ्यर्थी का नाम निर्देशन पत्रा स्वीकार कर लिया जाता है और वह अपनी अभ्यर्थिता वापिस नहीं लेता है, यदि प्ररूप 'ख' के स्तम्भ 6 में वर्णित प्रतिस्थानी उम्मीदवार का कोई नामनिर्देशन–पत्रा स्वीकार कर लिया जाता है तथा ऐसा प्रतिस्थानी उम्मीदवार भी अपनी अभ्यर्थिता वापिस नहीं लेता है तो ऐसे प्रतिस्थानी उम्मीदवार को दल द्वारा खड़ा किया गया नही माना जायेगा और उसे मुक्त प्रतीक अधोलिखित खण्ड 12 के अनुसार आवंटित किया जायेगा।

8. **दल द्वारा अनुमोदित अभ्यर्थी को प्रतिस्थापित किया जाना** :– यदि किसी दल द्वारा पूर्व में अनुमोदित अभ्यर्थी का मनोनयन निरस्त करते हुये अन्य अभ्यर्थी को अनुमोदित किया गया है तो अन्य अभ्यर्थी को ही दल का अनुमोदित अभ्यर्थी माना जायेगा।

परन्तु दल द्वारा पूर्व में अनुमोदित अभ्यर्थी का मनोनयन निरस्त करते हुये अन्य अभ्यर्थी का मनोनयन तभी माना जायेगा जबकि प्ररूप 'ख' में यह स्पष्ट उल्लेख हो कि पूर्व में अनुमोदित अभ्यर्थी का मनोनयन निरस्त कर दिया गया है और प्राधिकृत व्यक्ति द्वारा हस्ताक्षरित प्ररूप 'ख' खण्ड 6 में बतायी गयी समयावधि के भीतर रिटर्निंग अधिकारी को प्राप्त हो गया हो।

परन्तु यह और कि यदि किसी एक ही निर्वाचन क्षेत्रा के निर्वाचन के लिये एक से अधिक प्ररूप 'ख' भिन्न भिन्न अभ्यर्थियों का मनोनयन वर्णित करते हुये रिटर्निंग अधिकारी को प्राप्त होते है और दल यह बताने में असफल रहता है कि पूर्ववर्ती प्ररूप 'ख' वापिस ले लिया गया है या ले लिये गये हैं, तो रिटर्निंग अधिकारी केवल ऐसे एक अभ्यर्थी को ही उक्त दल द्वारा खड़ा किया हुआ मानेगा जिसका नाम निर्देशन पत्रा सबसे पहले प्राप्त हुआ है और शेष अभ्यर्थी या अभ्यर्थियों के लिये यह माना जायेगा कि वे दल द्वारा खडे नहीं किये गये है।

9. **दल द्वारा एक निर्वाचन क्षेत्रा के लिये एक से अधिक अभ्यर्थियो के मनोनयन पर निषेधः**– यदि किसी दल द्वारा एक ही निर्वाचन क्षेत्रा के निर्वाचन के लिए और प्ररूप 'ख' मे एक नोटिस द्वारा स्तम्भ 6 में वर्णित उम्मीदवार से भिन्न एक से अधिक अभ्यर्थियों को अनुमोदित किया जाता है तो कोई भी अभ्यर्थी उस दल द्वारा खड़ा किया हुआ नही माना जायेगा, लेकिन यदि दल ने प्ररूप 'ख' में किसी पश्चातवर्ती नोटिस से पूर्वोवत सभी अभ्यर्थियों का मनोनयन निरस्त कर एक पद के लिए एक ही अभ्यर्थी का मनोनयन खण्ड 6 के अनुसार कर दिया है तो पश्चातवर्ती नोटिस में अनुमोदित अभ्यर्थी को दल द्वारा खडा किया गया माना जायेगा।

10. **विनिर्दिष्ट प्रतीकों से भिन्न प्रतीको के चयन व आवंटन पर निषेध** :– जो अभ्यर्थी मान्यता प्राप्त राजनीतिक दलों द्वारा खडे नहीं किये गये हों, उन्हें पंचायत समिति सदस्य के

निर्वाचन में संलग्न सारणी–2 के स्तम्भ 2 तथा जिला परिषद सदस्य के निर्वाचन में संलग्न सारणी–3 के स्तंभ–2 में विनिर्दिष्ट मुक्त प्रतीकों में से ही निर्वाचन प्रतीक आवंटित किये जायेंगे। अभ्यर्थियों को निर्वाचन प्रतीक आवंटित करते समय उनके द्वारा नामनिर्देशन–पत्रा में उल्लिखित रूचि को ध्यान में रखा जायेगा। कोई भी अभ्यर्थी उपरोक्तानुसार विनिर्दिष्ट निर्वाचन प्रतीकों के अतिरिक्त अन्य किसी प्रतीक की मांग नहीं कर सकता है और यदि उसके द्वारा अपने नामनिर्देशन–पत्रा में किसी अन्य प्रतीक का उल्लेख किया गया हो तो उसे नजरअन्दाज किया जायेगा।

11. **<u>प्रथम नाम निर्देशन–पत्रा में चुने गये प्रतीकों पर विचार किया जाना</u>** :– अभ्यर्थी द्वारा प्रस्तुत प्रथम नामनिर्देशन–पत्रा में दर्शाये गये प्रतीकों पर ही विचार किया जायेगा, भले ही वह नामनिर्देशन–पत्रा संवीक्षा के दौरान खारिज क्यों न हो गया हो। अभ्यर्थी द्वारा प्रस्तुत बाद के किसी नामनिर्देशन–पत्रा में उल्लिखित प्रतीकों को विचार में नहीं लिया जायेगा;

परन्तु किसी दल द्वारा खडे किये अभ्यर्थी के प्रकरण में ऐसे नामनिर्देशन पत्रा, जिसमे अभ्यर्थी ने स्वयं को उस दल द्वारा खड़ा किया जाने की घोषणा की हो, में दर्शाये गये दल के आरक्षित प्रतीक पर विचार किया जायेगा, भले ही ऐसा नाम निर्देशन पत्रा प्रथम नहीं हो;

परन्तु यह और कि यदि किसी अभ्यर्थी ने अपने भिन्न–भिन्न नामनिर्देशन पत्राों में भिन्न–भिन्न दलों द्वारा स्वयं को खड़ा किया गया होने की घोषणा खण्ड 6(क) के अन्तर्गत की है तो ऐसे नाम निर्देशन पत्रा, जिसमें दर्शाये गये दल ने खण्ड 6 के अन्तर्गत नोटिस द्वारा अभ्यर्थी का मनोनयन किया है, पर विचार किया जायेगा और यदि अभ्यर्थी का एक से अधिक दलों ने खण्ड 6 के अंतर्गत नोटिस द्वारा मनोनयन किया है तो ऐसे नामनिर्देशन पत्राों में पश्चात्वर्ती नाम निर्देशन पत्रा में की गयी घोषणा पर ही विचार किया जायेगा तथा पूर्ववर्ती नामनिर्देशन पत्राों में की गयी घोषणाओं को नजर अन्दाज किया जायेगा।

स्पष्टीकरण–1 यदि अभ्यर्थी ने प्रथम नाम निर्देशन पत्रा में स्वयं को किसी दल द्वारा खड़ा किये जाने कि घोषणा की है, साथ ही मुक्त निर्वाचन प्रतीकों का भी चयन किया है और अभ्यर्थी को दल द्वारा अनुमोदित नही किया जाता है तब उक्त प्रथम नाम निर्देशन में दर्शाये गये मुक्त प्रतीकों पर ही विचार किया जायेगा।

2. ऐसे मामले में जहॉ अभ्यर्थी ने किसी दल द्वारा खडे किये जाने की उम्मीद में प्रथम नाम निर्देशन पत्रा में स्वयं को दल द्वारा खड़ा किया जाना घोषित किया है, लेकिन निर्वाचन प्रतीकों का चयन नही किया है और दल ने उसे अनुमोदित नही किया है तो द्वितीय नाम निर्देशन पत्रा निर्वाचन प्रतीक के आवंटन के प्रयोजनार्थ प्रथम माना जायेगा। यदि द्वितीय और तृतीय नाम निर्देशन पत्रा भी इसी प्रकार दल द्वारा खड़े किये जाने की घोषणा करते हुए प्रस्तुत किये गये है और प्रतीको का चयन नही किया गया है तो चतुर्थ नाम निर्देशन पत्रा में दर्शाये गये प्रतीकों पर विचार किया जायेगा। यदि किसी भी नाम निर्देशन पत्रा में प्रतीकों का चयन नहीं किया गया है तो खण्ड 12 के अर्न्तगत मुक्त प्रतीक आवंटित किये जायेगे।

12. **अन्य अभ्यर्थियों (निर्दलीय अभ्यर्थियों) को प्रतीको का आवंटन** :– अभ्यर्थी को (जिसे किसी दल ने खड़ा नही किया है), प्रथम नामनिर्देशन पत्रा में उसके अंकित प्राथमिकता क्रम के आधार पर सारणी–2 (पंचायत समिति सदस्य के लिए) सारणी–3 (जिला परिषद सदस्य के लिए) में से निम्नानुसार निर्वाचन प्रतीक आवंटित किया जायेगा :–

(क) यदि प्रथम रूचि में प्रतीक को एक ही अभ्यर्थी द्वारा चाहा गया है तो वह उसी उम्मीदवार को आवंटित कर दिया जायेगा,

(ख) यदि एक ही प्रतीक को एक से अधिक अभ्यर्थियों ने अपनी रूचि में प्रथम क्रम पर रखा हो तो मुक्त प्रतीक के आवंटन का निर्णय 'लाट' द्वारा किया जायेगा। जिस अभ्यर्थी के पक्ष में लाट निकले उसे ही वह प्रतीक आवंटित किया जायेगा। लाट निकालने की कार्यवाही उपस्थित अभ्यर्थियों और उनके निर्वाचन अभिकर्ताओं के समक्ष की जाएगी,

(ग) प्रथम रूचि पर अंकित प्रतीकों का आवंटन हो जाने पर, शेष बचे अभ्यर्थियों को उनकी पसन्द के 'दूसरी' रूचि के प्रतीकों का आवंटन उपरोक्त प्रक्रिया के अनुसार किया जायेगा।

(घ) तत्पश्चात् शेष रहे अभ्यर्थियों को उनकी पसन्द के तीसरे क्रम के निर्वाचन प्रतीकों का आवंटन उपरोक्तानुसार ही किया जायेगा, और

(ड.) पहले, दूसरे और तीसरे क्रम के सभी निर्वाचन प्रतीक आवंटित हो जाने के पश्चात् यदि कोई अभ्यर्थी ऐसा रह जाता है, जिसे अपनी रूचि का (तीन में से) कोई प्रतीक आवंटित न हुआ हो या जिसने कोई रूचि ही न दी हो तो उसे पंचायत समिति सदस्य निर्वाचन में सारणी–2 के स्तम्भ 2 तथा जिला परिषद सदस्य निर्वाचन में सारणी–3 के स्तम्भ–2 में विनिर्दिष्ट मुक्त निर्वाचन प्रतीकों में से क्रम में सबसे ऊपर वाला वह प्रतीक आवंटित किया जायेगा जो किसी को आवंटित न किया गया हो। प्रतीकों का क्रमवार इस प्रकार का आवंटन, अभ्यर्थियों को हिन्दी वर्णक्रमानुसार चुनाव लडने वाले अभ्यर्थियों की सूची में, उनके नामों के अनुसार (एक के बाद एक) किया जायेगा।

13. **अनुदेश तथा निदेश निकालने की आयोग की शक्ति** :– राज्य निर्वाचन आयोग,–

(क) इस आदेश के उपबन्धों मे से किसी का स्पष्टीकरण करने के लिए;

(ख) किसी ऐसी कठिनाई को दूर करने के लिए, जो किन्हीं ऐसे उपबंधों के कार्यान्वयन के संबंध में उत्पन्न हो; तथा

(ग) प्रतीकों के आरक्षण तथा आबंटन के किसी मामले के संबंध में जिसके लिए इस आदेश में कोई उपबन्ध नहीं है या उपबन्ध अपर्याप्त है, तथा जिसके लिए निर्वाचनों के निर्विध्न तथा व्यवस्थित संचालन के लिए आयोग की राय में उपबन्ध करना आवश्यक है, अनुदेश तथा निदेश निकाल सकेगा।

सारणी–1
(मान्यता प्राप्त राजनीतिक दल व आरक्षित प्रतीक)

क्र.सं.	मान्यता प्राप्त दल जिसके लिये आरक्षित है	आरक्षित प्रतीक
1.	2.	3.
1.	बहुजन समाज पार्टी	हाथी
2.	भारतीय जनता पार्टी	कमल
3.	भारत की कम्युनिस्ट पार्टी	बाल और हंसिया
4.	भारत की कम्युनिस्ट पार्टी (मार्क्सवादी)	हथौड़ा, हंसिया और सितारा
5.	इंडियन नेशनल कांग्रेस	हाथ
6.	नेशनललिस्ट कांग्रेस पार्टी	घड़ी
7.	राष्ट्रीय जनता दल	लालटेन

सारणी–2
(पंचायत समिति सदस्य के निर्वाचन के लिये मुक्त प्रतीकों की सूची)

क्र.सं.	मुक्त प्रतीक	क्र.सं.	मुक्त प्रतीक
1.	2.	1.	2.
1.	बल्ला	11.	डीजल पम्प
2.	टोकरी	12.	केतली
3.	आलमारी	13.	हारमोनियम
4.	गुब्बारा	14.	रोड रोलर
5.	ब्रुश	15.	रेल का इंजन
6.	मोमबत्तियॉ	16.	जग
7.	कैमरा	17.	स्टूल
8.	कोट	18.	मेज
9.	कंधा	19.	टेबिल लैम्प
10.	गैस का चूल्हा	20.	टेलीविजन

सारणी–3
(जिला परिषद सदस्य के निर्वाचन के लिये मुक्त प्रतीकों की सूची)

क्र.सं.	मुक्त प्रतीक	क्र.सं.	मुक्त प्रतीक
1.	2.	1.	2.
1.	बल्लेबाज	11.	सीटी
2.	कॉच का गिलास	12.	पतंग
3.	कप और प्लेट	13.	प्रैशर कुकर
4.	चारपाई	14.	कैंची
5.	छत का पंखा	15.	गैस सिलेण्डर
6.	लेटर बाक्स	16.	नारियल
7.	अंगूठी	17.	सिलाई की मशीन
8.	शटल	18.	डोली
9.	वायलिन	19.	ब्रीफकेस
10.	छड़ी	20.	प्रेस

प्ररूप – 'क'

राज्य में मान्यता प्राप्त राजनीतिक दल द्वारा खडे किये गये उम्मीदवारों के नामों की सूचना के लिये प्राधिकृत व्यक्तियों के संबंध में सूचना प्रेषिति

(देखिए अधिसूचना संख्या एफ7(1)(7)पंचा/रानिआ/2009/वो.प्ट्ध का खण्ड 6) दिनांक

रिटर्निंग अधिकारी,

————————————————

'पंचायत समिति/जिला परिषद सदस्य चुनाव

विषयः– 'पंचायत समिति/जिला परिषद सदस्य के निर्वाचन हेतु निर्वाचन प्रतीकों का आवंटन–उम्मीदवारों के नामों की सूचना देने के लिये व्यक्तियों का प्राधिकृत किया जाना।

महोदय,

अधिसूचना संख्या एफ 7(1)(7)/पंचा/रानिआ/2009/वो.प्ट दिनांक के खण्ड (6) के अनुसरण में, मैं, इसके द्वारा संसूचित करता हूँ कि ऊपर उद्धृत निर्वाचन में दल द्वारा खडे किये जाने के लिये प्रस्तावित उम्मीदवारों के नामों की सूचना देने के लिये ..... दल, जो निर्चाचन प्रतीक (आरक्षण एवं आवंटन) आदेश 1968 के अंतर्गत राजस्थान में मान्यता प्राप्त राजनीतिक दल है, द्वारा निम्नलिखित व्यक्ति/व्यक्तियों को प्राधिकृत किया गया है :–

सूचना भेजने के लिये प्राधिकृत व्यक्ति का नाम	दल में धारित पद का नाम	'पंचायत समिति/जिला परिषद का नाम और निर्वाचन 'क्षेत्रा/क्षेत्राों का क्रम संख्याक' जिसके/जिनके संबंध में उसे प्राधिकृत किया गया है
1.	2.	3.
1.		
2.		

2. इस प्रकार प्राधिकृत ऊपर उल्लिखित 'व्यक्ति/व्यक्तियों के हस्ताक्षरों के नमूने नीचे दिये गये हैं :–

   1. श्री ..... के हस्ताक्षरों के नमूने
      (1) ..... (2) ..... (3) .....
   2. श्री ..... के हस्ताक्षरों के नमूने
      (1) ..... (2) ..... (3) .....

भवदीय,

अध्यक्ष,
दल का नाम (दल की मोहर)

स्थानः .....
दिनांक .....

नोटः— 1. यह प्ररूप नाम निर्देशन–पत्रा प्रस्तुत करने की अंतिम तारीख को 3.00 बजे अपरान्ह से पूर्व रिटर्निंग अधिकारी को आवश्यक रूप से प्रस्तुत हो जाना चाहिये।

2. प्ररूप उपर्युक्त पदाधिकारी या प्राधिकृत व्यक्ति द्वारा स्याही से हस्ताक्षरित किया जाना चाहिये। किसी पदाधिकारी या प्राधिकृत व्यक्ति के अनुकृति हस्ताक्षर या रबड़ स्टाम्प के हसताक्षरों को नहीं माना जायेगा।

3. फैक्स से भेजा गया प्ररूप नहीं माना जायेगा।

———————————————————————————————————

' जो लागू नही हो उसे काट दीजिये

———————————————————————————————————

प्ररूप–'ख'

राज्य में मान्यता प्राप्त राजनीतिक दल द्वारा खडे किये गये उम्मीदवारों के नामों के बारे में सूचना

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प्रेषितः–

रिटर्निंग अधिकारी,

———————— 'पंचायत समिति सदस्य चुनाव/जिला परिषद सदस्य चुनाव

विषयः– '**पंचायत समिति/जिला परिषद सदस्यों के निर्वाचन हेतु उम्मीदवार खडे करना।**

महोदय,

अधिसूचना संख्या एफ 7(1)(7)पंचा/रानिआ/2009/वो.IV/ दिनांक के अनुसरण में तथा प्रतीक (आरक्षण एवं आवंटन) आदेश 1968 के अंतर्गत राजस्थान में मान्यता प्राप्त राजनीतिक दल है, ने निम्नलिखित व्यक्तियों को आगामी निर्वाचन में अपने उम्मीदवारों के रूप में उनके सामने बताये गये वार्ड से खडा किया है । मैं .....(दल) की ओर से एत्दद्वारा सूचना देता हूँ कि वह व्यक्ति जिसका विवरण नीचे

1.(i) स्तम्भ 3 से 5 में दिये गये है उक्त नामित दल का अनुमोदित अभ्यर्थी है, और

(ii) वह व्यक्ति जिसका विवरण नीचे स्तम्भ 6 से 8 में वर्णित है, दल का स्थानापन्न अभ्यर्थी है, जो अनुमोदित अभ्यर्थी के नाम निर्देशन–पत्रा की संवीक्षा के उपरान्त खारिज किये जाने अथवा उसके निर्वाचन से हट जाने पर उसका स्थान लेगा । यदि स्थानापन्न अभ्यर्थी अभी भी निर्चाचन लड़ने वाला अभ्यर्थी है ।

*पंचायत समिति/ जिला परिषद का नाम	निर्वाचन क्षेत्र का क्रम संख्याक	अनुमोदित उम्मीदवार का नाम	अनुमोदित उम्मीदवार के *पिता/ पति का नाम	अनुमोदित उम्मीदवार का डाक का पता	प्रतिस्थानी उम्मीदवार का नाम (जिसे अनुमोदित उम्मीदवार के नामनिर्देशन– पत्र को संवीक्षा में रद्द कर दिये जाने पर या निर्वाचन से हट जाने पर खडा किया जायेगा)	प्रतिस्थानी उम्मीदवार के *पिता/ पति का नाम	प्रतिस्थानी उम्मीदवार का डाक का पता
1.	**2.**	**3.**	**4.**	**5.**	**6.**	**7.**	**8.**

2. प्ररूप 'ख' में दल के अनुमोदित अभ्यर्थी के रूप में श्री/श्रीमती/सुश्री .....दल के स्थानापन्न अभ्यर्थी के रूप में श्री/श्रीमती/सुश्री ..... के पक्ष में पहले दी गई सूचना एत्दद्वारा विखंडित की जाती है।

3. यह प्रमाणित किया जाता है कि प्रत्येक अभ्यर्थी जिसके नाम का ऊपर उल्लेख किया गया है, इस राजनैतिक दल का एक सदस्य है उसका नाम, इस दल के सदस्यों की नामावली में विधिवत् शामिल है।

भवदीय,
अध्यक्ष/दल के प्राधिकृत व्यक्ति का नाम
और हस्ताक्षर व दल की मोहर

स्थानः .....
दिनांकः .....

नोटः– 1. यह प्ररूप नाम निर्देशन–पत्र प्रस्तुत करने की अंतिम तारीख को 3.00 बजे अपरान्ह से पूर्व रिटर्निंग अधिकारी को आवश्यक रूप से प्रस्तुत हो जाना चाहिये।

2. प्ररूप उपर्युक्त पदाधिकारी या प्राधिकृत व्यक्ति द्वारा स्याही से हस्ताक्षरित किया जाना चाहिये। किसी पदाधिकारी या प्राधिकृत व्यक्ति के अनुकृति हस्ताक्षर या रबड़ स्टाम्प के हस्ताक्षरों को नहीं माना जायेगा।

3. फैक्स से भेजा गया प्ररूप नहीं माना जायेगा।

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* जो लागू नही हो उसे काट दीजिये

आदेश से,
ह0
(आर.के. जैन)
सचिव,
राज्य निर्वाचन आयोग,
राजस्थान, जयपुर।,

क्रमांकः संख्या 7(1)(7)पंचा/रानिआ/2009/वो.IV/2491–2500 दिनांक : 29/7/09

प्रतिलिपि सूचनार्थ एवं आवश्यक कार्यवाही हेतु निम्नांकित को प्रेषित हैः–

1. निदेशक, लेखन एवं मुद्रण सामग्री विभाग, राजस्थान जयपुर को दो अतिरिक्त प्रतियों के साथ भेजकर निवेदन है कि इस अधिसूचना को राजस्थान राजपत्रा विशेषांक के भाग 6(ग) मे तत्काल प्रकाशित करवाने की व्यवस्था करावें और अधिसूचना की 300 प्रतियां आयोग को उपलब्ध करावें।
2. अधीक्षक, राजकीय केन्द्रीय मुद्रणालय, जयपुर को दो अतिरिक्त प्रतियों के साथ राजस्थान राजपत्रा विशेषांक में तत्काल प्रकाशनार्थ।
3. प्रमुख शासन सचिव, ग्रामीण विकास एवं पंचायती राज विभाग, राजस्थान जयपुर।
4. प्रमुख शासन सचिव एवं मुख्य निर्वाचन अधिकारी, निर्वाचन विभाग, राजस्थान जयपुर को भेजकर निवेदन है कि भारत निर्वाचन आयोग से राजनैतिक दलों के पंजीयन, मान्यता देने, प्रतीक आरक्षण आदि बाबत् जो भी निर्देश प्राप्त हो उनकी प्रतियां इस आयोग को भिजवाने की व्यवस्था करने की कृपा करें।
5. शासन सचिव एवं आयुक्त, पंचायती राज विभाग, राजस्थान, जयपुर।
6. समस्त जिला निर्वाचन अधिकारी (पंचायत) (कलेक्टर), राजस्थान।
7. अध्यक्ष/सचिव समस्त मान्यता प्राप्त राजनैतिक दल, राजस्थान, जयपुर।
8. प्रभारी अधिकारी (भण्डार शाखा) को प्रतीकों के ब्लाक्स की व्यवस्था कर, उन्हें संबंधित मुद्रणालयों को आपूर्ति करने हेतु।
9. लेखा शाखा, राज्य निर्वाचन आयोग, राजस्थान, जयपुर।

ह0
(अरूण कुमार तलवार)
सहायक सचिव
राज्य निर्वाचन आयोग, राजस्थान,
जयपुर।

राजस्थान के राजपत्र विशेषांक भाग 6(ग) में तत्काल प्रकाशनार्थ

राज्य निर्वाचन आयोग, राजस्थान

(द्वितीय तल, विकास खण्ड, सचिवालय, जयपुर–302005)

संख्या 7(1)(7)पंचा/रानिआ/09/वा.IV/5473 जयपुर, दिनांकः 20.11.2009

अधिसूचना

राज्य निर्वाचन आयोग की अधिसूचना संख्या प. 7(1)(7)पंचा/रानिआ/2009/वा.IV/ 2490 दिनांकः– 29.07.2009 के द्वारा राजस्थान पंचायत समिति एवं जिला परिषद सदस्य निर्वाचन प्रतीक (सूची ओर आंवटन) आदेश, 2009 के संलग्नक ''प्ररूप क'' एवं ''प्ररूप ख'' को क्रमशः निम्नांकित ''प्ररूप क'' एवं ''प्ररूप ख'' से प्रतिस्थापित किया जाता है :–

प्ररूप – 'क'
राज्य में मान्यता प्राप्त राजनीतिक दल द्वारा खडे किये गये उम्मीदवारों के नामों की सूचना के लिये प्राधिकृत व्यक्तियों के संबंध में सूचना

[देखिए अधिसूचना संख्या एफ7(1)(7)पंचा/रानिआ/2009/वो.IV/2490 दिनांक 29.07.2009 का खण्ड 6]

प्रेषितिः–
रिटर्निंग अधिकारी,
————————————————
*पंचायत समिति/जिला परिषद सदस्य चुनाव

विषयः– *पंचायत समिति/जिला परिषद सदस्य के निर्वाचन हेतु निर्वाचन प्रतीकों का आवंटन–उम्मीदवारों के नामों की सूचना देने के लिये व्यक्तियों का प्राधिकृत किया जाना।

महोदय,

अधिसूचना संख्या एफ 7(1)(7)/पंचा/रानिआ/2009/वो.प्टध्2490 दिनांक 29.07.2009 के खण्ड (6) के अनुसरण में, मैं, इसके द्वारा संसूचित करता हूँ कि ऊपर उद्धृत निर्वाचन में दल द्वारा खडे किये जाने के लिये प्रस्तावित उम्मीदवारों के नामों की सूचना देने के लिये ..... दल, जो निर्चाचन प्रतीक (आरक्षण एवं आवंटन) आदेश, 1968 के अंतर्गत राजस्थान में मान्यता प्राप्त राजनीतिक दल है, द्वारा निम्नलिखित व्यक्ति/व्यक्तियों को प्राधिकृत किया गया हैः–

सूचना भेजने के लिये प्राधिकृत व्यक्ति का नाम	दल में धारित पद का नाम	*पंचायत समिति/जिला परिषद का नाम और निर्वाचन *क्षेत्र/क्षेत्रों का क्रम संख्याक *जिसके/जिनके संबंध में उसे प्राधिकृत किया गया है
1.	2.	3.
1.		
2.		

2. इस प्रकार प्राधिकृत ऊपर उल्लिखित 'व्यक्ति/व्यक्तियों के हस्ताक्षरों के नमूने नीचे दिये गये हैः–

1. श्री ..... के हस्ताक्षरों के नमूने
(1) ..... (2) ..... (3) .....

2. श्री ..... के हस्ताक्षरों के नमूने
(1) ..... (2) ..... (3) .....

भवदीय,

अध्यक्ष,
दल का नाम (दल की मोहर)

स्थानः .....
दिनांक .....

नोटः– 1. यह प्ररूप नाम निर्देशन–पत्र प्रस्तुत करने की अंतिम तारीख को 3.00 बजे अपरान्ह से पूर्व रिटर्निंग अधिकारी को आवश्यक रूप से प्रस्तुत हो जाना चाहिये।

2. प्ररूप उपर्युक्त पदाधिकारी या प्राधिकृत व्यक्ति द्वारा स्याही से हस्ताक्षरित किया जाना चाहिये। किसी पदाधिकारी या प्राधिकृत व्यक्ति के अनुकृति हस्ताक्षर या रबड़ स्टाम्प के हस्ताक्षरों को स्वीकार नहीं किया जायेगा।

3. फैक्स से भेजा गया प्ररूप नहीं माना जायेगा।

———————————————————————————————

' जो लागू नही हो उसे काट दीजिये

———————————————————————————————

प्ररूप–'ख'
राज्य में मान्यता प्राप्त राजनीतिक दल द्वारा खडे किये गये उम्मीदवारों के नामों के बारे में सूचना

ख्देखिए अधिसूचना संख्या एफ7(1)(7)पंचा/रानिआ/2009/वो.IV//2490 दिनांक 29.07.09 का खण्ड 6,

प्रेषितिः–

रिटर्निंग अधिकारी,

———————— *पंचायत समिति सदस्य चुनाव/जिला परिषद सदस्य चुनाव

विषयः– ***पंचायत समिति/जिला परिषद सदस्यों के निर्वाचन हेतु उम्मीदवार खडे करना।**

महोदय,

अधिसूचना संख्या एफ 7(1)(7)पंचा/रानिआ/2009/वो.IV/2490 दिनांक 29.07.2009 के अनुसरण में .....दल, जो प्रतीक (आरक्षण एवं आवंटन) आदेश 1968 के अंतर्गत राजस्थान में मान्यता प्राप्त राजनीतिक दल है, ने निम्नलिखित व्यक्तियों को उपर उद्धृत निर्वाचन में अपने उम्मीदवारों के रूप में उनके सामने बताये गये वार्ड से खडा किया है । मैं, उक्त नामित दल की ओर से एत्दद्वारा सूचना देता हूँ कि वह व्यक्ति जिसका विवरण नीचे

(i) स्तम्भ 3 से 5 में दिये गये है उक्त नामित दल का अनुमोदित अभ्यर्थी है, और

(ii) वह व्यक्ति जिसका विवरण नीचे स्तम्भ 6 से 8 में वर्णित है, दल का प्रतिस्थानी अभ्यर्थी है, जो अनुमोदित अभ्यर्थी के नाम निर्देशन–पत्रा की संवीक्षा के उपरान्त खारिज किये जाने अथवा उसके निर्वाचन से हट जाने पर उसका स्थान लेगा यदि प्रतिस्थानी अभ्यर्थी अभी भी निर्चाचन लड़ने वाला अभ्यर्थी है ।

*पंचायत समिति/ जिला परिषद का नाम	निर्वाचन क्षैत्र का क्रम संख्याक	अनुमोदित उम्मीदवार का नाम	अनुमोदित उम्मीदवार के *पिता/ पति का नाम	अनुमोदित उम्मीदवार का डाक का पता	प्रतिस्थानी उम्मीदवार का नाम (जो अनुमोदित उम्मीदवार के नामनिर्देशन– पत्र को संवीक्षा में रद्द कर दिये जाने पर उसका स्थान लेगा यदि प्रतिस्थानी अभ्यर्थी अभी भी निर्वाचन लडने वाला अभ्यर्थी है)	प्रतिस्थानी उम्मीदवार के *पिता/ पति का नाम	प्रतिस्थानी उम्मीदवार का डाक का पता
1.	2.	3.	4.	5.	6.	7.	8.

2. प्ररूप 'ख' में दल के अनुमोदित अभ्यर्थी के रूप में श्री/श्रीमती/सुश्री ..... के पक्ष में पहले दी गई सूचना एत्दद्वारा विखंडित की जाती है।

3. प्ररूप 'ख' में दल के प्रतिस्थानी अभ्यर्थी के रूप में श्री/श्रीमती/सुश्री ..... के पक्ष में पहले दी गई सूचना एत्दद्वारा विखंडित की जाती है।

4. यह प्रमाणित किया जाता है कि प्रत्येक अभ्यर्थी जिसके नाम का ऊपर उल्लेख किया गया है, इस राजनैतिक दल का एक सदस्य है उसका नाम, इस दल के सदस्यों की नामावली में विधिवत् शामिल है।

भवदीय,

अध्यक्ष/दल के प्राधिकृत व्यक्ति का नाम
और हस्ताक्षर व दल की मोहर

स्थानः .....

दिनांकः .....

नोटः— 1. यह प्ररूप नाम निर्देशन—पत्र प्रस्तुत करने की अंतिम तारीख को 3.00 बजे अपरान्ह से पूर्व रिटर्निंग अधिकारी को आवश्यक रूप से प्रस्तुत हो जाना चाहिये।

2. प्ररूप उपर्युक्त पदाधिकारी या प्राधिकृत व्यक्ति द्वारा स्याही से हस्ताक्षरित किया जाना चाहिये। किसी पदाधिकारी या प्राधिकृत व्यक्ति के अनुकृति हस्ताक्षर या रबड़ स्टाम्प के हस्ताक्षरों को नहीं माना जायेगा।

3. फैक्स से भेजा गया प्ररूप नहीं माना जायेगा।

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* जो लागू नही हो उसे काट दीजिये

आदेश से,

ह0
(आर.के. जैन)
सचिव,
राज्य निर्वाचन आयोग,
राजस्थान, जयपुर।,

क्रमांकः संख्या 7(1)(7)पंचा/रानिआ/2009/वो.IV/5474—82 दिनांक : 20.11.2009

प्रतिलिपि सूचनार्थ एवं आवश्यक कार्यवाही हेतु निम्नांकित को प्रेषित हैः—

1. निदेशक, लेखन एवं मुद्रण सामग्री विभाग, राजस्थान जयपुर को दो अतिरिक्त प्रतियों के साथ भेजकर निवेदन है कि इस अधिसूचना को राजस्थान राजपत्रा विशेषांक के भाग 6(ग) मे तत्काल प्रकाशित करवाने की व्यवस्था करावें और अधिसूचना की 300 प्रतियां आयोग को उपलब्ध करावें।
2. अधीक्षक, राजकीय केन्द्रीय मुद्रणालय, जयपुर को दो अतिरिक्त प्रतियों के साथ राजस्थान राजपत्रा विशेषांक में तत्काल प्रकाशनार्थ।
3. प्रमुख शासन सचिव, ग्रामीण विकास एवं पंचायती राज विभाग, राजस्थान जयपुर।
4. प्रमुख शासन सचिव एवं मुख्य निर्वाचन अधिकारी, निर्वाचन विभाग, राजस्थान जयपुर को भेजकर निवेदन है कि भारत निर्वाचन आयोग से राजनैतिक दलों के पंजीयन, मान्यता देने, प्रतीक आरक्षण आदि बाबत् जो भी निर्देश प्राप्त हो उनकी प्रतियां इस आयोग को भिजवाने की व्यवस्था करें।
5. शासन सचिव एवं आयुक्त, पंचायती राज विभाग, राजस्थान, जयपुर।
6. समस्त जिला निर्वाचन अधिकारी (पंचायत) (कलेक्टर), राजस्थान।
7. अध्यक्ष/सचिव समस्त मान्यता प्राप्त राजनैतिक दल, राजस्थान, जयपुर।
8. प्रभारी अधिकारी (भण्डार शाखा)
9. लेखा शाखा, राज्य निर्वाचन आयोग, राजस्थान, जयपुर।

ह0
(आर.के.पारीक)
उप सचिव
राज्य निर्वाचन आयोग, राजस्थान,
जयपुर।

राजस्थान के राजपत्र विशेषांक भाग 6(ग) में तत्काल प्रकाशनार्थ

राज्य निर्वाचन आयोग, राजस्थान

(द्वितीय तल, विकास खण्ड, सचिवालय, जयपुर–302005)

संख्या 7(1)(7)पंचा/रानिआ/2009/वा.IV/5448 जयपुर, दिनांकः 20.11.2009

अधिसूचना

राजस्थान राज्य में पंचायती राज संस्थाओं के लिए सभी निर्वाचनों में अधीक्षण, निर्देशन तथा नियन्त्राण भारत के संविधान के अनुच्छेद 243 ट द्वारा राज्य निर्वाचन आयोग में निहित है,

और पंचायत समिति के प्रधान/उप प्रधान तथा जिला परिषद के प्रमुख/उप प्रमुख के निर्वाचनों के शुद्ध एवं सुचारू संचालन के लिए निर्वाचन प्रतीकों को और उनके आरक्षण, चयन, आवंटन एवं तत्संबंधी विषयों के लिए निर्बन्धन विनिर्दिष्ट करने की आवश्यकता है,

अतः राज्य निर्वाचन आयोग, राजस्थान पंचायती राज (निर्वाचन) नियम, 1994 के नियम 59 के उपनियम (10) के खण्ड (क) तथा नियम 61 एवं 62 के साथ पठित भारत के संविधान के अनुच्छेद 243 ट द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और इस निमित्त उसे समर्थ बनाने वाली सभी शक्तियों का प्रयोग करते हुए अपनी पूर्व अधिसूचना क्रमांक संख्या 7(1)(7)पंचा/रानिआ/2009/वा.प्ट/2501 दिनांक 29.7.09 जिसका राजस्थान राजपत्रा विशेषांक के भाग 6(ग) मे दिनांक 3.8.09 को प्रकाशन हुआ, के अधिक्रमण में निम्न प्रकार विनिर्देश जारी करता हैः–

1. **संक्षिप्त नाम, विस्तार, लागू होना और प्रारम्भः–** (i) इस आदेश का नाम पंचायत समिति प्रधान/उप प्रधान तथा जिला परिषद प्रमुख/उप प्रमुख निर्वाचन प्रतीक (सूची और आवंटन) आदेश, 2009 है,

   (ii) इसका विस्तार सम्पूर्ण राजस्थान राज्य पर है तथा यह पंचायत समिति के प्रधान/उप प्रधान तथा जिला परिषद के प्रमुख/उप प्रमुख के निर्वाचन के संबंध में लागू होगा, और

   (iii) यह आदेश इसके जारी होने की तारीख से प्रभावी होगा।

2. **परिभाषाए** :– इस आदेश में जब तक कि विषय या संदर्भ से अन्यथा अपेक्षित न हो, –

   (i) ''सविरोध निर्वाचन'' से पंचायत समिति के प्रधान या उप प्रधान अथवा जिला परिषद के प्रमुख एवं उप प्रमुख के लिए ऐसा निर्वाचन अभिप्रेत है जिसमें मतदान होगा, है,

   (ii) ''निर्वाचन'' से पंचायत समिति के प्रधान या उप प्रधान अथवा जिला परिषद के प्रमुख या उप प्रमुख के लिए ''साधारण निर्वाचन'' और ''उप निर्वाचन'' अभिप्रेत है;

   (iii) ''प्ररूप क'' से इस आदेश के संलग्न ''प्ररूप क'' अभिप्रेत है;

   (iv) ''प्ररूप ख'' से इस आदेश के संलग्न ''प्ररूप ख'' अभिप्रेत है;

   (v) ''खण्ड'' से इस आदेश का खण्ड अभिप्रेत है;

   (vi) ''दल'' से मान्यता प्राप्त राजनीतिक दल अभिप्रेत है;

(vii) "मान्यता प्राप्त राजनीतिक दल" से निर्वाचन प्रतीक (आरक्षण एवं आवंटन) आदेश, 1968 के अधीन राजस्थान में मान्यता प्राप्त राजनीतिक दल अभिप्रेत है;

(viii) "नियम" से राजस्थान पंचायती राज (निर्वाचन) नियम, 1994 के नियम अभिप्रेत है;

(ix) "उप खण्ड" से उस खण्ड का उप खण्ड अभिप्रेत है जिसमें यह शब्द आता है;

(x) "सारणी–1" से इस आदेश के संलग्न सारणी–1 अभिप्रेत है;

(xi) "सारणी–2" से इस आदेश के सलंग्न सारणी–2 अभिप्रेत है;

(xii) "पद" से किसी पंचायत समिति के प्रधान या उप प्रधान अथवा जिला परिषद के प्रमुख या उप प्रमुख अभिप्रेत है; और

(xiii) जो शब्द ओर पद इस आदेश में प्रयुक्त किये गये है किन्तु परिभाषित नहीं किये गये है और राजस्थान पंचायती राज अधिनियम, 1994 अथवा राजस्थान पंचायती राज (निर्वाचन) नियम, 1994 में परिभाषित है, उनके वही अर्थ होंगे, जो उक्त अधिनियम और नियम में क्रमशः बताये गये हैं।

3. **निर्वाचन प्रतीकों का आवंटन** :– निर्वाचन लडने वाले अभ्यार्थियों को इस आदेश के उपबन्धों के अधीन प्रत्येक सविरोध निर्वाचन में एक प्रतीक आंवटित किया जायेगा तथा किसी पद के निर्वाचन में भिन्न–भिन्न अभ्यर्थियों को भिन्न–भिन्न प्रतीक आवंटित किये जायेंगे।

4. **निर्वाचन प्रतीकों का वर्गीकरण** :– (i) इस आदेश के प्रयोजन के लिए प्रतीक, या तो आरक्षित है अथवा मुक्त।

(ii) आरक्षित प्रतीक वह प्रतीक है जो सारणी–1 के स्तंभ 2 में वर्णित दल के लिए, उस दल के सम्मुख स्तंभ 3 में विनिर्दिष्ट किया गया है।

(iii) मुक्त प्रतीक ऐसा प्रतीक है जो आरक्षित प्रतीक से भिन्न है और जिसे सारणी–2 के स्तंभ 2 में विनिर्दिष्ट किया गया है।

5. **दलों के अभ्यर्थियों द्वारा प्रतीकों का चयन तथा उनका आवंटन** :–

(i) सारणी–1 के स्तम्भ 3 में विनिर्दिष्ट आरक्षित प्रतीक उसके सम्मुख स्तम्भ 2 में वर्णित दल द्वारा किसी निर्वाचन में खड़े किये गये अभ्यर्थी को ही आवंटित किया जायेगा, अन्य अभ्यर्थी को नहीं।

(ii) सारणी–1 के स्तम्भ 2 में वर्णित दल द्वारा किसी निर्वाचन में खड़े किये गये अभ्यर्थी को उस दल के सम्मुख स्तंभ 3 में विनिर्दिष्ट प्रतीक ही आवंटित किया जायेगा, कोई अन्य प्रतीक नहीं।

6. **कोई अभ्यर्थी किसी दल द्वारा खड़ा किया गया कब माना जायेगा** :– कोई अभ्यर्थी किसी मान्यता प्राप्त राजनीतिक दल द्वारा खडा किया गया तभी माना जायेगा, जबकि :–

(क) उस अभ्यर्थी ने अपने नाम निर्देशन पत्रा में उस आशय की घोषणा की हो,

(ख) संबंधित राजनीतिक दल की राज्य इकाई के अध्यक्ष अथवा उसके द्वारा नामित प्राधिकृत व्यक्ति के द्वारा प्ररूप 'ख' में इस आशय की लिखित सूचना अभ्यर्थिता वापिस लेने के लिये नियम 59 के उप नियम (3) के अन्तर्गत आयोग द्वारा निर्धारित तिथि और समय से पूर्व रिटर्निंग अधिकारी को प्रदत्त कर दी गई हो,

(ग) यदि राजनीतिक दल की राज्य इकाई के अध्यक्ष द्वारा नियम 59 के उपनियम (10) के खण्ड (ख) के प्रावधानों के अन्तर्गत किसी अन्य व्यक्ति को प्राधिकृत किया है और इस प्रकार प्राधिकृत व्यक्ति द्वारा रिटर्निंग अधिकारी को पत्रा प्रेषित किया हो तो प्राधिकृत व्यक्ति के नमूने के हस्ताक्षर प्ररूप 'क' में रिटर्निंग अधिकारी को अभ्यर्थिता वापिस लेने के लिये निर्धारित तिथि व समय से पूर्व उपलब्ध करा दिये गये हों, और

(घ) प्ररूप 'क' और प्ररूप 'ख' पूर्वोक्त पदाधिकारी अथवा प्राधिकृत व्यक्ति द्वारा केवल स्याही से हस्ताक्षरित किये गये हों।

स्पष्टीकरण–1 उपरोक्त खण्ड (6) के उप खण्ड (ख) एवं (ग) में किसी राजनीतिक दल की राज्य इकाई के अध्यक्ष से अभिप्रेत, दल की राज्य इकाई के अध्यक्ष और जहॉ दल की राज्य इकाई का अध्यक्ष पद नहीं है, वहॉ सचिव से है।

स्पष्टीकरण–2 जहॉ किसी राजनीतिक दल की राज्य इकाई के अध्यक्ष द्वारा ही उपरोक्त खण्ड (6) के उप खण्ड (ख) के अन्तर्गत प्ररूप 'ख' में लिखित सूचना रिटर्निंग अधिकारी को निर्धारित समय तक प्रदत्त कर दी गई हो तो उपरोक्त खण्ड (6) के उप खण्ड (ग) के अन्तर्गत प्ररूप 'क' में राजनीतिक दल की राज्य इकाई के अध्यक्ष के नमूने के हस्ताक्षर रिटर्निंग अधिकारी को प्रस्तुत किया जाना आवश्यक नहीं होगा।

स्पष्टीकरण–3 प्ररूप 'क' और, यथास्थिति, प्ररूप 'ख' पर यदि दल के किसी पदाधिकारी या प्राधिकृत व्यक्ति के अनुकृति हस्ताक्षर या रबड स्टाम्पों के हस्ताक्षर है तो उन्हें नहीं माना जायेगा तथा फैक्स द्वारा प्रेषित कोई प्ररूप भी स्वीकार नहीं किया जायेगा।

7. **<u>दल द्वारा खड़ा किया गया प्रतिस्थानी अभ्यर्थी</u>** :– (क) प्ररूप 'ख' के स्तम्भ 6 में वर्णित प्रतिस्थानी उम्मीदवारों को उसी दल द्वारा खड़ा किया गया तभी माना जावेगा जबकि इस दल के मुख्य अनुमोदित उम्मीदवार के नामनिर्देशन–पत्रा को नियम–59 के उप नियम (5) के अन्तर्गत संवीक्षा में रद्द कर दिया गया हो या जिसने अपनी अभ्यर्थिता नियम–59 के उप नियम (7) के अन्तर्गत वापस ले ली हों।

(ख) ऐसी स्थिति में जहॉ दल के मुख्य अनुमोदित अभ्यर्थी का नाम निर्देशन पत्रा स्वीकार कर लिया जाता है और वह अपनी अभ्यर्थिता वापिस नहीं लेता है, यदि प्ररूप 'ख' के स्तम्भ 6 में वर्णित प्रतिस्थानी उम्मीदवार का कोई नामनिर्देशन–पत्रा भी स्वीकार कर लिया जाता है तथा ऐसा प्रतिस्थानी उम्मीदवार भी अपनी अभ्यर्थिता वापिस नहीं लेता है तो ऐसे प्रतिस्थानी उम्मीदवार को दल द्वारा खड़ा किया गया नही माना जायेगा और उसे मुक्त प्रतीक अधोलिखित खण्ड 12 के अनुसार आवंटित किया जायेगा।

8. **<u>दल द्वारा अनुमोदित अभ्यर्थी को प्रतिस्थापित किया जाना</u>** :– यदि किसी दल द्वारा पूर्व में अनुमोदित अभ्यर्थी का मनोनयन निरस्त करते हुये अन्य अभ्यर्थी को अनुमोदित किया गया है तो अन्य अभ्यर्थी को ही दल का अनुमोदित अभ्यर्थी माना जायेगा।

परन्तु दल द्वारा पूर्व में अनुमोदित अभ्यर्थी का मनोनयन निरस्त करते हुये अन्य अभ्यर्थी का मनोनयन तभी माना जायेगा जबकि प्ररूप 'ख' में यह स्पष्ट उल्लेख हो कि पूर्व में अनुमोदित अभ्यर्थी का मनोनयन निरस्त कर दिया गया है और प्राधिकृत व्यक्ति द्वारा हस्ताक्षरित प्ररूप 'ख' खण्ड 6 में बतायी गयी समयावधि के भीतर रिटर्निंग अधिकारी को प्राप्त हो गया हो।

परन्तु यह और कि यदि किसी एक ही निर्वाचन के लिये एक से अधिक प्ररूप 'ख' भिन्न भिन्न अभ्यर्थियों का मनोनयन वर्णित करते हुये रिटर्निंग अधिकारी को प्राप्त होते है और दल यह बताने में असफल रहता है कि पूर्ववर्ती प्ररूप 'ख' वापिस ले लिया गया है या ले लिये गये हैं, तो रिटर्निंग अधिकारी केवल ऐसे एक अभ्यर्थी को ही उक्त दल द्वारा खड़ा किया हुआ मानेगा जिसका नाम निर्देशन पत्रा सबसे पहले प्राप्त हुआ है और शेष अभ्यर्थी या अभ्यर्थियों के लिये यह माना जायेगा कि वे दल द्वारा खडे नहीं किये गये है।

9. **<u>दल द्वारा एक पद के लिये एक से अधिक अभ्यर्थियो के मनोनयन पर निषेध</u>** :– यदि किसी दल द्वारा एक ही निर्वाचन के लिए प्ररूप 'ख' मे एक नोटिस द्वारा उक्त प्ररूप के स्तम्भ 6 में वर्णित उम्मीदवार से भिन्न एक से अधिक अभ्यर्थियों को अनुमोदित किया जाता है तो कोई भी अभ्यर्थी उस दल द्वारा खड़ा किया हुआ नही माना जायेगा, लेकिन यदि दल ने प्ररूप 'ख' में किसी पश्चातवर्ती नोटिस से पूर्वोवत सभी अभ्यर्थियों का मनोनयन निरस्त कर एक पद के लिए एक ही अभ्यर्थी का मनोनयन खण्ड 6 के अनुसार कर दिया है तो पश्चातवर्ती नोटिस में अनुमोदित अभ्यर्थी को दल द्वारा खडा किया गया माना जायेगा।

10. **<u>विनिर्दिष्ट प्रतीकों से भिन्न प्रतीको के चयन व आवंटन पर निषेध</u>** :– जो अभ्यर्थी मान्यता प्राप्त राजनीतिक दलों द्वारा खडे नहीं किये गये हों, उन्हें संलग्न सारणी–2 के स्तम्भ 2 में विनिर्दिष्ट मुक्त प्रतीकों में से ही निर्वाचन प्रतीक आवंटित किये जायेंगे। अभ्यर्थियों को निर्वाचन प्रतीक आवंटित करते समय उनके द्वारा नामनिर्देशन–पत्रा में उल्लिखित रूचि को ध्यान में रखा जायेगा। कोई भी अभ्यर्थी उपरोक्तानुसार विनिर्दिष्ट निर्वाचन प्रतीकों के अतिरिक्त अन्य किसी प्रतीक की मांग नहीं कर सकता है और यदि उसके द्वारा अपने नामनिर्देशन–पत्रा में किसी अन्य प्रतीक का उल्लेख किया गया हो तो उसे नजरअन्दाज किया जायेगा।

11. **<u>प्रथम नाम निर्देशन–पत्रा में चुने गये प्रतीकों पर विचार किया जाना</u>** :– अभ्यर्थी द्वारा प्रस्तुत प्रथम नामनिर्देशन–पत्रा में दर्शाये गये प्रतीकों पर ही विचार किया जायेगा, भले ही वह नामनिर्देशन–पत्रा संवीक्षा के दौरान खारिज क्यों न हो गया हो। अभ्यर्थी द्वारा प्रस्तुत बाद के किसी नामनिर्देशन–पत्रा में उल्लिखित प्रतीकों को विचार में नहीं लिया जायेगा;

परन्तु किसी दल द्वारा खडे किये अभ्यर्थी के प्रकरण में ऐसे नामनिर्देशन पत्रा, जिसमे अभ्यर्थी ने स्वयं को उस दल द्वारा खड़ा किया जाने की घोषणा की हो, में दर्शाये गये दल के आरक्षित प्रतीक पर विचार किया जायेगा, भले ही ऐसा नाम निर्देशन पत्रा प्रथम नहीं हो;

परन्तु यह और कि यदि किसी अभ्यर्थी ने अपने भिन्न–भिन्न नामनिर्देशन पत्राों में भिन्न–भिन्न दलों द्वारा स्वयं को खड़ा किया गया होने की घोषणा खण्ड 6(क) के अन्तर्गत की है तो ऐसे नाम निर्देशन पत्रा, जिसमें दर्शाये गये दल ने खण्ड 6 के अन्तर्गत नोटिस द्वारा अभ्यर्थी का मनोनयन किया है, पर विचार किया जायेगा और यदि अभ्यर्थी का एक से अधिक दलों ने खण्ड 6 के अंतर्गत नोटिस द्वारा मनोनयन किया है तो ऐसे नामनिर्देशन पत्राों में पश्चात्वर्ती नाम निर्देशन पत्रा में की गयी घोषणा पर ही विचार किया जायेगा तथा पूर्ववर्ती नामनिर्देशन पत्राों में की गयी घोषणाओं को नजर अन्दाज किया जायेगा।

स्पष्टीकरण–1 यदि अभ्यर्थी ने प्रथम नाम निर्देशन पत्रा में स्वयं को किसी दल द्वारा खड़ा किये जाने कि घोषणा की है, साथ ही मुक्त निर्वाचन प्रतीकों का भी चयन किया है और अभ्यर्थी को दल द्वारा अनुमोदित नही किया जाता है तब उक्त प्रथम नाम निर्देशन में दर्शाये गये मुक्त प्रतीकों पर ही विचार किया जायेगा।

2. ऐसे मामले में जहॉ अभ्यर्थी ने किसी दल द्वारा खडे किये जाने की उम्मीद में प्रथम नाम निर्देशन पत्रा में स्वयं को दल द्वारा खड़ा किया जाना घोषित किया है, लेकिन निर्वाचन प्रतीकों का चयन नही किया है और दल ने उसे अनुमोदित नही किया है तो द्वितीय नाम निर्देशन पत्रा निर्वाचन प्रतीक के आवंटन के प्रयोजनार्थ प्रथम माना जायेगा। यदि द्वितीय और तृतीय नाम निर्देशन पत्रा भी इसी प्रकार दल द्वारा खड़े किये जाने की घोषणा करते हुए प्रस्तुत किये गये है और प्रतीको का चयन नही किया गया है तो चतुर्थ नाम निर्देशन पत्रा में दर्शाये गये प्रतीकों पर विचार किया जायेगा। यदि किसी भी नाम निर्देशन पत्रा में प्रतीकों का चयन नहीं किया गया है तो खण्ड 12 के अर्न्तगत मुक्त प्रतीक आवंटित किये जायेगे।

12. **अन्य अभ्यर्थियों (निर्दलीय अभ्यर्थियों) को प्रतीको का आवंटन** :– निर्दलीय अभ्यर्थी को (जिसे किसी दल ने खड़ा नही किया है), प्रथम नामनिर्देशन पत्रा में उसके अंकित प्राथमिकता क्रम के आधार पर सारणी–2 में से निम्नानुसार निर्वाचन प्रतीक आवंटित किया जायेगा :–

(क) यदि प्रथम रूचि में प्रतीक को एक ही अभ्यर्थी द्वारा चाहा गया है तो वह उसी उम्मीदवार को आवंटित कर दिया जायेगा,

(ख) यदि एक ही प्रतीक को एक से अधिक अभ्यर्थियों ने अपनी रूचि में प्रथम क्रम पर रखा हो तो मुक्त प्रतीक के आवंटन का निर्णय 'लाट' द्वारा किया जायेगा। जिस अभ्यर्थी के पक्ष में लाट निकले उसे ही वह प्रतीक आवंटित किया जायेगा। लाट निकालने की कार्यवाही उपस्थित अभ्यर्थियों और उनके निर्वाचन अभिकर्ताओं के समक्ष की जाएगी,

(ग) प्रथम रूचि पर अंकित प्रतीकों का आवंटन हो जाने पर, शेष बचे अभ्यर्थियों को उनकी पसन्द के 'दूसरी' रूचि के प्रतीकों का आवंटन उपरोक्त प्रक्रिया के अनुसार किया जायेगा।

(घ) तत्पश्चात् शेष रहे अभ्यर्थियों को उनकी पसन्द के तीसरे क्रम के निर्वाचन प्रतीकों का आवंटन उपरोक्तानुसार ही किया जायेगा, और

(ड.) पहले, दूसरे और तीसरे क्रम के सभी निर्वाचन प्रतीक आवंटित हो जाने के पश्चात् यदि कोई अभ्यर्थी ऐसा रह जाता है, जिसे अपनी रूचि का (तीन में से) कोई प्रतीक आवंटित न हुआ हो या जिसने कोई रूचि ही न दी हो तो उसे सारणी–2 के स्तम्भ 2 में विनिदिष्ट मुक्त निर्वाचन प्रतीकों में से क्रम में सबसे ऊपर वाला वह प्रतीक आवंटित किया जायेगा जो किसी को आवंटित न किया गया हो। प्रतीकों का क्रमवार इस प्रकार का आवंटन, अभ्यर्थियों को हिन्दी वर्णक्रमानुसार चुनाव लडने वाले अभ्यर्थियों की सूची में, उनके नामों के अनुसार (एक के बाद एक) किया जायेगा।

13. **अनुदेश तथा निदेश निकालने की आयोग की शक्ति** :– राज्य निर्वाचन आयोग,–

(क) इस आदेश के उपबन्धों में से किसी का स्पष्टीकरण करने के लिये,

(ख) किसी ऐसी कठिनाई को दूर करने के लिए, जो किन्हीं ऐसे उपबंधों के कार्यान्वयन के संबंध में उत्पन्न हो; तथा

(ग) प्रतीकों के आरक्षण तथा आबंटन के किसी मामले के संबंध में जिसके लिए इस आदेश में कोई उपबन्ध नहीं है या उपबन्ध अपर्याप्त है, तथा जिसके लिए निर्वाचनों के निर्विध्न तथा व्यवस्थित संचालन के लिए आयोग की राय में उपबन्ध करना आवश्यक है,

अनुदेश तथा निदेश जारी कर सकेगा।

सारणी–1
(मान्यता प्राप्त राजनीतिक दल व आरक्षित प्रतीक)

क्र.सं.	मान्यता प्राप्त दल जिसके लिये आरक्षित है	आरक्षित प्रतीक
1.	2.	3.
1.	बहुजन समाज पार्टी	हाथी
2.	भारतीय जनता पार्टी	कमल
3.	भारत की कम्युनिस्ट पार्टी	बाल और हंसिया
4.	भारत की कम्युनिस्ट पार्टी (मार्क्सवादी)	हथौडा, हंसिया और सितारा
5.	इंडियन नेशनल कांग्रेस	हाथ
6.	नेशनलिस्ट कांग्रेस पार्टी	घड़ी
7.	राष्ट्रीय जनता दल	लालटेन

सारणी–2
(पंचायत समिति के प्रधान/उप प्रधान तथा जिला परिषद के प्रमुख/उप प्रमुख के निर्वाचन के लिये मुक्त प्रतीकों की सूची)

क्र.सं.	मुक्त प्रतीक	क्र.सं.	मुक्त प्रतीक
1.	2.	1.	2.
1.	बल्ला	11.	डीजल पम्प
2.	टोकरी	12.	केतली
3.	आलमारी	13.	हारमोनियम
4.	गुब्बारा	14.	रोड रोलर
5.	ब्रुश	15.	रेल का इंजन
6.	मोमबत्तियॉ	16.	जग
7.	कैमरा	17.	स्टूल
8.	कोट	18.	मेज
9.	कंधा	19.	टेबिल लैम्प
10.	गैस का चूल्हा	20.	टेलीविजन

प्ररूप – 'क'
राज्य में मान्यता प्राप्त राजनीतिक दल द्वारा खडे किये गये उम्मीदवारों के नामों की सूचना के लिये प्राधिकृत व्यक्तियों के संबंध में सूचना

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प्रेषिति :–

रिटर्निंग अधिकारी,

———————————— पंचायत समिति के प्रधान/उप प्रधान का चुनाव तथा जिला परिषद के प्रमुख/उप प्रमुख का चुनाव

विषयः– पंचायत समिति के प्रधान/उप प्रधान तथा जिला परिषद के प्रमुख/उप प्रमुख के निर्वाचन हेतु निर्वाचन प्रतीकों का आवंटन–उम्मीदवारों के नामों की सूचना देने के लिये व्यक्तियों का प्राधिकृत किया जाना।

महोदय,

अधिसूचना संख्या एफ 7(1)(7)/पंचा/रानिआ/2009/वो.IV/5448 दिनांक 20.11.09 के खण्ड (6) के अनुसरण में, मैं, इसके द्वारा संसूचित करता/करती हूँ कि ऊपर उद्धृत निर्वाचन में दल द्वारा खडे किये जाने के लिये प्रस्तावित उम्मीदवारों के नामों की सूचना देने के लिये .... दल, जो निर्चाचन प्रतीक (आरक्षण एवं आवंटन) आदेश 1968 के अंतर्गत राजस्थान में मान्यता प्राप्त राजनीतिक दल है, द्वारा निम्नलिखित व्यक्ति/व्यक्तियों को प्राधिकृत किया गया है :–

सूचना भेजने के लिये प्राधिकृत व्यक्ति का नाम	दल में धारित पद का नाम	*पंचायत समिति/जिला परिषद का नाम और पद का नाम जिसके संबंध में उसे प्राधिकृत किया गया है
1.	2.	3.
1.		
2.		

2. इस प्रकार प्राधिकृत ऊपर उल्लिखित 'व्यक्ति/व्यक्तियों के हस्ताक्षरों के नमूने नीचे दिये गये हैं :–

1. श्री ..... के हस्ताक्षरों के नमूने
   (1) ..... (2) ..... (3) .....
2. श्री ..... के हस्ताक्षरों के नमूने
   (1) ..... (2) ..... (3) .....

भवदीय,

अध्यक्ष,
दल का नाम (दल की मोहर)

स्थानः .....
दिनांक .....

———————————————————————————————————

* जो लागू नही हो उसे काट दीजिये

———————————————————————————————————

नोटः— 1. यह प्ररूप उम्मीदवारी वापिसी के लिये निर्धारित दिन और समय से पूर्व रिटर्निंग अधिकारी को आवश्यक रूप से प्रस्तुत हो जाना चाहिये।

2. प्ररूप उपर्युक्त पदाधिकारी या प्राधिकृत व्यक्ति द्वारा स्याही से हस्ताक्षरित किया जाना चाहिये। किसी पदाधिकारी या प्राधिकृत व्यक्ति के अनुकृति हस्ताक्षर या रबड़ स्टाम्प के हस्ताक्षरों को स्वीकार नहीं किया जावेंगा।

3. फैक्स से भेजा गया प्ररूप नहीं माना जायेगा।

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* जो लागू नही हो उसे काट दीजिये

प्ररूप–'ख'
राज्य में मान्यता प्राप्त राजनीतिक दल द्वारा खडे किये गये उम्मीदवारों के नामों के बारे में सूचना

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प्रेषितिः–

रिटर्निंग अधिकारी,

———————— पंचायत समिति के प्रधान/उप प्रधान का चुनाव तथा जिला परिषद के प्रमुख/उप प्रमुख का चुनाव

विषयः– पंचायत समिति के प्रधान/उप प्रधान तथा जिला परिषद के प्रमुख/उप प्रमुख के निर्वाचन हेतु उम्मीदवार खडे करना।

महोदय,

अधिसूचना संख्या एफ 7(1)(7)पंचा/रानिआ/2009/वो.IV/ 5448 दिनांक 20.11.09 के अनुसरण में ———————————— दल, जो प्रतीक (आरक्षण एवं आवंटन) आदेश, 1968 के अंतर्गत राजस्थान में मान्यता प्राप्त राजनीतिक दल है, ने निम्नलिखित व्यक्तियों को उपर उद्धृत निर्वाचन में अपने उम्मीदवारों के रूप में, उनके सामने बताये गये पद के निर्वाचन के लिये खडा किया है । मैं उक्त नामित दल की ओर से एत्दद्वारा सूचना देता हूँ कि वह व्यक्ति जिसका विवरण नीचे

(i) स्तम्भ 3 से 5 में दिये गये है उक्त नामित दल का अनुमोदित अभ्यर्थी है, और

(ii) वह व्यक्ति जिसका विवरण नीचे स्तम्भ 6 से 8 में वर्णित है, दल का प्रतिस्थानी अभ्यर्थी है, जो अनुमोदित अभ्यर्थी के नाम निर्देशन–पत्रा को संवीक्षा में खारिज किये जाने अथवा उसके निर्वाचन से हट जाने पर उसका स्थान लेगा यदि प्रतिस्थानी अभ्यर्थी अभी भी निर्चाचन लड़ने वाला अभ्यर्थी है ।

*पंचायत समिति/जिला परिषद का नाम	पद का नाम 'प्रधान/उपप्रधान /प्रमुख / उपप्रमुख	अनुमोदित उम्मीदवार का नाम	अनुमोदित उम्मीदवार के 'पिता/पति का नाम	अनुमोदित उम्मीदवार का डाक का पता	प्रतिस्थानी उम्मीदवार का नाम (जो अनुमोदित उम्मीदवार के नामनिर्देशन– पत्र को संवीक्षा में रद्द कर दिये जाने पर उसका स्थान लेगा यदि प्रतिस्थानी अभ्यर्थी अभी भी निर्वाचन लड़ने वाला अभ्यर्थी है)	प्रतिस्थानी उम्मीदवार के पिता/पति का नाम	प्रतिस्थानी उम्मीदवार का डाक का पता
1.	**2.**	**3.**	**4.**	**5.**	**6.**	**7.**	**8.**

2. प्ररूप 'ख' में दल के अनुमोदित अभ्यर्थी के रूप में श्री/श्रीमती/सुश्री .....के पक्ष में पहले दी गई सूचना एत्दद्वारा विखंडित की जाती है।

3. प्ररूप 'ख' में दल के प्रतिस्थानी अभ्यर्थी के रूप में श्री/श्रीमती/सुश्री .....के पक्ष में पहले दी गई सूचना एत्दद्वारा विखंडित की जाती है।

4. यह प्रमाणित किया जाता है कि प्रत्येक अभ्यर्थी जिसके नाम का ऊपर उल्लेख किया गया है, इस राजनैतिक दल का एक सदस्य है उसका नाम, इस दल के सदस्यों की नामावली में विधिवत् शामिल है।

भवदीय,
अध्यक्ष/दल के प्राधिकृत व्यक्ति का नाम
और हस्ताक्षर व दल की मोहर

स्थानः .....
दिनांकः .....

नोटः— 1. यह प्ररूप उम्मीदवारी वापिसी के लिये निर्धारित दिन और समय से पूर्व रिटर्निंग अधिकारी को आवश्यक रूप से प्रस्तुत हो जाना चाहिये।

2. प्ररूप उपर्युक्त पदाधिकारी या प्राधिकृत व्यक्ति द्वारा स्याही से हस्ताक्षरित किया जाना चाहिये। किसी पदाधिकारी या प्राधिकृत व्यक्ति के अनुकृति हस्ताक्षर या रबड़ स्टाम्प के हस्ताक्षरों को नहीं माना जायेगा।

3. फैक्स से भेजा गया प्ररूप नहीं माना जायेगा।

———————————————————————————————————

* जो लागू नही हो उसे काट दीजिये

आदेश से,

ह0
(आर.के जैन)
सचिव,
राज्य निर्वाचन आयोग,
राजस्थान, जयपुर।,

PART - VI

STATUTORY ORDERS

3. NOTIFICATION OF STATE ELECTION COMMISSION REGARDING DELEGATION OF ITS POWERS UNDER RULES 48(A), 48(B) AND 49(B).

STATE ELECTION COMMISSION

NOTIFICATION

Jaipur, January 25, 1995

S.O. 357 :- S.O. 18/95.- In exercise of the powers conferred by under rule 48(C) and 49(B) of the Rajasthan Panchayati Raj (Election) Rules, 1994 and all other powers enabling it in this behalf the State Election Commission hereby delegates the powers vested in it under rule 48(A), 48(B) and 49(A) to all the District Election Officer (Panchayats) (Collectors) for the purposes of election of Panchas and Sarpanchas of Panchayat Circles in their respective jurisdiction.

[No. F4(2)(1)P.E./SEC/94/659]

By Order,
Dinesh Kumar
Secretary & Chief Electoral Officer,
State Election Commission, Rajasthan,
Jaipur

PART - VI

STATUTORY ORDERS

3. LIST OF BACKWARD CLASSES

समाज कल्याण विभाग की अधिसूचना संख्या एफ.11(125)आर एण्ड पी/सकवि/52307 दिनांक 6 अगस्त, 1994, क्रमांक एफ. 11(125)आर एण्ड पी/सकवि/92810 दिनांक 24 दिसम्बर, 1994, क्रमांक एफ.11(125)आर एण्ड पी/सकवि/12099 दिनांक 15 मार्च, 1997, क्रमांक एफ.11(125)आर एण्ड पी/सकवि/74085 दिनांक 3 नवम्बर, 1999, क्रमांक एफ.11(125)(3)(4)(5)आर एण्ड पी/सकवि/75681 दिनांक 12 नवम्बर, 1999, क्रमांक एफ.11(125)(6)आर एण्ड पी/सकवि/1 दिनांक 1 जनवरी, 2000, क्रमांक एफ. 11(125)(7)आर एण्ड पी/सकवि/153 दिनांक 2 जनवरी, 2000, क्रमांक एफ.11(125)(7)आर एण्ड पी/सकवि/459 दिनांक 10 जनवरी, 2000, क्रमांक एफ.11(125)(6)आर एण्ड पी/सकवि/22821 दिनांक 26 जून, 2000, क्रमांक एफ.11(125)(9)आर एण्ड पी/सकवि/41745 दिनांक 20 अगस्त, 2001, क्रमांक एफ.11(125)(10)आर एण्ड पी/सकवि/2002/26706 दिनांक 24 जून, 2002 एवं क्रमांक एफ.11(125)(10)आर एण्ड पी/सकवि/2002/26832 दिनांक 24 जून, 2002 द्वारा समय–समय पर जारी/संशोधित पिछड़े वर्गों की सूचीः–

क्र.सं.	पिछड़े वर्गों के नाम		क्र.सं.	पिछड़े वर्गों के नाम
1.	अहीर (यादव)		42.	ओड
2.	बड़वा, जाचक, भाट, जागा, राव		43.	पटवा (फदाल)
3.	चारण		44.	राईका, रैबारी (देबासी)
4.	बागरिया		45.	रावत
5.	बंजारा, बालदिया, लबाना		46.	साद, स्वामी, बैरागी, जंगम
6.	बढ़ई, जांगिड़, खाती, सुथार, तरखान		47.	सतिया–सिंधी
7.	भड़भूजा		48.	सिकलीगर, बन्दूकसाज (उस्ता)
8.	छीपा (छीपी), भावसार, नामा, खट्टी छीपा, रंगरेज, नीलगर		49.	सिरकीवाल
9.	डाकोत, देशांतरी, रंगासामी (अडभोपा)		50.	स्वर्णकार, सुनार, सोनी, जड़िया
10.	नगारची–दमामी, राणा, बायती (बारोट)		51.	ठठेरा, कन्सारा (भरावा)
11.	दरोगा, रावणा–राजपूत, हजूरी, बजीर		52.	तमोली (तम्बोली)
12.	दर्जी		53.	जागरी
13.	धाकड़		54.	जाट
14.	धीवर, कहार, भोई, सगरवंशी–माली, कीर, मेहरा, मल्लाह (निषाद), बारी, भिश्ती, मछुआरा		55.	रायसिख
15.	गडरिया (गाडरी), गायरी, घोसी (ग्वाला)		56.	हलाली, कसाई
16.	गाडिया–लोहार, गाडोलिया		57.	दांगी
17.	घांची		58.	लोढ़े–तंवर
18.	तेली		59.	सोंधिया
19.	गिरी, गोसाई (गुशांई)		60.	विश्नोई
20.	गूजर, गुर्जर		61.	मेव
21.	हेला		62.	गद्दी
22.	जणवा, खारडीया (सीरवी)		63.	फारूकी भटियारा
23.	जुलाहा		64.	सिलावट (सोमपुरा, मूर्तिकार के अतिरिक्त), चेजारा
24.	जोगी, नाथ, सिद्ध		65.	खेरवा
25.	काछी (कुशवाहा), शक्य		66.	धोबी (मुस्लिम)
26.	कलाल (टाक), कलाल (मेवाड़ा), कलाल (सुवालका), कलाल (जायसवाल), कलाल (अहलूवालिया), कलाल (पटेल)		67.	कायमखानी
27.	कन्डोरा पिंजारा		68.	कुंजडा, राइन
28.	कनबी, कलबी, पटेल, पाटीदार, आंजणां, डांगी पटेल, कुलमी		69.	सपेरा (गैर हिन्दु जाति)
29.	खारोल (खारवाल)		70.	मदारी, बाजीगर (गैर हिन्दु जाति)
30.	किरार (किराड़)		71.	नट (गैर हिन्दु जाति)
31.	कुम्हार (प्रजापति), कुमावत, सुआरा		72.	गाडीत नागौरी
32.	लखेरा (लखारा), कचेरा, मनिहार		73.	सिन्धी मुसलमान
33.	लोधी (लोधा)		74.	खेलदार
34.	लोहार, पांचाल		75.	चूनगर
35.	महा–ब्राह्मण (अचारज), फकीर, (कब्रस्तान में कार्य करने वाला)		76.	राठ
36.	माली, सैनी, बागवान		77.	मूल्तानीज
37.	मेर (मेहरात–काठात, मेहरात–घोडात, चीता)		78.	अनाथ बच्चे
38.	मिरासी, ढाड़ी, लंगा/मंगनियार		79.	मोची (गैर हिन्दु जाति)
39.	मोगिया (मोग्या)		80.	देशवाली
40.	नाई, सैन, वेदनाई		81.	कोतवाल/कोटवाल
41.	न्यारिया (न्यारगर)		82.	चोबदार

राज्य निर्वाचन आयोग, राजस्थान

विकास खण्ड, सचिवालय, जयपुर

एफ. 7(6)(5)पंचायत निर्वाचन/सचिवालय/2003/374 दिनांक : 7 फरवरी, 2004

*आदेश

1. यतः, अन्य बातों के साथ–साथ राज्य की पंचायतों के समस्त निर्वाचनों और नगरपालिकाओं के समस्त निर्वाचनों का अधीक्षण, निदेशन और नियंत्रण भारत के संविधान के अनुच्छेद 243 ट और अनुच्छेद 243 य क के द्वारा राज्य निर्वाचन आयोग में निहित है ;
2. और यतः, भारत के माननीय उच्चतम न्यायालय ने 2002 की सिविल अपील सं. 7178 संघ बनाम एसोसिएशन फॉर डेमोक्रेटिक रिफोर्मस् और अन्य में अपने आदेश दि. 2 मई, 2002 द्वारा भारत निर्वाचन आयोग को, संसद या राज्य विधानसभा का निर्वाचक लड़ने वाले प्रत्येक अभ्यर्थी से उसके नामनिर्देशन पत्र के आवश्यक भाग के रूप में शपथित शपथ–पत्र के माध्यम से कतिपय सूचना मांगने के लिए निदिष्ट किया है ;
3. और यतः, भारत के निर्वाचन आयोग ने माननीय उच्चतम न्यायालय के ऊपर निर्दिष्ट निर्णय/आदेश दि. 2 मई, 2002 के अनुसरण में और भारत के संविधान के अनुच्छेद 324 द्वारा उसे प्रदत्त शक्तियों का प्रयोग करते हुए 28 जून, 2002 को आवश्यक आदेश जारी किये ;
4. और यतः, भारत के राष्ट्रपति ने लोक प्रतिनिधित्व अधिनियम, 1951 को और संशोधित करने के लिए लोक प्रतिनिधित्व (संशोधन) अध्यादेश, 2002 (2002 का सं. 4) दिनांक 24 अगस्त 2002 को प्रख्यापित किया ;
5. और यतः, भारत सरकार ने ऊपर उल्लिखित अध्यादेश को प्रभावी करने के लिए निर्वाचनों का संचालन नियम, 1961 को भी संशोधित कर दिया ;
6. और यतः , अधिसूचना दि. 28 दिसम्बर, 2002 द्वारा, लोक प्रतिनिधित्व अधिनियम, 1951 को लोक प्रतिनिधित्व (संशोधन) अधिनियम, 2002 द्वारा संशोधित किया गया जिससे उपर्युक्त अध्यादेश दि. 24 अगस्त, 2002 प्रतिस्थापित किया गया ;
7. और यतः, राष्ट्रपति के अध्यादेश दि. 24 अगस्त, 2002 की सांविधानिक विधिमान्यता को आक्षेपित करते हुए तीन पृथक–पृथक रिट याचिकाएं दाखिल की गयीं ;
8. और यतः, माननीय उच्चतम न्यायालय ने 2002 की रिट याचिका सं. 490, 509 और 515 में अपना आदेश/निर्णय दिनांक 31 मार्च, 2003 को पारित किया ;

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*राजस्थान राजपत्र विशेषांक भाग 6(क) दिनांक 9 फरवरी, 2004

9. और यतः, माननीय उच्चतम न्यायालय के निर्णय दिनांक 13 मार्च, 2003 के अनुसरण में भारत निर्वाचन आयोग ने पुनरीक्षित आदेश सं. 3/ईआर/2003/जेएस–II दिनांक 27 मार्च, 2003 जारी किया, जिसका सार निम्नानुसार है :–

(i) राज्य सभा, लोक सभा या किसी राज्य की विधानसभा के किसी निर्वाचन के लिए अपना नामनिर्देशन पत्र भरते समय प्रत्येक अभ्यर्थी, माननीय उच्चतम न्यायालय द्वारा विनिर्दिष्ट मामलों के संबंध में विस्तृत और पूर्ण जानकारी शपथ–पत्र में देगा जिसका प्ररूप आदेश के साथ उपाबद्ध है।

(ii) प्रत्येक अभ्यर्थी द्वारा उक्त शपथपत्र, किसी प्रथम वर्ग मजिस्ट्रेट या किसी नोटेरी पब्लिक या किसी शपथ आयुक्त के समक्ष सम्यक् रूप से शपथित होगा।

(iii) किसी अभ्यर्थी द्वारा शपथ–पत्र का न दिया जाना माननीय उच्चतम न्यायालय के आदेश का अतिक्रमण समझा जायेगा और संबंधित अभ्यर्थी का नामनिर्देशन रिटर्निंग ऑफिसर द्वारा नामनिर्देशनों की संवीक्षा के समय शपथ–पत्र न दिये जाने का कारण अस्वीकार किये जाने योग्य होगा।

(iv) प्रत्येक अभ्यर्थी द्वारा पूर्वोक्त शपथ–पत्र में इस प्रकार दी गयी जानकारी संबंधित रिटर्निंग आफिसर द्वारा शपथपत्र की प्रति अपने कार्यालय के सूचना पट्ट पर प्रदर्शित करके और उसकी प्रतियां अन्य समस्त अभ्यर्थियों को तथा प्रिन्ट और इलैक्ट्रोनिक मीडिया के प्रतिनिधियों को निःशुल्क और उदारता से उपलब्ध करवाकर प्रसारित की जायेगी।

(v) यदि कोई विरोधी अभ्यर्थी सम्यक् रूप से शपथित शपथपत्र के माध्यम से प्रतिकूल जानकारी देता है तो विरोधी अभ्यर्थी का ऐसा शपथपत्र भी ऊपर निर्दिष्ट रीति से संबंधित अभ्यर्थी के शपथपत्र के साथ प्रसारित किया जायेगा।

(vi) यह भी स्पष्ट किया गया था कि इसके (भारत निर्वाचन आयोग के) पूर्वतर आदेश दिनांक 28 जून, 2002 के पैरा 14(4) में अन्तर्विष्ट पूर्वतर निदेश, जहां तक संक्षिप्त जांच के माध्यम से आस्तियों और दायित्वों के सत्यापन और गलत जानकारी देने या सारवान् जानकारी छिपाने के आधार पर नामनिर्देशन पत्र नामंजूर किये जाने की बात है,सर्वोच्च न्यायालय के आदेश दिनांक 13 मार्च, 2003 के अनुसरण में, प्रवर्तनीय नहीं है।

10. और यतः, माननीय उच्चतम न्यायालय के पूर्वोक्त दो निर्णय संसद और राज्य की विधानसभाओं के निर्वाचन लड़ने वाले अभ्यर्थियों के संबंध में मतदाताओं को सूचना का अधिकार सुनिश्चित करने के संदर्भ में दिये गये थे उनकी यह भावना ऐसे स्थानीय निकायों के निर्वाचनों में अपने मताधिकार का प्रयोग करने वाले मतदाताओं पर समान रूप से लागू होती है जिन्हें भी सांविधानिक प्रस्थिति प्रदत्त की गयी है। ग्राम पंचायत से लेकर लोक सभा तक के निर्वाचन पदों

के समस्त स्तरों पर लोकतांत्रिक प्रक्रिया समान होनी चाहिए। राज्य निर्वाचन आयोग और भारत निर्वाचन आयोग के मध्य शक्तियों की समानता इस तथ्य से देखी जा सकी है कि भारत के संविधान के अनुच्छेद 243 ट और अनुच्छेद 243 य क वस्तुतः भारत के संविधान के अनुच्छेद 324 के समान हैं। इस दृष्टि से राज्य निर्वाचन आयोग राजस्थान ने यह विनिश्चित किया कि भारत के माननीय उच्चतम न्यायालय के आदेशों को स्थानीय निकायों के निर्वाचनों में भी लागू किया जाना चाहिए।

11. और यतः , इस विषय को ध्यान में रखते हुए 30 जून, 2003 को इस आयोग द्वारा राज्य सरकार को संबोधित पत्रों में यह सुझाव दिया गया था कि भारत के माननीय उच्चतम न्यायालय के पूर्वोक्त निर्णयों/आदेशों को प्रभावी बनाने के लिए राजस्थान पंचायती राज अधिनियम, 1994 और राजस्थान नगरपालिका अधिनियम, 1959 को समुचित रूप से संशोधित करने के लिए विचार करे।

12. और यतः भारत के माननीय उच्चतम न्यायालय के उक्त निर्णयों/आदेशों को प्रभावी बनाने के लिए संबंधित विधियों में कोई भी संशोधन नहीं किया गया है।

13. अतः अब राज्य निर्वाचन आयोग, राजस्थान, भारत के संविधान के अनुच्छेद 243 य क और राजस्थान पंचायती राज अधिनियम, 1994 की धारा 17 और राजस्थान नगरपालिका अधिनियम, 1959 की धारा 12 क के साथ पठित अनुच्छेद 243 ट के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए इसके द्वारा निम्नलिखित निदेश देता है :–

(i) किसी ग्राम पंचायत के पंच या सरपंच के पद का या, किसी नगर पालिका (नगर परिषद एवं नगर निगम को छोडकर) के सदस्य के पद का निर्वाचन लड़ने वाला प्रत्येक अभ्यर्थी इस आदेश के उपाबंध–I में स्वघोषणा प्ररूप में विनिर्दिष्ट समस्त विषयों के संबंध में, किसी भी अन्य जानकारी जिसका दिया जाना उससे पहले से अपेक्षित है, के अतिरिक्त, विस्तृत और पूर्ण जानकारी नामनिर्देशन–पत्र के साथ देगा।

(ii) किसी पंचायत समिति के सदस्य या किसी जिला परिषद् के सदस्य के पद का या किसी नगर परिषद् के सदस्य या किसी नगर निगम के सदस्य के पद का निर्वाचन लड़ने वाला प्रत्येक अभ्यर्थी इस आदेश के उपाबंध–II में दिये गये प्ररूप में किसी नोटरी पब्लिक या किसी शपथ आयुक्त या किसी प्रथम श्रेणी वर्ग मजिस्ट्रेट के समक्ष सम्यक् रूप से शपथित शपथपत्र में विनिर्दिष्ट समस्त विषयों के संबंध में किसी भी अन्य जानकारी, जिसका दिया जाना उससे पहले से अपेक्षित है, के अतिरिक्त, विस्तृत और पूर्ण जानकारी अपने नामनिर्देशन–पत्रों के साथ देगा।

(iii) किसी भी अभ्यर्थी द्वारा स्वघोषणा या, यथास्थिति, शपथपत्र का न दिया जाना इस आदेश का अतिक्रमण माना जायेगा और संबंधित अभ्यर्थी का नामनिर्देशन रिटर्निंग आफिसर द्वारा

संबंधित अभ्यर्थी के नामनिर्देशन की संवीक्षा करते समय नामंजूर करने योग्य होगा।

(iv) प्रत्येक अभ्यर्थी द्वारा पूर्वोक्त स्वघोषणा या, यथास्थिति, शपथपत्र में इस प्रकार दी गयी जानकारी संबंधित रिटर्निंग आफिसर द्वारा स्वघोषणा/शपथपत्र की प्रति अपने कार्यालय के सूचना पट्ट पर प्रदर्शित करके और उसकी प्रतियां अन्य समस्त अभ्यर्थियों के मांग किये जाने पर और प्रिण्ट और इलेक्ट्रोनिक मीडिया के प्रतिनिधियों को उपलब्ध करवाकर भी प्रसारित की जायेगी।

(v) यदि कोई विरोधी अभ्यर्थी ऊपर पैरा (i) में उल्लिखित पदों के निर्वाचनों के मामले में स्वघोषणा के माध्यम से और ऊपर पैरा (ii) में उल्लिखित सदस्यों के निर्वाचनों के मामले में शपथपत्र के माध्यम से, प्रतिकूल सूचना देता है तो संबंधित अभ्यर्थी के स्वघोषणा/शपथपत्र के साथ विरोधी अभ्यर्थी के ऐसे स्वघोषणा/शपथपत्र का भी ऊपर निर्दिष्ट रीति से प्रसार किया जायेगा ; और

(vi) रिटर्निंग आफिसर संक्षिप्त जाँच के माध्यम से या अन्यथा स्वघोषणा/शपथपत्र में दी गयी जानकारी की शुद्धता का या अन्यथा सत्यापन नहीं करेगा और नामनिर्देशन पत्र को इस आधार पर अस्वीकार नहीं करेगा कि उसकी राय में दी गयी सूचना गलत है।

14. समस्त रिटर्निंग आफिसर यह सुनिश्चित करेंगे कि आयोग द्वारा इसमें विहित किये गये स्वघोषणा/शपथपत्र की प्रतियां अभ्यर्थियों को नामनिर्देशन पत्र के भाग के रूप में नामनिर्देशन पत्रों के प्ररूपों के साथ प्रदत्त की जायेंगी।

15. यह आदेश समस्त नगर निगमों, नगर परिषदों, नगर पालिकाओं तथा समस्त पंचायती राज संस्थाओं के समस्त निर्वाचनों पर लागू होता है जिनके लिए अधिसूचना 20 फरवरी, 2004 को या उसके पश्चात् जारी की जाती है

आज्ञा से,

(विपिन चन्द्र शर्मा)
सचिव
राज्य निर्वाचन आयोग

जयपुर,
दिनांक : 7.2.2004

उपाबन्ध – I

स्वघोषणा

नगरपालिका ..... के (वार्ड सं. .....) के सदस्य/ग्राम पंचायत ..... के सरपंच या (वार्ड सं. .....) के पंच के पद के निर्वाचन के लिए रिटर्निंग ऑफिसर के समक्ष अभ्यर्थी द्वारा नामनिर्देशन पत्र के साथ की जाने वाली स्वघोषणा।

मैं ..... पुत्र/पुत्री/पत्नी श्री .....आयु .... वर्ष, निवासी ..... उपर्युक्त निर्वाचन में अभ्यर्थी, इसके द्वारा सत्यनिष्ठा से निम्नलिखित कथन करता हूँ :–

1. मेरे विरूद्ध निम्नलिखित मामला (मामले) लम्बित है/हैं जिसमें/जिनमें न्यायालय द्वारा संज्ञान लिया गया है:–
   (i) अधिनियम की धारा और अपराध का विवरण जिसके लिए संज्ञान लिया गया :
   (ii) वह न्यायालय जिसने संज्ञान लिया :
   (iii) वाद सं. :
   (iv) संज्ञान लेने वाले न्यायालय के आदेश की तारीख :
   (v) संज्ञान लेने के उपर्युक्त आदेश के विरूद्ध फाइल की गयी अपील (अपीलें)/पुनरीक्षण इत्यादि, यदि कोई हो, के आवेदन (आवेदनों) के ब्यौरे :
2. कि मेरे/मेरे पति या पत्नी/मेरे *आश्रितों के स्वामित्व में निम्नलिखित स्थावर संपत्तियां हैं, अर्थात्:–

क. भूमियां :

(i) कृषि भूमियों के, उसके स्वामी के नाम, उसकी अवस्थिति, विस्तार, मूल्य और अभ्यर्थी से संबंध सहित, ब्यौरे दें।

**

(ii) नगरीय भूमियों के, उसके स्वामी के नाम, उसकी अवस्थिति, विस्तार, मूल्य और अभ्यर्थी का स्वामी से संबंध सहित, ब्यौरे दें।

**

ख. <u>भवन</u> :

(i) भवनों के, उनकी अवस्थिति, प्लिन्थ क्षेत्र, मूल्य, स्वामी के नाम और अभ्यर्थी से संबंध सहित, ब्यौरे दें।

**

3. मेरे/मेरे पति या पत्नी/*आश्रितों के स्वामित्व में निम्नलिखित जंगम संपत्तियां हैं, अर्थात्:–

(i) स्वर्ण, आभूषण और बहुमूल्य रत्नों के, उनके स्वामी के नाम, उनके मूल्य और अभ्यर्थी से संबंध सहित, ब्यौरे दें।

**

(ii) बैंक में अतिशेष/सावधि जमा और शेयरों के, जमाकर्ता या क्रेता के ब्यौरों सहित, उनके मूल्य, अभ्यर्थी से संबंध सहित, ब्यौरे दें।

**

4. मैं/मेरे पति या पत्नी/मेरे *आश्रित लोक, वित्तीय संस्थाओं के निम्नलिखित शोध्यों और सरकारी शोध्यों का संदाय करने का/के दायी हूँ/हैं, ब्यौरे दें।

**

5. मेरी शैक्षणिक योग्यताएं निम्नलिखित हैं :–

(विद्यालय और विश्वविद्यालय शिक्षा का ब्यौरा दें)

**

मै ..... इसके द्वारा घोषणा करता हूँ कि इस स्वघोषणा की अर्न्तवस्तु मेरी सर्वोत्तम जानकारी के अनुसार सही है और कोई भी बात छुपायी नहीं गई है और इस घोषणा का कोई भी भाग मिथ्या नहीं है।

घोषणाकर्ता

* 'आश्रित' से अभ्यर्थी की आय पर पूर्णतया आश्रित व्यक्ति अभिप्रेत है।

** जहां कहीं भी दिया गया स्थान पर्याप्त नहीं हो, अतिरिक्त कागजों का प्रयोग किया जा सकेगा।

उपाबन्ध – II

शपथपत्र

पंचायत समिति/जिला परिषद ..... के सदस्य या नगर परिषद/ नगर निगम ..... के (वार्ड सं. .....) के सदस्य के पद के निर्वाचन के लिए रिटर्निंग ऑफिसर के समक्ष अभ्यर्थी द्वारा नामनिर्देशन पत्र के साथ दिया जाने वाला शपथ–पत्र।

मैं ..... पुत्र/पुत्री/पत्नी श्री .....आयु .... वर्ष,, निवासी ..... उपर्युक्त निर्वाचन में अभ्यर्थी, इसके द्वारा सत्यनिष्ठा से प्रतिज्ञान करता हूँ और शपथ पूर्वक निम्नलिखित कथन करता हूँ :–

1. मेरे विरूद्ध निम्नलिखित मामला (मामले) लम्बित है/हैं जिसमें/जिनमें न्यायालय द्वारा संज्ञान लिया गया है :–
   (i) अधिनियम की धारा और अपराध का विवरण जिसके लिए संज्ञान लिया गया :
   (ii) वह न्यायालय जिसने संज्ञान लिया :
   (iii) वाद सं. :
   (iv) संज्ञान लेने वाले न्यायालय के आदेश की तारीख :
   (v) संज्ञान लेने के उपर्युक्त आदेश के विरूद्ध फाइल की गयी अपील (अपीलें)/पुनरीक्षण इत्यादि, यदि कोई हों, के आवेदन (आवेदनों) के ब्यौरे :
2. कि मेरे/मेरे पति या पत्नी/मेरे * आश्रितों के स्वामित्व में निम्नलिखित स्थावर संपत्तियां हैं, अर्थात्:–

क. भूमियां :

(i) कृषि भूमियों के, उसके स्वामी के नाम, उसकी अवस्थिति, विस्तार, मूल्य और अभ्यर्थी से संबंध सहित, ब्यौरे दें।

(ii) नगरीय भूमियों के, उसके स्वामी के नाम, उसकी अवस्थिति, विस्तार, मूल्य और अभ्यर्थी का स्वामी से संबंध सहित, ब्यौरे दें।

ख. <u>भवन</u> :

(i) भवनों के, उनकी अवस्थिति, प्लिन्थ क्षेत्र, मूल्य, स्वामी के नाम और अभ्यर्थी से संबंध सहित, ब्यौरे दें।

3. मेरे/मेरे पति या पत्नी/*आश्रितों के स्वामित्व में निम्नलिखित जंगम संपत्तियां हैं, अर्थात्:–

(i) स्वर्ण, आभूषण और बहुमूल्य रत्नों के, उनके स्वामी के नाम, उनके मूल्य और अभ्यर्थी से संबंध सहित, ब्यौरे दें।

(ii) बैंक में अतिशेष/सावधि जमा और शेयरों के, जमाकर्ता या क्रेता के ब्यौरों सहित, उनके मूल्य, अभ्यर्थी से संबंध सहित, ब्यौरे दें।

4. मैं/मेरे पति या पत्नी/मेरे *आश्रित लोक, वित्तीय संस्थाओं के निम्नलिखित शोध्यों और सरकारी शोध्यों का संदाय करने का/के दायी हूँ/हैं, ब्यौरे दें।

5. मेरी शैक्षणिक योग्यताएं निम्नलिखित हैं :–

(विद्यालय और विश्वविद्यालय शिक्षा का ब्यौरा दें)

मै ..... इसके द्वारा घोषित और सत्यापित करता हूँ कि इस शपथ–पत्र की अर्न्तवस्तु मेरी वैयक्तिक जानकारी के अनुसार सत्य है और कोई बात छुपायी नहीं गई है और इस शपथ–पत्र का कोई भी भाग मिथ्या नहीं है।

अभिसाक्षी

आज तारीख ..... माह ..... वर्ष ..... को ..... में मेरे समक्ष शपथ ली और हस्ताक्षर किये।

* 'आश्रित' से अभ्यर्थी की आय पर पूर्णतया आश्रित व्यक्ति अभिप्रेत है।

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*राज्य निर्वाचन आयोग द्वारा जारी
आदेश क्रमांक एफ.7(6)(5)पंचायत निर्वाचन/रानिआ/2003/374
दिनांक 7.2.2004 के उपाबन्ध – I व II के पैरा 4 में संशोधन

4. मैं/मेरे पति या पत्नी/मेरे *आश्रित लोक, वित्तीय संस्थाओं के निम्नलिखित शोध्यों और सरकारी शोध्यों का संदाय करने का/के दायी हूँ/है, ब्यौरे दें।

**	

नोट :– सरकारी शोध्यों/देयताओं से तात्पर्य सरकार के वे विभाग जो सार्वजनिक पदों पर कार्य करने वालों को आवास की सुविधा, पेयजल की सुविधा, बिजली की सुविधा, दूरसंचार की सुविधा, परिवहन की सुविधा (जिसमें हवाई जहाज एवं हैलीकोप्टर सम्मिलित है) तथा अन्य ऐसी सुविधायें जो उस पद के साथ जुडी हुई हों, का यदि कोई बकाया चल रहा हो तो उसका पूर्ण विवरण सहित सूचना संलग्न करें।

आदेश से,

(जयन्तीलाल मोदी)
सचिव
राज्य निर्वाचन आयोग,
राजस्थान, जयपुर

*राजस्थान राजपत्र भाग 6(क) दिनांक 26.4.2004

राज्य निर्वाचन आयोग, राजस्थान

(द्वितीय तल, विकास खण्ड सचिवालय, जयपुर–302005)

क्रमांकः प.4(2)(1)/नपा/रानिआ/03/3131 दिंनाकः10.09.09

आदेश

यतः राजस्थान पंचायती राज (निर्वाचन) नियम, 1994 के नियम 37 में यह उपबंधित है कि किसी निर्वाचक को मतपत्र परिदत्त करने से ठीक पूर्व मतदान अधिकारी मतदाता सूची में उस निर्वाचक से सम्बन्धित प्रविष्टियों के संदर्भ में से निर्वाचक की पहचान के बारे मे स्वयं का समाधान करेगा, और

यतः राजस्थान नगरपालिका (निर्वाचन) नियम, 1994 के नियम 40 में यह उपबंधित है कि किसी मतदाता को कोई मतपत्र दिये जाने के पूर्व किसी भी समय पीठासीन अधिकारी या मतदान अधिकारी, यदि उसके पास मतदाता की पहचान या ऐसे मतदान केन्द्र पर मत देने के उसके अधिकार के बारे में सन्देह करने का कारण हो तो स्वप्रेरणा से, और यदि किसी अभ्यर्थी या मतदान अभिकर्ता द्वारा ऐसी अपेक्षा की जाये तो, मतदाता से ऐसे प्रश्न पूछकर जो वह आवश्यक समझे, अपना यह समाधान कर सकेगा कि ऐसा व्यक्ति वही मतदाता है, जिससे ऐसी प्रविष्टि सम्बंन्धित है, और

यतः भारत के निर्वाचन आयोग के आदेश संख्या 3/4/आई.डी./2009/एस0डी0आर0 दिनांक 6 अप्रैल, 2009 के द्वारा यह स्पष्ट किया गया है कि भारत निर्वाचन आयोग ने एक समयबद्ध कार्यक्रम के अनुसार सभी निर्वाचकों को निर्वाचक फोटो पहचान पत्र जारी करने के लिए दिनांक 28 अगस्त, 1993 को एक आदेश जारी किया था और राज्य के निर्वाचन तंत्र ने सभी सम्भव प्रयत्नो द्वारा छूटे हुए निर्वाचको को ध्यान में रखते हुए पहचान पत्र जारी करने के लिए क्षेत्रो में अनेक चक्रों को दोहराते हुए प्रर्याप्त सख्या में निर्वाचकों को निर्वाचक फोटो पहचान पत्र जारी किये है, और

यतः भारत निर्वाचन आयोग द्वारा तैयार कराई गई निर्वाचक नामावली में दर्ज निर्वाचक वहीं पात्रता रखता है जो राज्य निर्वाचन आयोग द्वारा तैयार कराई जाने वाली निर्वाचक नामावली में दर्ज निर्वाचक रखता है,

अतः अव राज्य निर्वाचन आयोग, राजस्थान, भारत के संविधान के अनुंच्छेद 243 K एवं अनुच्छेद 243 ZA के साथ पठित राजस्थान पंचायती राज अधिनियम, 1994 की धारा 17 की उपधारा (2) और राजस्थान नगरपालिका अधिनियम, 1959 की धारा 12 क के उपबंधो के अधीन प्रदत शक्तियों एवं इस निमित्त इसे सशक्त करने वाली समस्त शक्तियों का प्रयोग करते हुए अपने पूर्व आदेश सख्या एफ7(6)(5)पंचु/ रानिआ /03/924 दिनांक 10 मई 2004 एवं आदेश संख्या एफ7(6)(5)पंचु/ रानिआ /03/4057 दिनांक 18 नवम्बर 2004 के अतिक्रमण में यह निर्देश देता है कि राज्य की किसी भी नगरपालिका अथवा पंचायती राज संस्था में चुनाव हेतु मतदान के उद्देश्य से मतदाता को अपनी पहचान स्थापित करने हेतु भारत निर्वाचन आयोग द्वारा जारी निर्वाचक फोटो पहचान पत्र प्रस्तुत करना होगा। यदि कोई निर्वाचक अपना निर्वाचक फोटो पहचान पत्र प्रस्तुत करने में असमर्थ रहता है तो उसे अपनी पहचान स्थापित करने के लिए निम्नांकित वैकल्पिक फोटोयुक्त दस्तावेजो में से कोई एक दस्तावेज प्रस्तुत करना होगा :–

1. निर्वाचन कार्यक्रम घोषित होने की तिथि से पूर्व सक्षम अधिकारी द्वारा जारी फोटोयुक्त राशन कार्ड।
2. निर्वाचन कार्यक्रम घोषित होने की तिथि से पूर्व सक्षम अधिकारी द्वारा जारी गरीबी रेखा से नीचे के फोटोयुक्त फेमिली कार्ड।
3. निर्वाचन कार्यक्रम घोषित होने की तिथि से पूर्व जारी फोटो युक्त एन.आर.ई.जी.ए. (नरेगा) पारिवारिक नौकरी प्रमाणपत्र कार्ड।
4. फोटोयुक्त स्वास्थ्य बीमा योजना स्मार्ट कार्ड (श्रम योजना मंत्रालय द्वारा निर्वाचन कार्यक्रम घोषित होने की तिथि से पूर्व जारी)।
5. स्वतंत्रता सेनानी फोटो युक्त पहचान–पत्र।
6. फोटो युक्त पेंशन दस्तावेज जैसे कि भूतपूर्व सैनिक पेंशन बुक/पेंशन अदायगी आदेश/भूतपूर्व सैनिक विधवा/आश्रित प्रमाण–पत्र /वृद्धावस्था पेंशन आदेश/विधवा पेंशन ओदश (निर्वाचन कार्यक्रम घोषित होने की तिथि से पूर्व जारी)।
7. निर्वाचन कार्यक्रम घोषित होने की तिथि से पूर्व सक्षम अधिकारी द्वारा जारी फोटोयुक्त जाति प्रमाण पत्र।

8. निर्वाचन कार्यक्रम घोषित होने की तिथि से पूर्व सक्षम अधिकारी द्वारा जारी फोटोयुक्त मूल निवास प्रमाण पत्र।
9. निर्वाचन कार्यक्रम घोषित होने की तिथि से पूर्व सक्षम अधिकारी द्वारा जारी फोटोयुक्त छात्र पहचान पत्र।
10. सक्षम प्राधिकारियों द्वारा निर्वाचन कार्यक्रम घोषित होने की तिथि से पूर्व जारी फोटो युक्त शारीरिक विक्लांगता प्रमाण–पत्र।
11. ड्राइविगं लाइसेन्स।
12. फोटोयुक्त संपत्ति दस्तावेज जैसे पट्टे, रजिस्टर्ड डीड आदि।
13. सार्वजनिक क्षेत्र के बैंको/डाकघर द्वारा जारी फोटो युक्त पासबुक और किसान पासबुक (निर्वाचन कार्यक्रम घोषित होने की तिथि से पूर्व खोला गया खाता)
14. राज्य/केन्द्र सरकार, सार्वजनिक क्षेत्र के उपक्रम, स्थानीय निकाय या पब्लिक लिमिटेड कम्पनियों द्वारा उनके कर्मचारियों को जारी किए जाने वाले फोटोयुक्त सेवा पहचान–पत्र।
15. आयकर पहचान–पत्र (पी.ए.एन.)।
16. पासपोर्ट।
17. निर्वाचन कार्यक्रम घोषित होने की तिथि से पूर्व जारी फोटो युक्त शस्त्र लाइसेंस।

निर्वाचन कार्यक्रम घोषित होने की तिथि नगरपालिका के संदर्भ में वह तिथि है जिस दिन राज्य निर्वाचन आयोग द्वारा नगरपालिका के चुनाव का कार्यक्रम घोषित किया जाये और पंचायती राज संस्थाओं के संदर्भ में वह तिथि है जिस दिन पंचायती राज संस्थाओं के चुनाव कार्यक्रम राज्य निर्वाचन आयोग द्वारा घोषित किया जाये।

परिवार के मुखिया को जारी उपर्युक्त दर्शाए गए निर्वाचन फोटो पहचान पत्र सहित पहचान के वैकल्पिक दस्तावेजों के आधार पर केवल परिवार के मुखिया को अपने अन्य पारिवारिक सदस्यों की पहचान करने की अनुमति दी जाएगी बशर्ते सभी सदस्य उसके साथ आएं तथा परिवार के मुखिया द्वारा उनकी पहचान स्थापित हो सके।

आदेश से,
ह.
(आर.के.जैन)
सचिव

राज्य निर्वाचन आयोग, राजस्थान

(द्वितीय तल, विकास खण्ड सचिवालय, जयपुर–302005)

क्रमांकः प.4(2)(1)/नपा/रानिआ/03 /4796 दिंनाक : 09.11.2009

आदेश

आयोग के आदेश सं. प.4(2)(1)/नपा/रानिआ/03 /3131 दिनांक 10.09.09 के द्वारा मतदाता पहचान के संबंध में 17 दस्तावेंजों की सूची जारी की गई थी, के अनुक्रम में क्रम सं. 18 पर जैसलमेर जिले की जैसलमेर तहसील के मतदाताओं के लिए भारत सरकार के पायलट प्रोजेक्ट के तहत बहुदेशीय राष्ट्रीय पहचान पत्र (Multipurpose National Identy Card) को भी वैकल्पिक दस्तावेज के रूप में सम्मिलित किया जाता है।

आदेश से,
–ह0–
(आर.के.जैन)
सचिव

राज्य निर्वाचन आयोग, राजस्थान

(द्वितीय तल, विकास खण्ड सचिवालय, जयपुर–302005

क्रमांकः प.1(2)(1)नपा–पंचा/सां.आ./रानिआ/14/494 दिनांक : 11.02.2014

आदेश

आयोग के आदेश क्रमांक प.4(2)(1)नपा/रानिआ/03/3131 दिनांक 10.09.2009 के द्वारा मतदाता पहचान के संबंध में 17 दस्तावेजों एवं आदेश क्रमांक प.4(2)(1)नपा/रानिआ/ 03/4796 दिनांक 09.11.2009 के द्वारा 18वें दस्तावेज की सूची जारी की गई थी। इसी अनुक्रम में उक्त दस्तावेजों की सूची में क्रम संख्या 19 पर भारत सरकार द्वारा जारी आधार कार्ड (Aadhar Card) को वैकल्पिक दस्तावेज के रूप में सम्मिलित किया जाता हैं।

आज्ञा से,
-Sd-
(अशोक कुमार जैन)
सचिव
राज्य निर्वाचन आयोग
राज., जयपुर

PART - VII

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राजनैतिक दलों और अभ्यर्थियों के मार्गदर्शन के लिये आदर्श आचरण संहिता

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राजनैतिक दलों और अभ्यर्थियों के मार्गदर्शन के लिये आदर्श आचरण संहिता

(I) सामान्य आचरण –

1. किसी भी दल या उम्मीदवार को ऐसा कोई कार्य नहीं करना चाहिये जिससे किसी धर्म, सम्प्रदाय व जाति के लोगों की भावना को ठेस पहुँचे या उनमें विद्वेष व तनाव पैदा हो।

2. **जब अन्य राजनैतिक दलों की आलोचना की जाये, तब उनकी नीतियों और कार्यक्रम, पूर्ववत और कार्य तक ही सीमित होनी चाहिये। यह भी आवश्यक है कि व्यक्तिगत जीवन के ऐसे सभी पहलुओं की आलोचना नहीं की जानी चाहिये, जिनका संबंध अन्य दलों के नेताओं या कार्यकत्ताओं के सार्वजनिक क्रियाकलाप से न हो। दलों या उनके कार्यकत्ताओं के बारे में कोई ऐसी आलोचना नहीं की जानी चाहिये, जो ऐसे आरोपों पर जिनकी सत्यता स्थापित न हुई हो या तोड़–मरोड़कर कही गई बातों पर आधारित हो।**

3. मत प्राप्त करने के लिये धार्मिक, साम्प्रदायिक या जातीय भावनाओं का सहारा नहीं लिया जाना चाहिये तथा निर्वाचन प्रचार के लिये किसी पूजा–स्थल जैसे कि मन्दिर, मस्जिद, गुरूद्वारा, गिरजाघर आदि का उपयोग नहीं किया जाना चाहिये।

4. किसी भी दल और उम्मीदवार को ऐसा कोई कार्य नहीं करना चाहिये जो निर्वाचन विधि के अधीन भ्रष्ट आचरण और अपराध माना गया है, जैसे कि मतदान की समाप्ति के लिये नियत समय पर पूरी होने वाली 48 घन्टे की अवधि के दौरान सार्वजनिक सभा करना, किसी चुनाव सभा में गडबडी करना या विघ्न डालना, मतदान केन्द्र व मतदान केन्द्र की 100 मीटर की परिधि के अन्दर मत संयाचना करना, मतदाताओं को मतदान केन्द्र तक लाने या ले जाने के लिये वाहनों का उपयोग करना, मतदान केन्द्र में या उसके आस–पास विच्छृंखल आचरण करना, मतदान की कार्यवाही में बाधा डालना, मतदाताओं को रिश्वत देना, मतदाताओं का प्रतिरूपण करना आदि।

5. दलों या उम्मीदवारों को चाहिये कि वे अन्य व्यक्ति के विचारों या कार्यों का विरोध करने के लिये उनके निवास पर प्रदर्शन आयोजित करने या धरना देने जैसे तरीकों का सहारा नहीं लेवें तथा इस बात का प्रयास करें कि प्रत्येक व्यक्ति के शंन्तिपूर्ण और विघन रहित घरेलू जिन्दगी के अधिकार, का वे आदर करें, चाहे वे उसके राजनीतिक विचारों या क्रिया कलापों के कितने ही विरूद्ध क्यों न हों।

6. किसी दल या उम्मीदवार को किसी व्यक्ति की भूमि, भवन, अहाते, दीवार आदि का चुनाव प्रतीक लगाने, ध्वज लगाने, पोस्टर चिपकाने, नारे लिखने, बैनर लगाने आदि के लिये बिना अनुमति के उपयोग नहीं करना चाहिये और न ही ऐसा करने की अनुमति अपने अनुयायियों को देनी चाहिये।

7. मतदान के दिन और इससे एक दिन पूर्व की अवधि में किसी दल या किसी उम्मीदवार और उनके कार्यकर्ताओं द्वारा न तो शराब खरीदी जाये और न ही उसे किसी को पेश किया जाये और न ही वितरित की जाये। प्रत्येक दल व उम्मीदवार को अपने कार्यकर्ताओं को ऐसा करने से रोकना चाहिये।

1. किसी भी ऐसे व्यक्ति को अपना निर्वाचन अभिकर्ता या मतदान अभिकर्ता या गणन–अभिकर्ता नियुक्त नहीं करना चाहिये जो केन्द्रीय सरकार या राज्य सरकार या स्थानीय प्राधिकारी के अधीनस्थ कर्मचारी है और न ही उन्हें अपने चुनाव प्रचार संबंधी कोई कार्य में शामिल करना चाहिये।

(II) सभाएं –

1. दलों और उम्मीदवारों को चाहिये कि वे और उनके समर्थक अन्य दलों या उम्मीदवारों द्वारा आयोजित सभाओं व जुलूसों में बाधाएं उत्पन्न नहीं करें, और न ही अन्य दलों अथवा उम्मीदवारों द्वारा आयोजित सार्वजनिक सभाओं में मौखिक रूप से या लिखित रूप से प्रश्न

पूछकर या अपने अथवा अपने दल के पर्चे वितरित कर कोई विघन पैदा करना चाहिये। दलों व अभ्यर्थियों द्वारा उन स्थानों से होकर अपना जुलूस नहीं ले जाना चाहिये जहॉ पर दूसरे दल अथवा अभ्यर्थी द्वारा सभा की जा रही है। किसी दूसरे दल अथवा अभ्यर्थी के द्वारा लगाये गये पोस्टर भी नहीं हटाने चाहिये।

2. दल या अभ्यर्थी को चुनाव प्रचार के लिये सभा करने से पूर्व यह सुनिशिचित कर लेना चाहिये कि जहॉ पर उनके द्वारा सभा करने का प्रस्ताव है वहॉ कोई निर्बन्धात्मक या प्रतिबन्धात्मक आदेश लागू तो नहीं हैं और यदि ऐसे आदेश लागू हों तो उनका कडाई के साथ पालन करना चाहिये। यदि ऐसे आदेशों से कोई छूट अपेक्षित है तो उसके लिये यथासंभव संबंधित सक्षम अधिकारी को आवेदन करना चाहिये और छूट प्राप्त कर लेनी चाहिये।

3. दल या अभ्यर्थी को किसी प्रस्तावित सभा के स्थान और समय के बारे में स्थानीय पुलिस अधिकारियों को उपयुक्त समय पर सूचना देनी चाहिये, **ताकि वे यातायात नियन्त्रित करने और शांति तथा व्यवस्था बनाये रखने के लिए आवश्यक इंतजाम कर सकें,** और यदि अपेक्षित हो तो संबंधित सक्षम अधिकारी से उसकी अनुमति भी लेनी चाहिये।

4. दल या अभ्यर्थी को चाहिये कि वे अपने किसी प्रस्तावित सभा के संबंध में लाऊड–स्पीकरों के प्रयोग या अन्य किसी सुविधा के लिये अनुमति प्राप्त करना चाहे तो संबंधित सक्षम अधिकारी के पास काफी पहले ही आवेदन करें और ऐसी अनुमति प्राप्त करें। लाऊड–स्पीकरों के उपयोग की अनुमति यदि अपेक्षित है तो बिना अनुमति लाऊड–स्पीकरों का प्रयोग नहीं करना चाहिये और सक्षम अधिकारी से अनुमति लेने के पश्चात् भी लाऊड–स्पीकरों को ऊॅची आवाज में कदापि नहीं बजायें।

5. किसी दल या अभ्यर्थी के द्वारा सभा आयोजित करने पर यदि ऐसी सभा में कोई विघ्न डाले या अन्यथा अव्यवस्था फैलाने का प्रयास करे तो सभा के आयोजकों को चाहिये कि विघ्न डालने वाले और अव्यवस्था फैलाने का प्रयास करने वाले व्यक्तियों से निपटने के लिये ड्यूटी पर तैनात पुलिस की सहायता प्राप्त करें। आयोजकों को स्वयं ऐसे व्यक्तियों के विरूद्ध कोई कार्यवाही नहीं करनी चाहिये।

(III) जुलूस –

1. दल या अभ्यर्थी को चाहिये कि वे पहले ही यह तय कर लें कि जुलूस किस समय और किस स्थान से शुरू होकर किस समय और किस स्थान पर समाप्त होगा तथा किस मार्ग से होकर जायेगा। कार्यक्रम में बाद में सामान्यतः कोई फेर बदल नहीं करना चाहिये।

2. जुलूस के आयोजकों को चाहिये कि वे जूलूस के कार्यक्रम के बारे में स्थानीय पुलिस को पर्याप्त समय पूर्व सूचित कर दें, ताकि आवश्यक इंतजाम हो सके।

3. जुलूस का आयोजन करने से पूर्व यह आवश्यक रूप से पता कर लेना चाहिये कि जुलूस के निकालने के संबंध में कोई निर्बन्धात्मक आदेश तो लागू नहीं है और जब तक सक्षम अधिकारी द्वारा ऐसे प्रतिबन्धात्मक आदेशों से विशेष रूप से छूट न दे दी जावे तब तक उन निर्बन्धनों का पालन करना चाहिये। जुलूस के आयोजन के समय यातायात में रूकावट न हो और यातायात का जमाव नहीं हो। जुलूस को सडक के एक ओर रखना चाहिये जिससे यातायात में रूकावट न हो और यातायात का जमाव नहीं हो। जुलूस को सडक के एक ओर रखना चाहिये तथा पुलिस के निर्देश व सलाह का पालन करना चाहिये।

4. **यदि दो या दो से अधिक राजनैतिक दलों या अभ्यर्थियों ने लगभग उसी समय पर उसी रास्ते से या उसके भाग से जुलूस निकालने का प्रस्ताव किया है तो, आयोजकों को चाहिये कि वे समय से काफी पूर्व आपस में सम्पर्क स्थापित करें और ऐसी योजना बनाएं, जिससे कि जुलूसों में टकराव न हो या यातायात को बाधा न पहुँचे। स्थानीय पुलिस की**

सहायता संतोषजनक इंतजाम करने के लिये सदा उपलब्ध होगी। इस प्रयोजना के लिये दलों को यथाशीघ्र पुलिस से सम्पर्क स्थापित करना होगा।

5. दल या अभ्यर्थी को उनके द्वारा आयोजित जुलूसों में किसी व्यक्ति को कोई ऐसी वस्तु लेकर चलने की अनुमति नहीं देनी चाहिये जिसका कि उत्तेजना के क्षणों में दुरूपयोग हो सके।

6. किसी दल या अभ्यर्थी को अन्य दल के सदस्यों या उनके नेताओं या अन्य अभ्यर्थी के पुतले लेकर चलने, उनको किसी सार्वजनिक स्थान पर जलाने का कार्य नहीं करना चाहिये और न ही ऐसे प्रदर्शनों का समर्थन करना चाहिये।

(IV) मतदान दिवस –

सभी राजनैतिक दलों और अभ्यर्थियों को चाहिये कि वे –

1. यह सुनिश्चित करने के लिये कि मतदान निष्पक्ष, शान्तिपूर्वक और सुव्यवस्थित ढंग से हो और मतदाताओं को पूरी स्वतंत्रता हो कि वे बिना किसी परेशानी या बाधा के अपने मताधिकार का प्रयोग कर सकें, निर्वाचन कर्तव्य पर लगे हुये अधिकारियों के साथ सहयोग करें।

2. अपने प्राधिकृत कार्यकर्ताओं तो उपयुक्त बिल्ले या पहचान पत्र दें।

3. ऐसी व्यवस्था सुनिशिचित करें कि मतदाताओं को उनके द्वारा दी गई पहचान पर्चियॉ सादे सफेद कागज पर होंगी और उन पर कोई प्रतीक, अभ्यर्थी का नाम या दल का नाम नहीं होगा।

4. मतदान के दिन और उसके पूर्व 24 घंटों के दौरान किसी को शराब पेश या वितरित न करें।

5. मतदान केन्द्रों के निकट लगाये गये कैम्पों के नजदीक अनावश्यक भीड इकट्ठी न होने दें जिससे दलों और अभ्यर्थियों के कार्यकर्ताओं और शुभचिन्तकों में आपस में मुकाबला और तनाव न होने पावे।

6. यह सुनिशिचित करें कि अभ्यर्थियों के कैम्प साधारण हों उन पर टैंट नहीं लगाये जायें, उन पर कोई पोस्टर, झंडे, प्रतीक या कोई अन्य प्रचार सामग्री प्रदर्शित न की जाये। कैम्पों में खाद्य पदार्थ पेश न किये जायें और भीड न लगाई जाए।

7. मतदान के दिन वाहन चलाने पर लगाये जाने वाले निर्बन्धनों का पालन करने में प्राधिकारियों के साथ सहयोग करें और वाहनों के लिये परमिट प्राप्त कर लें और उन्हें उन वाहनों पर ऐसे लगा दें जिससे साफ–साफ दिखाई देते रहें।

8. मतदान केन्द्र से 100 मीटर की परिधि में अपना कैम्प किसी भी स्थिति में नहीं लगावें।

9. मतदान केन्द्र व इसकी 100 मीटर परिधि में किसी मतदाता से मत संयांचना नहीं करें और न ही अपने कार्यकर्ताओं को करने दें।

10. वाहन का परमिट सक्षम अधिकारी से प्राप्त कर लेने के बाद भी ऐसे वाहन में स्वयं अभ्यर्थी व उसके परिवारजन अथवा निर्वाचन एजेंट व उसके परिवार के सदस्यों के अलावा अन्य किसी मतदाता को नहीं बिठायें।

11. अपने कार्यकर्ताओं को किसी भी वाहन से अन्य ऐसे मतदाताओं को जो उनके स्वयं के परिवारजन नहीं हैं, मतदान केन्द्रों तक लाने व वहॉ से ले जाने का कार्य करने से पूर्णतः रोकें।

12. मतदाताओं का प्रतिरूपण अर्थात गलत नाम से मत डालने का प्रयास नहीं करें।

(V) मतदान केन्द्र –

मतदाताओं के सिवाय कोई भी व्यक्ति राज्य निर्वाचन आयोग द्वारा दिये गये विधिमान्य पास के बिना मतदान केन्द्रों में प्रवेश नहीं करेगा।

(VI) पर्यवेक्षक –

राज्य निर्वाचन आयोग पर्यवेक्षक नियुक्त कर रहा है। यदि निर्वाचनों के संचालन के संबंध में अभ्यर्थियों या उनके अभिकर्ताओं को कोई विशिष्ट शिकायत या समस्या हो तो वे उसकी सूचना पर्यवेक्षक को दे सकते हैं।

(VII) सत्ताधारी दल –

सत्ताधारी दल को, चाहे वह केन्द्र में हो या राज्य में हो, यह सुनिश्चित करना चाहिये कि यह शिकायत करने का कोई मौका न दिया जाये कि उस दल ने अपने निर्वाचन अभियान के प्रयोजनों के लिये अपने सरकारी पद का प्रयोग किया है, और विशेष रूप से –

(1) (क) मंत्रियों को अपने शासकीय दौरों को निर्वाचन में निर्वाचन से संबंधित प्रचार कार्य के साथ नहीं जोडना चाहिये और निर्वाचन के दौरान प्रचार करते हुये शासकीय मशीनरी अथवा कार्मिकों का प्रयोग नहीं करना चाहिये।

(ख) सरकारी विमानों, गाडियों सहित सरकारी वाहनों, मशीनरी और कार्मिकों का सत्ताधारी दल के हित को बढावा देने के लिये प्रयोग नहीं किया जायेगा।

(2) सत्ताधारी दल को चाहिये कि वह सार्वजनिक स्थान जैसे मैदान इत्यादि पर निर्वाचन सभाएं आयोजित सभाएं आयोजित करने और निर्वाचन के संबंध में हवाई उडानों के लिये हैलिपैड के इस्तेमाल करने के लिये अपना एकाधिकार न जमाएं । ऐसे स्थानों का प्रयोग दूसरे दलों और अभ्यर्थियों को भी उन्हीं शर्तों पर करने दिया जाए जिन शर्तों पर सत्ताधारी दल उनका प्रयोग करता है।

(3) सत्ताधारी दल या उसके अभ्यर्थियों का विश्राम गृहों, डाक बंगलों या अन्य सरकारी आवासों पर एकाधिकार नहीं होगा और ऐसे आवासों का प्रयोग निष्पक्ष तरीके से करने के लिये अन्य दलों और अभ्यर्थियों को भी अनुमति दी जायेगी लेकिन कोई भी दल या अभ्यर्थी ऐसे आवासों का व इनके साथ संलग्न परिसरों का प्रचार कार्यालय के रूप में या निर्वाचन प्रोपेगंडा के लिये कोई सार्वजनिक सभा करने की दृष्टि से प्रयोग नहीं करेगा या प्रयोग करने की अनुमति नहीं दी जायेगी।

(4) निर्वाचन अवधि के दौरान, राजनैतिक समाचारों तथा प्रचार की पक्षपातपूर्ण **व्यवाति** के लिये सरकारी खर्चे से समाचार पत्रों में या अन्य माध्यमों से ऐसे विज्ञापनों का जारी किया जाना, तथा सरकारी जन–माध्यमों का दुरूपयोग कर्तव्यन्ष्ठि होकर बिल्कुल बन्द रहना चाहिये जिनमें सत्ताधारी दल के हितों को अग्रसर करने की दृष्टि से उनकी उपलब्धियॉ दिखाई गई हों।

(5) मंत्रियों और अन्य प्राधिकारियों को उस समय से जब से राज्य निर्वाचन आयोग द्वारा निर्वाचन कार्यक्रम घोषित किये जाते हैं, वैवेकिक निधि में से अनुदानों/अदायगियों की स्वीकृति नहीं देनी चाहिये।

(6) मन्त्री और अन्य प्राधिकारी, उस समय से जब से राज्य निर्वाचन आयोग द्वारा निर्वाचन–कार्यक्रम, घोषित किये जाते हैं :–

(क) किसी भी रूप में कोई भी वित्तीय मंजूरी या वचन देने की घोषणा नहीं करेंगे, अथवा

(ख) किसी प्रकार की परियोजनाओं अथवा स्कीमों के लिये आधार शिलाएं आदि नहीं रखेंगे, या

(ग) सडकों के निर्माण का कोई वचन नहीं देंगे, पीने के पानी की सुविधायें नहीं देंगे, आदि या

(घ) शासन, सार्वजनिक उपक्रमों आदि में कोई भी तदर्थ नियुक्ति न की जाये जिससे सत्ताधारी दल के हित में मतदाता प्रभावित हो।

(7) केन्द्रीय या राज्य सरकार के मन्त्री, अभ्यर्थी या मतदाता अथवा प्राधिकृत अभिकर्ता की अपनी हैसियत को छोडकर किसी भी मतदान केन्द्र या गणना स्थल में प्रवेश न करें।

(8) मन्त्रियों और अन्य प्राधिकारियों को उस समय से जब से **राज्य** निर्वाचन आयोग द्वारा निर्वाचन कार्यक्रम घोषित किया जाता है, निर्वाचन संबंधी कार्यो से जुडे हुये अधिकारियों एवं कर्मचारियों के स्थानान्तरण नहीं करने चाहिये।

टिप्पणी – **राज्य निर्वाचन** आयोग कोई भी निर्वाचन की तारीख की घोषणा करेगा जो ऐसे निर्वाचनों के बारे में जारी होने वाली अधिसूचना की तारीख से सामान्यतः तीन सप्ताह से अधिक नहीं होगी।