



Government of West Bengal
The West Bengal *Panchayat* Election Rules 2006

PART I
Preliminary

Key Word : Short title and commencement

1.

(1) These rules may be called the West Bengal *Panchayat* Elections Rules, 2006.

(2) They shall come into force on the date of their publication in the *Official Gazette*





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**PART II
Preparation of electoral roll.**

Key Word : Information to be obtained from occupants of dwelling houses

4.

When the Commission decides not to adopt, in terms of section 35, the electoral roll meant for election of members to the West Bengal Legislative Assembly for the elections to the Panchayats and

issues appropriate directions in this behalf, the *Panchayat* Electoral Registration Officer may, for the purpose of preparing the electoral roll, arrange for enumeration of all persons who have attained the age of 18 years and are ordinarily residents in the constituency or any part thereof requiring every such person to furnish information for this purpose to the person authorised by the *Panchayat* Electoral Registration Officer in this behalf and every person on being approached by such person as authorised by him, shall, furnish such information as may be required for that purpose. Form for such enumeration shall be of such design as may be devised, by order, by the Commission.





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Preparation of electoral roll.

Key Word : Access to certain registers

5.

For the purpose of preparing the electoral roll or deciding any claim or objection to any electoral roll, the *Panchayat* Electoral Registration Officer or any other person authorised by him shall have the access to any register of births and deaths as maintained by the *Gram Panchayat* or to the admission register of any educational institution, and it shall be the duty of every person in charge of any such register to furnish to the said officer or person authorised by him such information and such extracts from the said register as may be required by them.





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Key Word : Draft publication of electoral roll

6.

(1) As soon as the electoral roll for a constituency of a *Panchayat* is prepared, the *Panchayat* Electoral Registration Officer shall, by order, make the draft publication of the said electoral roll for general information and inspection of the persons likely to be affected thereby.

(2) The draft publication of electoral roll referred to in sub-rule (1) shall be made at, –

(a) the office of the *Panchayat* Electoral Registration Officer,

(b) the concerned office or offices of the *Gram Panchayats*,

(c) the concerned office of the *Panchayat Samiti*,

(d) such other places in the concerned *Panchayat* area as the *Panchayat* Electoral Registration Officer may deem necessary,

by displaying a notice in Form I specifying the duration of such draft publication and inviting objections and applications for further enrolment.

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Preparation of electoral roll.

Key Word : Further publicity to the electoral roll and notice.

7.

(1) The *Panchayat* Electoral Registration Officer shall make a copy of each separate part of the electoral roll, together with a copy of the notice in Form I available for inspection at a specified place accessible to the public in or near the area to which that part relates.

(2) The *Panchayat* Electoral Registration Officer may give such further publicity to the notice in Form I as he may consider necessary.

(3) The *Panchayat* Electoral Registration Officer shall also supply free of cost two copies of each separate part of the electoral roll to every political party for which a symbol has been exclusively reserved in the State by the Election Commission of India.





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Key Word : Period for lodging claims and objections.

8.

Every claim for the inclusion of a name in the electoral roll and every objection to any entry therein shall be lodged within a period of thirty days from the date of draft publication of the electoral roll or such shorter period of not less than fifteen days as may be fixed by the Commission in this behalf:

Provided that the Commission may, by notification in the *Official Gazette*, extend such period in respect of any constituency.





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Preparation of electoral roll.

Key Word : Form for claims and objection.

9.

(1) Every claim for inclusion of a name in the electoral roll shall be lodged in Form II and shall be signed by the person claiming his name to be included in the electoral roll.

(2) Every objection to the inclusion of a name in the electoral roll or every application for deletion of a name from the electoral roll shall be lodged in Form III and shall be preferred only by a person whose name is already included in that part of the electoral roll and such Form shall also be countersigned by another person whose name is already included in that part of the electoral roll in which the name objected to appear.

(3) Every objection to a particular or particulars in an entry into the electoral roll shall be lodged in Form IV and shall be preferred only by the person to whom that entry relates.

(4) Every application for transposition of an entry within the same constituency in the electoral roll

shall be lodged in Form V and shall be signed by the person to whom the entry relates.

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Key Word : Manner of lodging claims and objections.

10.

Every claim or objection referred to in rule 9 shall be, –

(a) presented to the *Panchayat* Electoral Registration Officer or to such other officer as may be authorised by him in this behalf, or

(b) sent by post directly to the *Panchayat* Electoral Registration Officer.





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Preparation of electoral roll.

Key Word : Compliance of procedure by authorised officer.

11.

(1) Every officer authorised under clause (a) of rule 10 shall, –

(a) maintain in duplicate for each part of the electoral roll separately, a list of claims, a list of objections to the inclusion of names , a list of objections to particulars of entries and a list of applications for transposition of entries within the same constituency, and

(b) keep exhibited one copy of each such list on a notice board in his office.

(2) The authorised officer shall, after complying with the requirements of sub-rule (1), forward it with such remarks, if any, as he considers proper to the *Panchayat* Electoral Registration Officer.





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Key Word : Rejection of certain claims and objections.

12.

Any claim or objection which is not lodged within the period specified in the notice in Form I, shall be rejected by the *Panchayat* Electoral Registration Officer.





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**PART II
Preparation of electoral roll.**

Key Word : Notice of hearing claims and objections.

13.

(1) Where a claim or objection is not disposed of on the basis of records available, the *Panchayat* Electoral Registration Officer shall issue a notice specifying the date, time and place of hearing of the claim or objection, as the case may be.

(2) The notice issued under sub-rule (1) may be served either upon the person concerned or any adult member of the family of such person or by affixing at the person's residence or at the last known residence within the constituency.





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Key Word : Inquiry into claims and objections.

14.

- (1) The *Panchayat* Electoral Registration Officer shall hold a summary inquiry into every claim or objection in respect of which notice has been issued under sub-rule (1) of rule 13 and shall record his decision thereon.
- (2) At the time of 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 *Panchayat* Electoral Registration Officer, is likely to be of assistance to him, shall be entitled to appear and be heard.
- (3) The *Panchayat* Electoral Registration Officer may at his discretion, –
- (a) require any claimant, objector or person objected 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.





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Key Word : Inclusion of names inadvertently omitted before final publication of electoral roll.

15.

– If it appears to the *Panchayat* Electoral Registration Officer at any time before the final publication of the electoral roll that owing to inadvertence or error during preparation, the names of any elector or electors have been left out of the electoral roll and that remedial action should be taken under this rule, the *Panchayat* 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 such list together with a notice as to the time and place at which the inclusion of these names in the roll shall be considered, and shall 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 shall be included in the electoral roll.

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Key Word : Deletion of names

16.

If it appears to the *Panchayat* Electoral Registration Officer at any time before the final publication of the electoral roll that owing to inadvertence or error or otherwise, the names of dead person or of persons who cease to be, or are not, ordinarily residents in the constituency or of persons who are otherwise not entitled to be registered in the electoral roll have been included in such electoral roll and that remedial action should be taken under this rule, the *Panchayat* 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 electoral roll shall 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 maybe preferred, decide whether all or any of the names shall be deleted from the electoral 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, ordinarily resident in the constituency, or is otherwise not entitled to be registered in the electoral roll, the *Panchayat* Electoral Registration officer shall make every endeavour to give him or an adult member of his family a reasonable opportunity to show cause why the action proposed should not be taken in relation to him.

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Key Word : Final publication of electoral roll.

17.

(1) The *Panchayat* Electoral Registration Officer shall after, preparing a list of amendments to carry out his decision under rule 15, rule 16 and rule 17 and after correcting any clerical or printing errors or other inaccuracies subsequently detected in the electoral roll, notify the electoral roll to be finally published, together with the list of amendments, by making a complete copy thereof available for inspection and displaying a notice in Form IA at his office.

(2) The *Panchayat* Electoral Registration Officer shall, subject to such general or special direction as may be given by the Commission in this behalf, supply free of cost, two copies of the electoral roll, as finally published under sub-rule (1), with the list of amendments, if any, to every political party for which symbol has been exclusively reserved by the Election Commission of India.

(3) On such final publication, the electoral roll together with the list of amendments shall be the final electoral roll of the constituency.

(4) Where the finally published electoral roll (hereinafter referred to in this sub-rule as the basic roll), together with the list of amendments, becomes the final electoral roll for a constituency under sub-rule (2), the *Panchayat* Electoral Registration Officer may, for the convenience of all concerned, integrate, subject to any general or special directions issued by the Commission in this behalf, the list into the basic electoral roll by incorporating the inclusion, amendments, transposition or deletion of entries in the relevant parts of the basic electoral roll itself, so 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 recorded in the list of amendments.

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Key Word : Appeals from order deciding claims and objections.

18.

(1) An appeal shall lie from any decision of the *Panchayat* Electoral Registration Officer under rule 14 or rule 15 or rule 17 to the appellate authority as may be appointed by the Commission for this purpose:

Provided that an appeal shall not lie where the person desiring to appeal has not availed himself of his right to be heard by, or to make representations to, the *Panchayat* Electoral Registration Officer on the matter which is the subject of appeal.

(2) Every appeal under sub-rule (1) shall be, –

(a) in the form of memorandum signed by the appellant, and

(b) presented to the appellate authority within a period of fifteen days from the date of final publication of the electoral roll.

(3) The presentation of an appeal under this rule shall not have effect of staying or postponing any action to be taken by the *Panchayat* Electoral Registration officer in pursuance of the order against which the appeal has been preferred.

(4) Every decision of the appellate authority shall be final, but in so far as it reverses or modifies a decision of the *Panchayat* Electoral Registration Officer, such decision shall take effect only from the date of the decision in appeal.

(5) The *Panchayat* Electoral Registration Officer shall cause such amendment to be made in the electoral roll as may be necessary to give effect to the decisions of the appellate authority under this rule.

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PART II
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Key Word : Custody and preservation of electoral rolls and connected papers.

19.

The *Panchayat* Electoral Registration Officer shall secure in his office or at such other place as the District *Panchayat* Electoral Registration Officer may, by order, specify, the following papers as official record until the expiration of one year following the completion of the next intensive revision of the electoral roll, –

- (a) one complete copy of the finally published electoral roll,
- (b) information obtained by the *Panchayat* Electoral Registration Officer under rule 5,
- (c) register of enumeration forms,
- (d) applications in regard to the preparation of the electoral roll,
- (e) manuscript parts prepared by enumeration agencies and used for compiling the electoral roll,

(f) papers relating to claims and objections,

(g) papers relating to appeals under rule 18.

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Key Word : Inspection of electoral rolls and connected papers.

20.

Every person shall have the right to inspect any of the election papers as referred to in rule 19 and shall get attested copies thereof on payment of such fees as may be fixed, by order, by the Commission in this behalf





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Key Word : Disposal of electoral rolls and connected papers.

21.

(1) The papers referred to in rule 19 may, on the expiry of the period specified therein, and subject to such general or special direction as may be issued by the Commission in this behalf, be disposed of in such manner as the District *Panchayat* Election Officer may direct.

(2) Copies of the finally published electoral roll for any constituency in excess of the number required for deposit under rule 19 and for any other public purpose shall be disposed of at such time and in such manner as the Commission may direct and until such disposal the copies shall be made available for sale to the public at such cost as may be fixed, by order, by the Commission. _





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PART III

Delimitation of constituencies and reservation of seats.

Key Word : Delimitation of constituencies of a *Gram Panchayat* and allocation of seats, assignment of serial numbers for the constituencies and the seats and reservation of seats.

22.

(1) Subject to any general or special direction issued by the Commission in this behalf, the prescribed authority, by an order, shall, –

(a) divide, in recognisable units like *paras*, localities, neighbour-hoods, *bustees* or colonies, the area of a *Gram* into constituencies on the basis of the number of members determined under section 12,

(b) assign consecutive serial number to all such constituencies of a *Gram* following the sequence of the numbers assigned to the Legislative Assembly polling stations comprising such constituencies,

(c) allocate to each constituency such number of seats, not exceeding two, as may conform to the number determined under section 12;

(d) assign consecutive serial numbers to all such seats following the same sequence of the numbers assigned to the constituencies;

(e) determine such number of seats to be reserved, by rotation, as may be required in terms of sub-section (1) or (2) of section 17, as the case may be, for the Scheduled Castes or the Scheduled Tribes persons from amongst the seats allocated to the constituencies, each constituency having such Scheduled Castes or Scheduled Tribes population as bears with the total population in that constituency not less than half of the proportion determined under sub-section (1) or (2) of section 17 as the case may be:

Provided that the number of the Scheduled Castes or the Scheduled Tribes persons or the total population of a *Gram* or the proportion of the Scheduled Castes or the Scheduled Tribes population as aforesaid shall be determined on the basis of the last preceding census of which the relevant figures have been published;

Provided further that when census figures are not available for any *Gram* or constituency or for any portion of any constituency, the prescribed authority shall, subject to such order of the Commission as may be made in this behalf, determine the proportion which the Scheduled Castes or the Scheduled Tribes population bears with the total population on the basis of any other authenticated record maintained by any office or organisation of any department of the State Government or, where no such record is available, on the basis of a local enquiry, which may include house to house enumeration, caused by him for the purpose after consulting, whenever necessary, any portion of the census report, electoral roll of the West Bengal Legislative Assembly or any other authenticated record of any other department of the state Government that may be of assistance;

Explanation I. – An authenticated record maintained by any department shall be a record authenticated by the seniormost officer of the department posted in any office or organisation under the department located in the district.

Explanation II. – For the purpose of determination of number of seats to be reserved under clause (e) all figures for calculation shall be taken upto the first place of decimal, raising the figure of the first place of decimal by one when the digit in the second place of decimal is not less than five.

Explanation III. – For the final stage of calculation for arriving at the number of seats to be reserved, the whole number obtained shall be raised by one if the digit at the first place of decimal is not less than five while ignoring any digit below five at the first place of decimal.

(f) determine number of women members to be elected so as to constitute, –

(i) not less than one-third of the total number of the Scheduled Castes and the Scheduled Tribes members taken up collectively as determined under clause (e),

(ii) not less than one-third of the total number of members to be elected to the *Gram Panchayat* including the number determined under sub-clause (i).

(2) (a) After the *per centage* of the Scheduled Castes or the Scheduled Tribes population in the total population is determined and the seats or the constituencies eligible for reservation are identified, two separate lists, one for the Scheduled Castes and the other for the Scheduled Tribes shall be prepared in the descending order of the *per centage* of the Scheduled Castes or the Scheduled Tribes population, seat or constituency having the highest *per centage* coming at the top of the list.

(b) For the first term of election among three consecutive terms, the lists referred to in clause (a) shall be taken up separately and such number of seats as may be determined under clause (e) of sub-rule (1) shall be reserved for the Scheduled Castes or the Scheduled Tribes in accordance with the roster as specified in the First Schedule. For the purpose of reservation of constituencies in accordance with such roster, all the constituencies occurring in the list shall be assigned an additional set of continuous serial numbers in ascending order so that reservation may be made to match such serial number with the identical number in the roster.

(c) For the second and third term of election, the same procedure shall be followed in accordance with the roster specified in the First Schedule respectively for the second and the third term of election.

(d) If following the principle of rotation, any seat is selected in any term of election for reservation for both the Scheduled Castes and the Scheduled Tribes persons, preference shall be given to reservation for the Scheduled Tribes persons, and thereafter reservation for the Scheduled Castes persons shall be made of the seat coming next in order.

(e) The prescribed authority, by an order in writing, shall record the procedure adopted, the records and documents relied upon and the findings made for the purpose of determination of the seats to be

reserved by rotation for the Scheduled Castes or the Scheduled Tribes.

(3) Identification and declaration of seats to be reserved for women under sub-section (3) and (4) of section 17 shall be made separately in accordance with the roster as specified in the Second Schedule in the manner as follows, –

(a) not less than one-third seats from amongst the seats reserved for the Scheduled Castes and the Scheduled Tribes taken up collectively shall be declared reserved for women;

(b) the number of seats declared under clause (a) shall be set apart from the number determined under clause (f) of sub-rule (1) and the seats matching the resultant number shall be identified and declared for reservation for women from among the seats not reserved under sub-section (1) and (2) of section 17,

(c) for the purpose of reservation of seats in accordance with the roster as specified in the Second Schedule, all the seats available for reservation shall be arranged in the ascending order of their assigned serial numbers and an additional set of continuous serial numbers shall be given to them so that reservation may be made to match such continuous serial numbers with identical serial numbers in the roster,

(d) in case the number of seats determined under sub-section (3) and (4) of section 17 is one only, that seat shall be reserved for women for the first term of election and there shall be no reservation for the second and the third term of elections.





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**PART III
Delimitation of constituencies and reservation of seats.**

Key Word : Manner of publication of order under rule 22.

23.

(1) On completion of the determination under rule 22, the prescribed authority shall publish draft order showing delimitation of the constituencies and the reservations thereof in Form A not later than seventy five days before the date of poll by posting the same in a conspicuous place in the office of, –

(a) the *Gram Panchayat* to which the order relates,

(b) the *Panchayat Samiti* and the *Zilla Parishad* or the *Mahakuma Parishad* within whose area the *Gram Panchayat* is situated,

(c) the Block Development Officer, the Sub-divisional Officer and the District Magistrate of the area concerned.

(2) Any person affected by such order may submit any objection or suggestion in writing stating the reasons thereof so as to reach the prescribed authority within fifteen days from the date of publication of the draft order as mentioned in sub-rule (1).

(3) The prescribed authority shall consider the objections or suggestions, if any, received by him within the stipulated period and may make suitable alterations or amendments in the draft order.

(4) The prescribed authority shall publish the final order in Form A1 with alterations and amendments, if any, not later than forty five days before the date of poll by posting the same in places where the draft of the order was published, and, upon such publication, the order shall come into force:

Provided that the order shall be deemed to have been duly published if there has been substantial compliance with the provisions of this rule and any omission to post the order in one or more places shall not invalidate the order.

(5) Immediately after publication under sub-rule (1) and sub-rule (4), a copy of each of the order in Form A and in Form A1 shall be supplied to each of the recognised political parties having representation in the existing body of the *Gram Panchayat* to which the order relates.





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PART III

Delimitation of constituencies and reservation of seats.

Key Word : Delimitation of constituencies of *Panchayat Samiti* and assignment of serial numbers for the constituencies and reservation of seats.

24.

(1) In conformity with the provisions contained in section 14 and also subject to any general or special direction issued by the Commission in this behalf, the prescribed authority, by an order, shall, –

(a) determine the number of members to be elected to a *Panchayat Samiti* from each *Gram* comprising the area of the *Panchayat Samiti*,

(b) divide a *Gram* into as many constituencies as may match the number of members, determined under clause (a), to be elected to a *Panchayat Samiti* from the *Gram* and each such constituency shall have as far as practicable, equal number of voters and shall comprise as many contiguous *Gram Panchayat* constituencies as may be specified in the order,

(c) assign consecutive serial numbers to all such constituencies following, as far as practicable, the sequence of the numbers assigned to the *Gram Panchayat* constituencies and, where necessary, the sequence of the numbers assigned to the Legislative Assembly polling stations comprising the area of such *Panchayat Samiti*,

(d) determine the number of constituencies to be reserved, by rotation, for the Scheduled Castes and the Scheduled Tribes persons from among such constituencies, each of which have such Scheduled Castes or Scheduled Tribes population as bears with the total population in that constituency not less than half of the proportion determined under sub-section (1) or (2) of section 17 as the case may be:

Provided that the number of the Scheduled Castes or the Scheduled Tribes persons or the total population of a *Panchayat Samiti* or the proportion of the Scheduled Castes or the Scheduled Tribes population as aforesaid shall be determined on the basis of the last preceding census of which the relevant figures have been published:

Provided further that when census figures are not available for any area of a *Panchayat Samiti* or constituency or any portion of any constituency, the prescribed authority shall, subject to such order of the Commission as may be made in this behalf, determine the proportion which the Scheduled Castes or the Scheduled Tribes population bears with the total population on the basis of any other authenticated record maintained by any office or organisation of any department of the State Government or, where no such record is available, on the basis of a local enquiry, which may include house to house enumeration, caused by him for the purpose as aforesaid after consulting, whenever necessary, any portion of the census report, electoral roll of the West Bengal Legislative Assembly or any other authenticated record that may be of assistance.

Explanation I. –An authenticated record maintained by any department shall be a record authenticated by the seniormost officer of the department posted in any office or organisation under the department located in the district.

Explanation II. –For the purpose of determination of number of seats to be reserved under clause (d) all figures for calculation shall be taken upto the first place of decimal, raising the figure of the first place of decimal by one when the digit in the second place of decimal is not less than five.

Explanation III. – For the final stage of calculation for arriving at the number of seats to be reserved, the whole number obtained shall be raised by one if the digit at the first place of decimal is not less than five while ignoring any digit below five at the first place of decimal.

(e) determine the number of women members to be elected so as to constitute, –

(i) not less than one-third of the total number of the Scheduled Castes and the Scheduled Tribes members taken up collectively as determined under clause (d),

(ii) not less than one-third of the total number of members to be elected to the *Panchayat Samiti* including the number determined under sub-clause (i).

(2) (a) After the *per centage* of the Scheduled Castes or the Scheduled Tribes population in the total population is determined and the seats or constituencies eligible for reservation are identified, two separate lists, one for the Scheduled Castes and the other for the Scheduled Tribes shall be prepared in the descending order of the per centage of the Scheduled Castes or the Scheduled Tribes population, constituency having the highest *per centage* coming at the top of the list;

(b) for the first term of election among three consecutive terms, the lists referred to in clause (a) shall be taken up separately and such number of constituencies as may be determined under clause (d) of sub-rule (1), shall be reserved for the Scheduled Castes or the Scheduled Tribes in accordance with the roster as specified in the First Schedule. For the purpose of reservation of constituencies in accordance with such roster, all the constituencies occurring in the list shall be assigned an additional set of continuous serial numbers in ascending order so that reservation may be made to match such serial number with the identical serial number in the roster;

(c) for the second and third term of election, the same procedure shall be followed in accordance with the roster specified in the First Schedule respectively for the second and the third term of election;

(d) if following the principle of rotation, any seat or constituency is selected in any term of election for reservation for both the Scheduled Castes or the Scheduled Tribes persons, preference shall be given to reservation for the Scheduled Tribes persons, and thereafter reservation for the Scheduled Castes persons shall be made of the constituency coming next in order;

(3) Identification and declaration of constituencies to be reserved for women under sub-section (3) and

(4) of section 17 shall be made separately in accordance with the roster as specified in the Second Schedule in the manner as follows, –

(a) not less than one-third constituencies from amongst the constituencies reserved for the Scheduled Castes and the Scheduled Tribes taken up collectively shall be declared reserved for women,

(b) the number of constituencies declared under clause (a) shall be set apart from the total number of constituencies to be reserved for women under sub-clause (ii) of clause (e) of sub-rule (1) and the constituencies matching the resultant number shall be identified and declared for reservation for women from among the constituencies not reserved under sub-rule (2),

(c) for the purpose of reservation of seats in accordance with the roster as specified in the Second Schedule, all the seats available for reservation shall be arranged in the ascending order of their assigned serial numbers and an additional set of continuous serial numbers shall be given to them so that reservation may be made to match such continuous serial numbers with identical serial numbers in the roster,

(d) in case the number of constituency determined under sub-section (3) and (4) of section 17 is one only, that constituency shall be reserved for women for the first term of election and there shall be no reservation for the second and the third term of election.





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PART III
Delimitation of constituencies and reservation of seats.

Key Word : Manner of publication of order under rule 24.

25.

(1) On completion of the determination under rule 26, the prescribed authority shall publish a draft order showing delimitation of the constituencies and reservations thereof in Form B not later than seventy five days before the date of poll by posting the same in a conspicuous place in the office of,
—

(a) the *Gram Panchayats* and the *Panchayat Samiti* to which the order relates,

(b) the *Zilla Parishad* or the *Mahakuma Parishad*,

(c) the Block Development Officer, the Sub-divisional Officer and the District Magistrate of the area concerned.

(2) Any person affected by such order may submit any objection or suggestion in writing stating the reasons thereof so as to reach the prescribed authority within fifteen days from the date of publication

of the draft order as maintained in sub-rule (1).

(3) The prescribed authority shall consider the objections or suggestions, if any, received by him within the stipulated period, and may make suitable alterations or amendments in the draft order.

(4) The prescribed authority shall publish the final order in Form B1 with alterations and amendments, if any, not later than forty five days before the date of poll by posting the same in places where the draft of the order was published and, upon such publication, the order shall come into force:

Provided that the order shall be deemed to have been duly published if there has been substantial compliance with the provisions of this rule and any omission to post the order in one or more places shall not invalidate the order.

(5) Immediately after publication under sub-rule (1) and sub-rule (4), a copy of each of the order in Form B and in Form B1 shall be supplied to each of the recognised political parties having representation in the existing body of the *Panchayat Samiti* to which the order relates.

(3) Identification and declaration of constituencies to be reserved for women under sub-section (3) and (4) of section 17 shall be made separately in accordance with the roster as specified in the Second Schedule in the manner as follows, –

(a) not less than one-third constituencies from amongst the constituencies reserved for the Scheduled Castes and the Scheduled Tribes taken up collectively shall be declared reserved for women,

(b) the number of constituencies declared under clause (a) shall be set apart from the total number of constituencies to be reserved for women under sub-clause (ii) of clause (e) of sub-rule (1) and the constituencies matching the resultant number shall be identified and declared for reservation for women from among the constituencies not reserved under sub-rule (2),

(c) for the purpose of reservation of seats in accordance with the roster as specified in the Second Schedule, all the seats available for reservation shall be arranged in the ascending order of their assigned serial numbers and an additional set of continuous serial numbers shall be given to them so that reservation may be made to match such continuous serial numbers with identical serial numbers in the roster,

(d) in case the number of constituency determined under sub-section (3) and (4) of section 17 is one only, that constituency shall be reserved for women for the first term of election and there shall be no reservation for the second and the third term of election.



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PART III

Delimitation of constituencies and reservation of seats.

Key Word : Delimitation of constituencies of *Zilla Parishad* or *Mahakuma Parishad*, assignment of serial numbers for the constituencies and reservations thereof and manner of publication of order.

26.

(1) The Commission shall, by order, –

(a) in conformity with the provisions in section 15, determine the number of members to be elected to a *Zilla Parishad* or *Mahakuma Parishad* from each Block comprising the area of the *Zilla Parishad* or *Mahakuma Parishad* as the case may be,

(b) divide a Block into as many constituencies as may match the number of members, determined under clause (a), to be elected to a *Zilla Parishad* from the Block and each such constituency shall have as far as practicable equal number of voters and shall comprise as many contiguous *Grams* as may be specified in the order,

(c) assign consecutive serial numbers to all such constituencies within the area of a *Zilla Parishad* or *Mahakuma Parishad*, as the case may be, following, as far as practicable, the sequence of the numbers assigned to the *Panchayat Samiti* constituencies and the numbers assigned to the Legislative Assembly polling stations comprising the area of such *Zilla Parishad* or *Mahakuma Parishad*, as the

case may be,

(d) determine the number of constituencies to be reserved, by rotation, for the Scheduled Castes and the Scheduled Tribes persons from among such constituencies, each of which have such Scheduled Castes or Scheduled Tribes population as bears with the total population in that constituency not less than half of the proportion determined under sub-section (1) or (2) of section 17 as the case may be:

Provided that the number of the Scheduled Castes or the Scheduled Tribes persons or the total population of a *Zilla Parishad* or *Mahakuma Parishad* area, as the case may be, or the proportion of the Scheduled Castes or the Scheduled Tribes population as aforesaid shall be determined on the basis of the last preceding census of which the relevant figures have been published;

Provided further that when census figures are not available for any area of a *Zilla Parishad* or *Mahakuma Parishad* or constituency or any portion of any constituency, the Commissioner shall determine the proportion which the Scheduled Castes or the Scheduled Tribes population bears with the total population on the basis of any other authenticated record maintained by any office or organisation of any department of the State Government or, where no such record is available, on the basis of a local enquiry, which may include house to house enumeration, caused by him for the purpose as aforesaid after consulting, whenever necessary, any portion of the census report, electoral roll of the West Bengal Legislative Assembly or any other authenticated record that may be of assistance;

Explanation I. – An authenticated record maintained by any department shall be a record authenticated by the seniormost officer of the department posted in any office or organisation under the department located in the district.

Explanation II. –For the purpose of determination of number of seats to be reserved under clause (e) all figures for calculation shall be taken upto the first place of decimal, raising the figure of the first place of decimal by one when the digit in the second place of decimal is not less than five.

Explanation III. –For the final stage of calculation for arriving at the number of seats to be reserved, the whole number obtained shall be raised by one if the digit at the first place of decimal is not less than five while ignoring any digit below five at the first place of decimal.

(e) determine the number of women members to be elected so as to constitute, –

(i) not less than one-third of the total number of the Scheduled Castes and the Scheduled Tribes members taken up collectively as determined under clause (d),

(ii) not less than one-third of the total number of members to be elected to the *Zilla Parishad* or *Mahakuma Parishad* including the number determined under sub-clause (i).

(2) (a) After the *per centage* of the Scheduled Castes or the Scheduled Tribes population in the total population is determined and the seats or constituencies eligible for reservation are identified, two separate lists, one for the Scheduled Castes and the other for the Scheduled Tribes shall be prepared in the descending order of the *per centage* of the Scheduled Castes or the Scheduled Tribes population, constituency having the highest *per centage* coming at the top of the list;

(b) for the first term of election among three consecutive terms, the lists referred to in clause (a) shall be taken up separately and such number of constituencies as may be determined under clause (d) of sub-rule (1), shall be reserved for the Scheduled Castes or the Scheduled Tribes in accordance with the roster as specified in the First Schedule. For the purpose of reservation of constituencies in accordance with such roster, all the constituencies occurring in the list shall be assigned an additional set of continuous serial numbers in ascending order so that reservation may be made to match such serial number with the identical serial number in the roster;

(c) for the second and third term of election, the same procedure shall be followed in accordance with the roster specified in the First Schedule respectively for the second and the third term of election;

(d) if following the principle of rotation, any seat or constituency is selected in any term of election for reservation for both the Scheduled Castes or the Scheduled Tribes persons, preference shall be given to reservation for the Scheduled Tribes persons, and thereafter reservation for the Scheduled Castes persons shall be made of the constituency coming next in order;

(e) the Commission, by an order in writing, shall record the procedure adopted, the records and documents relied upon and the findings made for the purpose of determination of the seats reserved for the Scheduled Castes or the Scheduled Tribes.

(3) Identification and declaration of constituencies to be reserved for women under sub-section (3) and (4) of section 17 shall be made separately in accordance with the roster as specified in the Second Schedule in the manner as follows, –

(a) not less than one-third constituencies from amongst the constituencies reserved for the Scheduled Castes and the Scheduled Tribes taken up collectively shall be declared reserved for women,

(b) the number of constituencies declared under clause (a) shall be set apart from the total number of constituencies to be reserved for women under sub-clause (ii) of clause (e) of sub-rule (1) and the constituencies matching the resultant number shall be identified for reservation for women from among the constituencies not reserved under sub-rule (2),

(c) for the purpose of reservation of seats in accordance with the roster as specified in the Second Schedule, all the seats available for reservation shall be arranged in the ascending order of their assigned serial numbers and an additional set of continuous serial numbers shall be given to them so that reservation may be made to match such continuous serial numbers with identical serial numbers in the roster,

(d) in case the number of constituency determined under sub-section (3) and (4) of section 17 is one only, that constituency shall be reserved for women for the first term of election and there shall be no reservation for the second and the third term of election.

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PART III
Delimitation of constituencies and reservation of seats.

Key Word : Manner of publication of order under rule 26.

27.

(1) On completion of the determination under rule 26, the Commission shall publish a draft order showing delimitation of the constituencies and reservations thereof not later than seventy five days before the date of poll by posting the same in a conspicuous place in the office of, –

(a) the *Gram Panchayats* and the *Panchayat Samiti* to which the order relates;

(b) the *Zilla Parishad* or the *Mahakuma Parishad*;

(c) the Block Development Officer, the Sub-divisional Officer and the District Magistrate of the area concerned.

(2) Any person affected by such order may submit any objection or suggestion in writing stating the reasons thereof so as to reach the Commissioner within fifteen days from the date of publication of the draft order as mentioned in sub-rule (1).

(3) The Commission shall consider the objections or suggestions, if any, received by him within the stipulated period, and may make suitable alterations or amendments in the draft order.

(4) The Commission shall publish the final order with alterations and amendments, if any, by notification, not later than forty five days before the date of poll and, upon such notification, the order shall come into force.

(5) Immediately after publication under sub-rule (1) and sub-rule (4), a copy of each of the draft and final order shall be supplied to each of the recognised political parties having representation in the existing body of the *Zilla Parishad* or *Mahakuma Parishad* to which the order relates.



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Key Word : Notice of election.

28.

On the appointment of date or dates of poll for any election under section 43 and in conformity with the provisions made therein, the District *Panchayat* Election Officer shall, by order in Form 1, notify,
—

- (a) the last date, time and place for making nominations,
- (b) the date for scrutiny of nominations,
- (c) the last date and hour for the withdrawal of candidature,
- (d) the date on which and the hours between which the poll when the election is contested, shall be taken:

Provided that such notice in Form1 shall be governed by an order as may be issued in terms of sub-section (2) of section 46.

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Key Word : Manner of publication of order under rule 28.

29.

The order under rule 28 shall, as soon as made, be posted up, –

(a) in some conspicuous place in the office of the *Gram Panchayat*, *Panchayat Samiti* and the *Zilla Parishad* or the *Mahakuma Parishad* within whose jurisdiction, the election is to be held,

(b) in the office of the *Panchayat* Returning Officer appointed for election to *Gram Panchayat*, *Panchayat Samiti* and the *Zilla Parishad* or the *Mahakuma Parishad* as the case may be.





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Key Word : Nomination of candidates.

30.

(1) Every nomination paper presented under sub-section (1) or (2) of section 46, as the case may be, shall be made in Form 2.

(2) Any person attaining the age of 21 years on the date fixed for scrutiny, if not otherwise disqualified under the provisions of the Act or any order made thereunder, may be nominated as a candidate for election from any seat of a constituency to a *Gram Panchayat*, from any constituency to a *Panchayat Samiti* or *Zilla Parishad* or *Mahakuma Parishad* as the case may be, if his name is included in the electoral roll in force on the last date for making nominations for such *Panchayat* election when such electoral roll pertains to the area comprised in that *Gram* in case of *Gram Panchayat* or pertains to the area of the *Panchayat Samiti* or *Zilla Parishad* or *Mahakuma Parishad* in case of *Panchayat Samiti*, *Zilla Parishad* or *Mahakuma Parishad* as the case may be.

(3) Every nomination paper shall be subscribed by a proposer in the manner as shown in Form 2.

(4) Any person whose name is included in the list of voters of the constituency for which the candidate is nominated and who himself is not contesting the election from that constituency, may subscribe as proposer:

Provided that a person shall not subscribe as proposer, more than one nomination:

Provided further that where in a constituency more than one seats are required

to be filled, a person may subscribe the nomination paper relating to each seat

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Key Word : Notice of nomination.

31.

- (1) The notice of nomination containing description as mentioned in section 48, shall be issued in Form 3.
- (2) The notice of nomination issued under sub-rule (1) shall be, –
- (a) fixed at the office of the concerned *Panchayat Samiti*,
- (b) fixed at the office of the concerned *Zilla Parishad* or *Mahakuma Parishad*, as the case may be.





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Key Word : Classification of symbols.

32.

- (1) For the purpose of these rules, symbols are either reserved or free.
- (2) A reserved symbol, as enlisted in Table A of the Third Schedule, is a symbol which is reserved for, –
- (a) a recognised political party for exclusive allotment to the contesting candidate or candidates set up by that party,
- (b) a local political party for exclusive allotment in a specified area to the contesting candidate or candidates set up by that party, and
- (c) any other political party allotted, by order, an exclusive reserved symbol by the Commission for either the entire State or any part thereof for the purpose of elections to one or more tiers of *Panchayats* as may be specified in the order, on the ground that, –

(i) such political party during the last preceding general elections, –

(A) to the House of the People, has returned at least one member to that House for every twenty-five members of that House or any fraction of that number, elected from that State, or

(B) to the Legislative Assembly of the State, has returned at least one member to that Assembly for every thirty member of that Assembly or any fraction of that number, or

(ii) such political party during the last preceding general elections to the House of the People or to the Legislative Assembly of the State, has set up candidates for contesting elections from the constituencies comprised in the State with a reserved symbol allotted exclusively by the Election Commission of India:

Provided that the Commission may allot, for exclusive use by such political party the symbol already allotted by the Election Commission of India for elections to the House of the People or to the Legislative Assembly of the State:

Provided further that on demand by such political party, any other symbol irrespective of whether such symbol is a free symbol occurring in the Third Schedule referred to in rule 34 and on such allotment by the Commission, such symbol shall be deemed to be omitted from the Third Schedule.



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Key Word : Declaration and manner of application for recognised and local political party.

33.

(1) A political party shall be declared as a local political party if that party, –

(a) has been engaged in political activity for a continuous period of preceding five years, and

(b) at the time of declaration, has at least one elected member in any tier of *Panchayats* for every existing twenty-five members or any fraction thereof, elected to that tier of *Panchayats* from the area of a sub-division of a district or, if there is no elected body of *Panchayats* in that sub-division, one elected member in the Municipality or Municipalities for every existing twenty-five members or any fraction thereof, elected to the Municipality or Municipalities within the area of that sub-division.

(2) Any association or body of individual citizens of India calling itself a political party and intending to be declared a local political party may, at any time, make an application to the Commission for declaration as a local political party.

(3) Any such application under rule (2) shall be signed by the General Secretary, or if there is no General Secretary, the Secretary of the association or body and shall contain the following particulars,
–

- (a) the name of the association or body,
- (b) the address of its head office and the address to which letters and communications may be sent,
- (c) the names of the President, Secretary and other office-bearers and the total number of members,
- (4) A copy of the set of rules and regulations or constitution of the association or body or, if there is no such document, a statement of the policies, aims and objects it pursues or seeks to pursue.
- (5) The names of elected members set up by that association or body in each tier of *Panchayats* or, if there is no elected *Panchayat*, in each Municipality within that sub-division of the district.
- (6) After considering all particulars as aforesaid in its possession and any other necessary and relevant information and giving the representatives of the association or body a reasonable opportunity of being heard, the Commission shall declare the association or body as a local political party with respect to one or more sub-divisions within the State or refuse to declare as such, and the decision of the Commission shall be final.
- (7) The Commission shall reserve for exclusive use by that local political party one symbol out of the symbols shown in Table B, Table C or Table D of the Third Schedule to these rules and, on such reservation, such symbol shall not be allotted to any other candidate contesting from any constituency of a *Panchayat* pertaining to that sub-division;
- (8) If a local political party declared as such has at least one member set up by it for every five existing elected members in any tier of *Panchayats* or, if there is no elected *Panchayat*, in the Municipalities within the area of a sub-division, the Commission may reserve any symbol chosen by that political party irrespective of whether such symbol is shown in Table B or Table C or Table D of the Third Schedule for exclusive allotment to that political party within the area of the sub-division as

specified;

(9) A local political party shall communicate to the Commission without delay any change in its name, head office, office bearers, address or policies, aims and objects.

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Key Word : Symbols for election.

34.

(1) The symbols, which may be chosen by the candidates at an election from any constituency or which may be reserved are specified in the Third Schedule:

Provided that in case any political party other than a recognised political or local political party claims any reserved symbol, the Commission shall, by order, issue appropriate instruction on such claim.

(2) Where at any such election, more nomination papers than one are delivered by or on behalf of a candidate, other than a candidate set up by a recognised political party or a local political party, the declaration as to symbol made in the nomination paper first delivered, and no other declaration as to symbol, shall be taken into consideration for the purpose of allotment of symbol even if the nomination paper first delivered has been rejected:

Provided that a candidate set up by a recognised political party or a local political party, as the case may be, shall be allotted the symbol reserved for that party notwithstanding that such reserved symbol is chosen by the candidate in a nomination paper other than the paper first delivered:

Provided further that if a candidate is set up by two different recognised political parties or local political parties or one recognised political party and one local political party, the *Panchayat* Returning Officer shall take cognizance of, and shall act upon, the notice referred to in clause (b) of sub-rule (1) of rule 37, received by him first in chronological order when the symbol reserved for such political party is chosen by such candidate in any one or more nomination papers delivered by him or

on his behalf unless such notice received first in chronological order is cancelled by the same signatory of the same political party who issued the previous notice and such communication of cancellation is received by the *Panchayat* Returning Officer by the time specified in clause (b) of sub rule (1) of rule 37:

Provided also that where more than one candidate is duly set-up for a single seat by the same recognised or local political party, the reserved symbol for the party will be allotted by the *Panchayat* Returning Officer to the candidate who has filed his nomination paper first in chronological order and other candidate or candidates set up by the same political party, will be allotted free symbols even though there is no declaration as to free symbol made in the nomination paper first, or subsequently, delivered.



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Key Word : Choice of reserved symbols by candidates.

35.

A candidate set up or nominated by a recognised political party or local political party at any election in any constituency shall choose, and shall be allotted, only the symbol reserved for such party as shown in Table A of the Third Schedule.





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Key Word : When a candidate shall be deemed to be set up by a political party.

36.

(1) For the purposes of these rules a candidate shall be deemed to be set up or nominated by a recognised political party or local political party if, –

(a) such candidate has made a declaration to that effect in any of his nomination papers,

(b) a notice in writing to that effect has, not later than 3 p.m. on the last day of withdrawal of candidature, been delivered to the *Panchayat* Returning Officer of the constituency, and

(c) the notice referred to in clause (b) is signed by the President, Chairman or General Secretary, or where there is no General Secretary, the Secretary of the State Unit of the recognised political party or local political party or by any member of such recognised political party duly authorised by such President, Chairman, General Secretary or Secretary, as the case may be:

Provided that different members may be authorised for different districts:

Provided further that not more than one member shall be authorised for any one district.

(2) The duly attested specimen signatures of the President, Chairman, General Secretary or Secretary of the State Unit of the recognised political party or local political party or of such authorised member and, where a member has been authorised to sign the notice, a letter to that effect by the President, Chairman, General Secretary or Secretary, as the case may be, shall be sent to the respective *Panchayat* Returning Officer so as to reach him before the expiry of the last date and time appointed for making nomination under clause (a) of rule 28.

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Key Word : Choice of free symbols by candidates.

37.

- (1) A candidate at a *Gram Panchayat* election from any constituency shall choose one from any of the symbols specified in Table B of the Third Schedule.
- (2) A candidate at a *Panchayat Samiti* election from any constituency shall choose one from any of the symbols specified in Table C of the Third Schedule.
- (3) A candidate at a *Mahakuma Parishad* or *Zilla Parishad* election from any constituency shall choose one from any of the symbols specified in Table D of the Third Schedule.
- (4) Without any prejudice to the provisions contained in section 51, if at any election, the number of candidates, other than those set up by recognised political parties, exceeds the number of free symbols specified in Table B, Table C or Table D of the Third Schedule as the case may be, the District *Panchayat* Election Officer may, for smooth conduct of such election, by an order, specify additional free symbols for allotment by the *Panchayat* Returning Officer to any of the candidates:

Provided that such additional free symbol may comprise a part of any free symbol or a combination of more than one free symbols referred to in this rule.

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Key Word : Scrutiny and list of validly nominated candidates.

38.

(1) The nomination papers filed shall be taken up for scrutiny by the *Panchayat* Returning Officer at the appointed place, date and hour in presence of any two persons among the candidate, election agent and proposer when the nomination papers shall be either accepted or rejected in terms of section 49.

(2) Immediately after all the nomination papers have been scrutinised and decisions accepting or rejecting the same have been recorded, the *Panchayat* Returning Officer shall prepare a list, in Form 4, of validly nominated candidates arranged in the alphabetical order of the names of candidates in Nepali and in English for the constituencies of the *Panchayats* in the hill areas as defined in the West Bengal *Panchayat* Act, 1973, and in Bengali and in English in all other areas and affix it on his notice board:

Provided that such alphabetical order shall be arranged in hill areas on the basis of names spelled in Nepali and in other areas on the basis names spelled in Bengali.

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

(4) If a candidate considers that his name is incorrectly spelt or otherwise incorrectly shown in his

nomination paper he may, at any time before the list of contesting candidate is prepared, furnish in writing to the *Panchayat* Returning Officer the proper form and spelling of his name and the *Panchayat* Returning Officer shall on being satisfied as to the genuineness of the request, make the necessary correction or alteration in the list in Form 4 and adopt that form and spelling in the list of contesting candidates.

(5) If a candidate considers that he is popularly known by the name or *alias*, different from his name recorded in the nomination paper and makes a request in writing to that effect, the *Panchayat* Returning Officer shall on being satisfied as to the genuineness of the request add such name or *alias* after his name in bracket. Such additional name or *alias* shall not in any manner prejudice the sequential arrangement of names in alphabetical order.

(6) If two or more candidates bear the same name, they shall be distinguished by the addition of their occupation or residence or in such other manner as may be directed by the Commission.



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Key Word : Notice of withdrawal of candidature.

39.

(1) A notice of withdrawal of candidature under sub-section (1) of section 50 shall be in Form 5 and shall contain the particulars set out therein. On receipt of such notice, the *Panchayat* Returning Officer shall note thereon the date and the time at which it was delivered.

(2) The *Panchayat* Returning Officer shall, on being satisfied as to the genuineness of notice of withdrawal and the identity of the person delivering it under sub-rule (1), cause a notice in Form 6 to be affixed in some conspicuous place in his office.





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Key Word : Preparation of list of contesting candidate.

40.

(1) The list of contesting candidates referred to in sub-section (1) of section 51 shall be prepared in the manner as laid down in sub-section (2) and sub-section (3) of the said section in Form 7.

(2) After finalisation of the list of contesting candidates, the *Panchayat* Returning Officer shall issue an identity card to the contesting candidates in Form 7A.

(3) When the number of contesting candidates in Form 7 is found equal to or less than the number of seats to be filled in a constituency within the meaning of clause (b) or clause (c) of section 64, such candidates shall be declared by the *Panchayat* Returning Officer as duly elected in Form 12.





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**CHAPTER II
Candidates and their agents.**

Key Word : Appointment of election agent and revocation of such appointment or death of election agent.

41.

(1) Any appointment of an election agent under section 53 shall be made in Form 8 and the notice of such appointment shall be given by forwarding the same in duplicate with two copies of passport size photograph of the election agent to the *Panchayat* Returning Officer who shall return one copy thereof for use of the election agent after affixing thereon his seal and signature in token of his approval for such appointment.

(2) The revocation of the appointment of an election agent under sub-section (1) of section 55 shall be made in Form 9.

(3) Where the appointment of an election agent is revoked under sub-rule (2) or where an election agent dies before or during the election, the candidate may appoint a new election agent in the manner laid down in sub-rule (1).

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**CHAPTER II
Candidates and their agents.**

Key Word : Appointment of polling agent.

42.

(1) One agent and two relief agents shall be appointed for each polling station:

Provided that at any point of time not more than one agent of a candidate shall remain present at the polling station and while attending the polling station, he shall display the EPIC or such other identity card as may be issued under the direction of the Commission:

Provided further that a person, who does not have his name registered in any part of the electoral roll pertaining to any constituency within the State, shall not be a polling agent.

(2) Every such appointment of polling agent shall be made by the candidate or his election agent in duplicate in Form 10 and both copies shall be made over to the polling agent for production to the Presiding Officer at the polling station.





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Key Word : Revocation of the appointment or death of a polling agent.

43.

- (1) The appointment of a polling agent may be revoked by the candidate or his election agent in Form 11 at any time before the commencement of poll by a declaration in writing signed by him.
- (2) Such declaration shall be lodged with the Presiding Officer of the polling station where the polling agent was appointed for duty.
- (3) Where the appointment of a polling agent is revoked under sub-rule (1) or where a polling agent dies before the close of poll, the candidate or his election agent may appoint a new polling agent in accordance with the provisions of rule 42.





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Key Word : Appointment of counting agent when counting is held at the polling station.

44.

(1) Each contesting candidate or his election agent may appoint not more than two agents for a polling station to act as counting agents of such candidate, in Form 10 in duplicate signed by the candidate or his election agent:

Provided that at any point of time not more than one counting agent of a candidate shall remain present at the polling station and while attending the polling station, he shall display the EPIC or such other identity card as may be directed by the Commission:

Provided further that a person, who does not have his name registered in any part of the electoral roll pertaining to any constituency within the State, shall not be a counting agent.

(2) In case of centralised counting, not more than one counting agent shall be appointed by the candidate or his election agent:

Provided that for election to a *Panchayat Samiti* or *Zilla Parishad* constituency, such number of relieving agents as shall not exceed twenty *per cent.* of the total number of tables assigned to that constituency, may be appointed by the candidate or his election agent:

Provided further that a person who does not have his name registered in any part of the electoral roll pertaining to any constituency within the State, shall not be a counting agent and while attending the

counting table, he shall display the EPIC or such other identity card as may be directed by the Commission.

(3) Before the commencement of counting, the candidate or his election agent shall give notice of such appointment to the *Panchayat* Returning Officer or the Presiding Officer concerned by forwarding to such officer the form of appointment referred to in sub-rule (1).

(4) The candidate or his election agent shall also deliver the copy of the appointment letter in duplicate to the counting agent who shall, on the date fixed for the counting of votes, present both copies to, and sign declaration contained therein, before the *Panchayat* Returning Officer or the Presiding Officer. The *Panchayat* Returning Officer or the Presiding 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.



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Key Word : Revocation of the appointment or death of a counting agent.

45.

(1) The appointment of a counting agent may be revoked by the candidate or his election agent, in Form 11 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 Presiding Officer of the polling station where counting is to be held.

(2) Where the appointment of a counting agent is revoked under sub-rule (1) or where a counting agent dies before the completion of the counting of votes, the candidate or his election agent may appoint a new counting agent in accordance with the provisions of rule 44.





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Key Word : Design of ballot box.

46.

(1) Every ballot box shall be of such design as may be approved by the Commission.

(2) Separate ballot boxes shall be used for elections to the *Gram Panchayat*, *Panchayat Samiti*, *Zilla Parishad* or *Mahakuma Parishad*.





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Key Word : Form of ballot paper.

47.

(1) Every ballot paper shall be in Form 13(1) for constituency allocated one seat and in Form 13 (2) for constituency allocated two seats for *Gram Panchayat* election, in Form 13A for *Panchayat Samiti* election and in Form 13B for *Zilla Parishad* or *Mahakuma Parishad* election.

(2) 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 in Form 7.

(3) Every ballot paper shall be of such design as may be directed, by order, by the Commission.





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Key Word : Arrangement at polling station.

48.

(1) Outside each polling station there shall be displayed prominently, –

(a) a notice, specifying the polling area, the voters of which are entitled to vote at the polling station and, where the polling station has more than one polling booth, at each of such booths, the description of the voters allotted to such booth, and

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

(2) The *Panchayat* Returning Officer shall cause to be provided at every polling station one or more compartments (hereinafter referred to in these rules as a “voting compartment”) in which voters can record their votes screened from observation.

(3) The *Panchayat* Returning Officer shall provide at each polling station sufficient number of ballot boxes, ballot papers, copies of the list of voters in respect of the polling area or areas the voter of

which are entitled to vote at such polling station, instruments for stamping the distinguishing mark on ballot papers and articles necessary for voters to mark the ballot paper. Subject to the decision of the Commission, the *Panchayat* Returning Officer shall also provide at each polling station such other equipment and accessories as may be required for taking the poll at such polling station.

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Key Word : Admission to polling station.

49.

The Presiding Officer shall regulate the number of voters to be admitted at any one time inside the polling station and shall not allow entry thereto of all persons other than, –

- (a) polling officers,
- (b) public servants on duty in connection with the election,
- (c) the District *Panchayat* Election Officer or the *Panchayat* Returning Officer or such other person authorised by the Commission,
- (d) candidates, their election agents and subject to the provisions of rule 43, one polling agent of each candidate at a time,

(e) a child in arms accompanying a voter,

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

(g) such other persons as the *Panchayat* Returning Officer or the Presiding Officer may employ for the purpose of identifying the voter.

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Key Word : Preparation of ballot boxes for poll.

50.

(1) The Presiding Officer shall immediately before the poll, satisfy all persons present that the ballot box is empty.

(2) Every ballot box used at a polling station shall bear labels outside marked with –

(a) the serial number, if any, and the name of the constituency;

(b) the serial number and the name of the polling station;

(c) the serial number of the ballot box when more than one ballot box is used in respect of a particular election;

(d) the date of poll.

(3) Immediately before the commencement of the poll, the Presiding Officer shall demonstrate to the polling agents and other persons present that the ballot box bears the labels referred to in sub-rule (2).

(4) The ballot box shall then be closed, sealed and secured. The polling agents as may be present may also affix their seals. The ballot box shall then be placed in full view of the Presiding Officer and the polling agents.

(5) If it becomes necessary to put to use any subsequent ballot box, the procedure laid down in sub-rule (1) to sub-rule (4) shall be followed.



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Key Word : . Marked copy of electoral roll and announcement of first and last serial numbers of ballot papers.

51.

(1) Immediately before the commencement of the poll, the Presiding Officer shall demonstrate to the polling agents and others present at the polling station that the marked copy of the electoral roll to be used during the poll does not contain any entry other than that made in respect of voters who have been issued election duty certificates in terms of rule 52,

(2) The Presiding Officer shall announce the first and the last serial numbers with the missing numbers, if any, of the ballot papers supplied for the polling station and shall allow the polling agents present to note such numbers. He shall then shuffle the bundles of ballot papers in such a manner so that nobody may ascertain the serial number of ballot paper issued to any voter.

(3) The Presiding Officer shall, immediately before the commencement of the poll, read out and explain the provisions of section 108 to such persons as may be present in the polling station.

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Key Word : . Facilities for voter on election duty.

52.

(1) A voter on election duty who wishes to vote shall at least three days before the date of poll, approach the *Panchayat* Returning Officer of the constituency in respect of which he is a voter and make an application in Form 14 for the issue of a ballot paper in order to enable him to cast his vote.

(2) The *Panchayat* Returning Officer shall on being satisfied as to the identity of such voter and on production of the letter of appointment in connection with election, –

(a) have the person's name marked in the electoral roll, and

(b) issue to such voter a ballot paper and permit him to vote on the spot in a secluded corner so as not to disclose his vote, with the instrument provided for the purpose.

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

(4) The *Panchayat* Returning Officer shall keep the counterfoil of such ballot paper in a separate

sealed cover and shall make over the sealed covers containing the ballot paper and the counterfoil to the Presiding Officer concerned.

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Key Word : Facilities for women voters.

53.

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

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





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Key Word : . Safeguards against personation

54.

(1) The Presiding Officer or the polling officer, as the case may be, shall require every voter to produce EPIC or in absence of EPIC, such other documents as may be specified, by order, by the Commission.

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

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

(4) Where a poll is taken simultaneously for election of members of *Gram Panchayat, Panchayat Samiti and Zilla Parishad* or *Mahakuma Parishad* or any two of them, a voter whose left forefinger has been marked with indelible ink before supply of ballot papers for election to one tier shall, notwithstanding anything contained in sub-rule (2), but subject to the provisions of sub-rule (4) of rule 58, be supplied with a ballot paper for other election or elections.

(5) Any reference in this rule to the left forefinger of a voter shall, in the case where the voter has his left forefinger missing, be construed as a reference to any other finger of his left hand and shall, in the

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

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Key Word : Identification of voters.

55.

- (1) The Presiding Officer may employ at the polling station such persons as he thinks fit to help in the identification of the voters or to assist him otherwise in taking a poll.
- (2) As each voter enters the polling station the Presiding Officer or the Polling Officer authorised by him in this behalf shall check the voter's name and other particulars with the relevant entry in the list of voters and then call out the serial number, name and other particulars of the voter.
- (3) In deciding the right of a person to obtain a ballot paper, the presiding officer or the polling officer, as the case may be, shall overlook mere clerical or printing errors in an entry in the list of voters, if he is satisfied that such person is identical with the voter to whom such entry relates.





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Key Word : Challenging of identity.

56.

- (1) Any polling agent may challenge the identity of a person claiming to be a particular voter by first depositing a sum of two rupees with the Presiding Officer for each such challenge.
- (2) On such deposit being made, the Presiding Officer shall, –
 - (a) warn the person challenged of the penalty for personation,
 - (b) read relevant entry in the list of voters in full and ask him whether he is the person referred to in that entry,
 - (c) enter his name and address in the list of challenged voter in Form 15,
 - (d) require him to affix his signature or thumb impression in the said list.

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

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

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

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

(4) If, after inquiry under sub-rule (3), the Presiding Officer considers that the challenge has not been established, he shall allow the person challenged to vote and if he considers that the challenge has been established, he shall debar the person challenged from voting.

(5) If the Presiding Officer is of the opinion that the challenge is frivolous or has not been made in good faith he shall direct that the deposit made under sub-rule (1) be forfeited to the State Government, and in any other case, he shall return it to the challenger at the conclusion of the inquiry and obtain his signature in the relevant column in Form 15.

(6) If the challenge is established the Presiding Officer shall hand over such person to the police officer on duty on the charge of personation.

(7) The Presiding Officer shall record in brief his order in the relevant column in Form 15.

(8) When a person on establishment of his identity is allowed to cast his vote for one tier of *Panchayat*

following the order referred to in sub-rule (4) of rule 57, his identity shall not be challenged in the matter of casting his vote for any subsequent tier.

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Key Word : Issue of ballot papers to voters.

57.

- (1) No ballot paper shall be issued to any voter before the hour fixed for the commencement of the poll.
- (2) No ballot paper shall be issued to any voter after the hour fixed for the closing of the poll except to those voters who are present at the polling station at the time of closing of the poll. Such voters shall be allowed to record their votes even after the closing hour of the poll.
- (3) Every ballot paper shall, before issue to a voter, be stamped with such distinguishing mark as the District *Panchayat* Election Officer may direct and signed in full on its back by the Presiding Officer.
- (4) In case of simultaneous election to *Gram Panchayat*, *Panchayat Samiti* and *Zilla Parishad* or *Mahakuma Parishad* or any, the issue of ballot papers shall be in the following order, namely, –
 - (a) ballot paper for *Gram Panchayat* election,
 - (b) ballot paper for *Panchayat Samiti* election,
 - (c) ballot paper for *Zilla Parishad* or *Mahakuma Parishad* election.
- (5) At the time of issuing a ballot paper to a voter, the Polling Officer shall, –
 - (a) in case of poll for one tier, record on its counterfoil the part number and serial number of the voter in the electoral roll and the mode of identification of voter, through EPIC or any other record, and also obtain signature or left thumb impression of the voter on the counterfoil,

(b) in case of poll for simultaneous elections, such entries shall be recorded on the ballot paper issued first in accordance with the order referred to in sub rule (4);,

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

(d) issue the ballot papers successively if more than one elections are

held.

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



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Key Word : Voting procedure.

58.

(1) The voter on receiving the ballot paper shall forthwith, –

(a) proceed to one of the voting compartments,

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

(c) fold the ballot paper so as to conceal his vote,

(d) if required, show to the Presiding Officer the distinguishing mark on the ballot paper,

(e) insert the folded ballot paper into the ballot box,

(f) repeat the process when more than one elections are held, and

(g) leave the polling station without disclosing to any one name of the person or persons for whom he has voted or abstained from voting.

(2) Every voter shall cast his vote without undue delay.

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

(4) Where a poll is taken simultaneously for election of members of *Gram Panchayat, Panchayat Samiti* and *Zilla Parishad* or *Mahakuma Parishad* or any two of them and if a voter leaves the polling booth without casting all his votes, no ballot paper or papers shall be issued to him for casting remaining vote or votes if he subsequently re-enters the polling booth and approaches the Presiding Officer for such ballot paper or papers.

(5) If an elector to whom a ballot paper has been issued, refuses, after warning given by the Presiding Officer, to observe the procedure as laid down in sub-rule (1), the ballot paper issued to him shall, whether he has recorded his vote thereon or not, be taken back from him by the Presiding Officer or a polling officer under the direction of the Presiding Officer.

(6) After the ballot paper has been taken back, the Presiding Officer shall record on its back the words “cancelled, voting procedure violated” and put his signature below those words.

(7) All the ballot papers on which the words “Cancelled, voting procedure violated” are recorded, shall be kept in a separate cover which shall bear on its face the words “cancelled ballot papers, voting procedure violated”.

(8) Without prejudice to any other penalty to which a voter, from whom a ballot paper has been taken back under sub-rule (5), may be liable, the vote, if any, recorded on such ballot paper shall not be counted.

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Key Word : Recording of vote of blind or infirm voter.

59.

(1) If owing to blindness or other physical infirmity, a voter is unable to recognise the symbols on the ballot paper or to make a mark thereon, the Presiding Officer shall permit the voter to take with him a companion to the voting compartment in the polling station who shall record the vote on the ballot paper in accordance with the wishes of the voter, fold it so as to conceal the vote and insert in into the ballot box:

Provided that a person who has his name recorded in the electoral roll pertaining to that polling station shall be eligible to act as such companion.

(2)The Presiding Officer shall keep a brief record of the blind and infirm voters in Form 16.





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Key Word : Spoilt and returned ballot papers.

60.

- (1) A voter who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper, may, on returning it to the Presiding Officer and on satisfying him of the inadvertence, shall be given another ballot paper, and the ballot paper so returned and the counterfoil of such ballot paper shall be marked “Spoilt, cancelled” by the Presiding Officer.
- (2) If a voter after obtaining a ballot paper decides not to use it, he shall return it to the Presiding Officer, and the ballot paper so returned and the counterfoil of such ballot paper shall be marked as “Returned, cancelled” by the Presiding Officer.
- (3) All the ballot papers cancelled under sub-rule (1) and (2) shall be kept in separate packets.





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Key Word : Tendered votes.

61.

(1) If a person representing himself to be a particular voter asks for a ballot paper after another person has already voted as such voter, he shall, on satisfactorily answering such questions relating to his identity as the Presiding Officer may ask, be entitled, subject to the following provisions of this rule, to mark a ballot paper hereinafter referred to as a “tendered ballot paper” in the same manner as any other voter.

(2) Every such person shall, before being supplied with a tendered ballot paper, sign his name or put his thumb impression against the entry relating to him in a list in Form 17.

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

—
(a) such tendered ballot paper shall be serially the last in the bundle of ballot papers issued for use at the polling station, and

(b) such tendered ballot paper and its counterfoil shall be endorsed on the back with the words

"tendered ballot paper" by the Presiding Officer in his own hand and signed by him.

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

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Key Word : Closing of poll.

62.

(1) The Presiding Officer shall close a polling station at the hour fixed in that behalf under section 42 and shall not thereafter admit any voter into the polling station:

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

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





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Key Word : Sealing of ballot boxes after poll.

63.

(1) As soon as practicable after the closing of poll, the Presiding Officer, shall, in the presence of the candidates or their election or polling agents, close the slit of the ballot box and seal and secure it and also allow the candidates or their election or polling agents present to affix their seals.

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





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Key Word : Account of ballot papers.

64.

(1) The Presiding Officer shall at the close of the poll prepare a ballot paper account in Part I of Form 18 and enclose it in a separate cover with the words “ballot paper account” superscribed thereon.

(2) The Presiding Officer shall furnish to every polling agent present at the close of the poll an attested copy of the ballot paper account of votes as prepared in Part I of Form 18 on obtaining a receipt from those polling agents and copies of the accounts shall be furnished to every polling agent even without his asking for it.





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Key Word : Sealing of other packets.

65.

(1) The Presiding Officer shall then make into separate packets, –

(a) the marked copy of the electoral roll,

(b) the counterfoils of the used ballot papers,

(c) the ballot papers signed in full by the Presiding Officer under sub-rule (3) of rule 57 but not issued to the voters,

(d) any other ballot papers not issued to the voters,

(e) the ballot papers cancelled for violation of voting procedure under sub-rule (6) of rule 58,

- (f) any other cancelled ballot papers,
- (g) the cover containing the tendered ballot papers and the list in Form 17,
- (h) the cover containing the list of blind and infirm voter in Form 16,
- (i) the list of challenged votes, and
- (j) any other paper directed by the Commission to be kept in sealed packet.

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





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Key Word : Procedure on adjournment of poll.

66.

- (1) If the poll at any polling station is adjourned under section 66, the provisions of rule 62 and rule 63 shall, as far as practicable, apply as if the poll was closed at the hour fixed in that behalf under section 42.
- (2) At an adjourned poll the voters who have already voted at the poll so adjourned shall not be allowed to vote again.
- (3) The *Panchayat* Returning Officer shall provide the Presiding Officer of the polling station at which such adjourned poll is held with the sealed packet containing the marked copy of the list of voters, other sealed packets and a new ballot box.
- (4) The Presiding Officer shall open the sealed packets in the presence of the polling agents present and use the marked copy of the list of voters at the adjourned poll.
- (5) The provisions of rule 48 to rule 65 shall apply in relation to the conduct of an adjourned poll as they apply in relation to the poll before it was so adjourned.





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Key Word : Voting by EVM.

67.

Notwithstanding anything contained anywhere in these rules, the Commission may direct as to the use of EVM for taking of the poll.





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Key Word : Design of EVM.

68.

Every EVM shall have a control unit and a balloting unit and shall be of such design as may be approved by the Commission.





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Key Word : Preparation of EVM by the *Panchayat* Returning Officer.

69.

- (1) The balloting unit of the EVM shall contain such particulars in such language or languages as the Commission may specify.
- (2) The names of the candidates shall be arranged on the balloting unit in the same order in which they appear in the list of the contesting candidates in Form 7.
- (3) Subject to the foregoing provisions of this rule, the *Panchayat* Returning Officer shall, –
 - (a) fix a label containing the names and symbols of the contesting candidates in the balloting unit, and secure that unit with his seal and the seals of such of the contesting candidates or their election agents present as are desirous of affixing the same,
 - (b) set the number of contesting candidates and close the candidate set section in the control unit and secure it with his seal and the seals of such of the contesting candidates or their election agents present as are desirous of affixing the same.

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**CHAPTER IV
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Key Word : Arrangements at the polling station.

70.

The *Panchayat* Returning Officer shall provide to each polling station one EVM and such other election materials as may be necessary for taking the poll by the voting machine.





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**CHAPTER IV
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Key Word : Preparation of EVM for poll.

71.

(1) The control unit and the balloting unit of every EVM used at a polling station shall bear a label marked with, –

(a) the serial number, if any, and the name of the constituency,

(b) the serial number and name of the polling station or stations as the case may be,

(c) the serial number of the unit, and

(d) the date of poll

(2) Immediately before the commencement of the poll, the Presiding Officer shall demonstrate to the polling agents and other persons present that no vote has been recorded in the EVM and it bears the label referred to in sub rule (3) of sub-rule 69.

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

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

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

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



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Voting by EVM.**

Key Word : Procedure for voting by EVM.

72.

(1) Before permitting an elector to vote, the polling officer shall, –

(a) record the electoral roll number of the elector as entered in the marked copy of the electoral roll and also the mode of identification, through EPIC or any other record, in a register of voters in Form 17A,

(b) obtain the signature or the thumb impression of the elector on the said register of voters, and

(c) mark the name of the elector in the marked copy of the electoral roll to indicate that he has been allowed to vote:

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

(2) It shall not be necessary on the part of any Presiding Officer or polling officer or any other officer authorised by the Commission to attest the thumb impression of the voter on the register of voters in Form 17A.

(3) Every elector who has been allowed to vote under this rule, shall maintain secrecy of voting within the polling station and shall observe the procedure laid down in clause (g) of sub-rule (1) and sub-rules (2), (3) and (4) of rule 58 *mutatis mutandis*.

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Key Word : Elector deciding not to vote or not allowed to vote.

73.

(1) If an elector, after his serial number in the electoral roll has been duly entered in the register of voters in Form 17A and has put his signature or thumb impression thereon decides not to record his vote, a remark to this effect shall be made against his entry in Form 17A by the Presiding Officer and the signature or thumb impression of the elector shall be obtained against such remark, and on his refusal to do so the Presiding Officer shall mention it under his signature.

(2) If an elector on being allowed to vote, refuses after warning given by the Presiding Officer, to observe the procedure laid down in rule 72, the Presiding Officer or a polling officer under the direction of the Presiding Officer, shall not allow such elector to vote.





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Voting by EVM.

Key Word : Tendered votes.

74.

(1) If a person representing himself to be a particular elector seeks to vote after another person has already voted as such elector, he shall, on satisfactorily answering such questions relating to his identity as the Presiding Officer may ask, be allowed to vote by means of a tendered ballot paper, but not through the EVM.

(2) The *Panchayat* Returning Officer shall provide to each polling station such number of ballot papers as may be directed, by order, by the Commission to be used as tendered ballot papers and in case it becomes necessary to supply any additional ballot paper to any polling station, the same will be arranged by the *Panchayat* Returning Officer on demand.

(3) Such tendered ballot paper along with its counterfoil shall be endorsed on the back with the words “tendered ballot paper” by the Presiding Officer in his own hand, if these words are not already stamped there, and shall be signed by him.

(4) The Presiding Officer shall maintain a complete record of the electors who have been issued with tendered ballot papers, in Form 17.

(5) On receiving the tendered ballot paper, the elector shall, –

(a) proceed to the voting compartment,

(b) record his vote on the ballot paper by the inked arrow cross mark rubber stamp,

(c) fold the ballot paper so as to conceal his vote,

(d) coming out of the voting compartment shall hand it over to the Presiding Officer and leave the polling station.

(6) The Presiding Officer shall keep all the tendered ballot papers and the list in Form 17 in a cover specially provided for the purpose and seal the cover at the close of the poll.

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Key Word : Challenging of identity.

75.

If any polling agent challenges the identity of a person claiming to be a particular voter, the procedure laid down in rule 56 shall be followed to bring the issue to its logical end. The Presiding Officer shall maintain records of challenges of identity in Form 15.





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Key Word : Recording of vote of blind or infirm voter.

76.

If owing to blindness or physical infirmity such elector is unable to record his vote without assistance, the Presiding Officer shall permit him to take a companion to the voting compartment for recording his vote in accordance with rule 59. The Presiding Officer shall maintain records of such blind and infirm voters in Form 16.





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Key Word : Account of votes recorded.

77.

(1) After the close of poll the Presiding Officer shall prepare an account of votes recorded in the EVM, in Part I of Form 18A in duplicate and the copies shall be kept in a separate cover with the words 'Account of votes recorded' superscribed thereon.

(2) The Presiding Officer shall furnish to every polling agent present at the close of the poll an attested copy of the account of votes as prepared in Form 18A on obtaining a receipt from those polling agents and copies of the accounts should be furnished to every polling agent even without his asking for it. The Presiding Officer also shall sign the Form.





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Key Word : Sealing of EVM after poll.

78.

(1) Immediately after the close of poll, the Presiding Officer shall press the 'close' button on the control unit to ensure that no further votes can be recorded and shall disconnect the balloting unit from the control unit and put the power switch to 'off' position in the rear compartment of the control unit.

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

(3) The candidates or their election agents or polling agents as are present at the polling station and desirous of putting their seals shall be allowed to do so.





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Voting by EVM.**

Key Word : Sealing of other packets.

79.

(1) The Presiding Officer shall then make into separate packets, –

(a) the marked copy of the electoral roll,

(b) the register of voters in Form 17A,

(c) the cover containing the tendered ballot papers and the list in Form 17,

(d) the cover containing the unused tendered ballot papers,

(e) the list of challenged votes in Form 15,

(f) the list of blind and infirm voters in Form 16,

(g) any other paper directed by the Commission to be kept in a sealed packet.

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



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Key Word : Transmission of EVM etc, to the *Panchayat* Returning Officer.

80.

(1) The Presiding Officer shall then deliver or cause to be delivered to the *Panchayat* Returning Officer at such place as the *Panchayat* Returning Officer may direct, –

(a) the EVM,

(b) the accounts of votes recorded in Form 18A,

(c) the sealed packets referred to in rule 79, and

(d) all other papers and materials used at the poll.

(2) The *Panchayat* Returning Officer shall make adequate arrangements for the safe transport of the

EVM, packets and other papers for safe custody until the commencement of the counting of votes.

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Key Word : Closing of EVM in case of adjournment of poll.

81.

In case of adjournment of poll under section 66, the Presiding Officer shall immediately close the control unit of the EVM to ensure that no further votes can be recorded and disconnect the balloting unit from the control unit; and report the matter forthwith to the *Panchayat* Returning Officer.





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Key Word : Procedure on adjournment of poll.

82.

(1) If the poll at any polling station is adjourned within the meaning of sub-section (1) of section 66, the provision of rules 78 to rule 80 shall apply *mutatis mutandis* as if the poll was closed at the hour fixed in that behalf under section 42.

(2) At an adjourned poll the electors who have already voted at the poll so adjourned shall not be allowed to vote again.

(3) The *Panchayat* Returning Officer shall provide to the Presiding Officer of the polling station at which such adjourned poll is held, with the sealed packet containing the marked copy of the electoral roll, register of voters in Form 17A and a new EVM.

(4) The Presiding Officer shall open the sealed packet in the presence of the polling agents present and use the marked copy of the electoral roll for marking the names of the electors who are allowed to vote at the adjourned poll.

(5) The provision of rule 71 to rule 80 shall apply in relation to the conduct of an adjourned poll in the same manner as it would have applied before it was so adjourned.

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Counting of votes when counting takes place at the polling station.**

Key Word : Preliminaries for counting of votes.

83.

(1) At every election immediately after the poll, votes shall be counted at the polling station by the Presiding Officer with the assistance of the polling officers or officer appointed under section 28 for that polling station in presence of the contesting candidates or their election agents and not more than one of the counting agents of each candidate whoever may be available at the time of counting.

(2) The counting shall be taken up at the appointed hour by the Presiding Officer with the assistance of the polling officers of the polling station to which the ballot box or boxes relate and the provisions of these rules relating to counting shall apply for the purpose.





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Key Word : Admission to the place fixed for counting.

84.

(1) The Presiding Officer shall exclude from the place of counting of votes all persons except, –

(a) person authorised by the Commission, the District *Panchayat* Election Officer or the *Panchayat* Returning Officer,

(b) public servants on duty in connection with the election, and

(c) candidates or their election agents, and counting agents.

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

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Key Word : Maintenance of secrecy at counting centre.

85.

The Presiding Officer shall, before commencement of the counting, read out and explain the provisions of section 108 to such persons as may be present.





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Key Word : Counting of votes received in sealed covers.

86.

- (1) The Presiding Officer shall first deal with the ballot papers received by him in sealed covers.
- (2) The sealed covers shall be opened one after another in the presence of candidates or their election agents and counting agents and the Presiding Officer shall then proceed to scrutinise all ballot papers in terms of rule 88 .
- (3) The Presiding Officer shall count all the valid election duty votes in the sealed covers and record the total number thereof in the counting sheets in Form 19 in respect of *Gram Panchayat* or *Panchayat Samiti* or *Mahakuma Parishad* or *Zilla Parishad* election in separate copies of Form for each tier and announce the same.
- (4) Thereafter all the valid ballot papers and all the rejected ballot papers shall be bundled and kept together in a packet separately for each tier which shall be sealed with the seal of the Presiding Officer and of such of the candidates and election agents or counting agents as may desire to affix their seals thereon and on the packets so sealed shall be recorded the name of the constituency, the date of counting and the brief description of the contents.

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Key Word : Opening of ballot box.

87.

- (1) The Presiding Officer shall then open the ballot boxes in presence of the candidates or their election agents and counting agents.
- (2) Where a poll has been taken simultaneously for election of members to *Gram Panchayat*, *Panchayat Samiti* and *Zilla Parishad* or *Mahakuma Parishad* or any two of them, the ballot boxes shall be opened for the purpose of counting of votes in the following order, namely, –
- (a) ballot box relating to *Gram Panchayat* election,
 - (b) ballot box relating to *Panchayat Samiti* election,
 - (c) ballot box relating to *Zilla Parishad* or *Mahakuma Parishad* election.

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Key Word : Scrutiny and rejection of ballot papers on counting of votes.

88.

- (1) The ballot papers taken out of each ballot box shall be arranged in convenient bundles and scrutinised.
- (2) The Presiding Officer shall reject a ballot paper, –
 - (a) if it bears any mark or writing by which the elector can be identified, or
 - (b) if, to indicate the vote, it bears no mark at all or bears a mark made otherwise than with the instrument supplied for the purpose, or
 - (c) if votes are given on it in favour of more candidates than the number of candidates to be elected, or
 - (d) if it is a spurious ballot paper, or

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

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

(g) if it does not bear both the mark and the signature which it should have borne under the provisions of sub-rule (3) of Rule 57, or

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

Provided that where a Presiding Officer is satisfied that any such defect as is mentioned in clause (f) or (g) has been caused by any mistake or failure on the part of the Presiding Officer or any polling officer, the ballot paper shall not be rejected merely on the ground of such defect:

Provided further that a ballot paper shall not be rejected merely on the ground that the mark indicating the vote is indistinct or made more than once, if the intention that the vote shall be for a particular candidate clearly appears from the manner the paper is marked.

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

(4) The Presiding Officer shall record on every ballot paper which he rejects, the letter "R" and the grounds for rejection in abbreviated form either in his own hand or by means of a rubber stamp under his signature and his decision shall be final.

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

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Key Word : Counting of votes.

89.

(1) For the purpose of counting of votes in respect of election to the *Gram Panchayat*, each valid voting mark in the ballot paper which is not rejected under rule 88 shall be counted as one valid vote for the candidate in whose favour the voting mark has been given.

(2) Every ballot paper which is not rejected under rule 88 shall, for the purpose of counting of votes in respect of election to the *Panchayat Samiti* or *Zilla Parishad* or *Mahakuma Parishad*, be counted as one valid vote for the candidate in favour of whom voting mark has been duly given.

(3) During the process of counting of votes in connection with, –

(a) a *Gram Panchayat* election, the Presiding Officer shall count all the valid votes in the ballot box and record the total number thereof in counting sheet in Form 19A and announce the same, and

(b) a *Panchayat Samiti* or a *Zilla Parishad* or a *Mahakuma Parishad* election, the Presiding Officer shall count all the valid votes in the ballot box and record the total number thereof in counting sheets in Form 20 and announce the same.

(4) After the counting of all ballot papers contained in all the ballot boxes used at the polling station has been completed, the Presiding Officer shall make the entries in the result sheet in Form 21 in respect of *Gram Panchayat* election and announce the particulars.

(5) The valid ballot papers kept separately for each candidate, shall thereafter be bundled together and kept along with the bundle of rejected ballot papers in a separate packet which shall be sealed and on the packet shall be recorded the following particulars, namely, –

(a) the name of the constituency,

(b) the particulars of the polling station where the ballot papers have been used, and

(c) the date of counting.



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Key Word : Counting to be continuous.

90.

The Presiding Officer shall, as far as practicable, proceed continuously with the counting of votes and shall, during any interruption when the counting has to be suspended, keep the ballot papers, packets and other papers relating to the election sealed with his own seal and the seals of such candidates or election or counting agents as may desire to affix their seals and shall cause adequate precautions to be taken for their safe custody during any such interruption.





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Key Word : Recount of votes polled.

91.

(1) After the completion of the counting, the Presiding Officer shall record in the counting sheets in Forms 19, 19A and 20 the total number of votes polled by each candidate, and announce the same.

(2) After such announcement has been made, the Presiding Officer shall give a little pause when a candidate or in his absence, his election agent or his counting agent may apply in writing to the Presiding Officer for a recount of the votes either wholly or in part stating the grounds on which he demands such recount.

(3) If there is no demand for recount from anybody present during the aforesaid pause, the Presiding Officer shall sign the completed counting sheets in Forms 19, 19A and 20 as the case may be and no demand for recount shall be entertained thereafter.

(4) On such an application for recount being made the Presiding Officer shall decide the matter and may allow the application wholly or in part or may reject it in toto if it appears to him to be frivolous or unreasonable.

(5) Every decision of the Presiding Officer under sub-rule (4) shall be in writing containing in brief the reasons thereof and shall be final.

(6) If the Presiding Officer decides under sub-rule (5) to allow a recount of votes either wholly or in

part, he shall, –

(a) do the recounting in accordance with rule 89,

(b) amend the counting sheets in Form 19, 19A and 20, as the case may be, to the extent necessary after such recount, and

(c) announce the amendments so made by him.

(7) After the total number of votes polled by each candidate has been announced under sub-rule (1) or sub-rule (6), the Presiding Officer shall complete and sign the counting sheets in Forms 19, 19A and 20, as the case may be, and no application for a recount shall be entertained thereafter:

Provided that after an announcement under sub-rule (3) of rule 86 and sub-rule (3) of rule 89, a reasonable opportunity shall be given to a candidate, and in his absence, any election agent or his counting agent for making an application in writing to the Presiding Officer for re-count of votes, if any dispute is raised regarding the results of the counting.



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Key Word : Declaration of results.

92.

(1) In case of an election to a *Gram Panchayat*, the Presiding Officer shall as soon as the counting of votes is completed and result sheets in Form 21 is signed, declare in Form 23 the candidate or candidates elected on the basis of highest number of valid votes secured by him or them. He shall hung up immediately one copy of such Form at the polling station and send the other copy in a sealed cover to the *Panchayat* Returning Officer concerned who shall inform the District *Panchayat* Election Officer and the Commissioner of *Panchayats* and Rural Development of the results of the poll. The Commissioner of *Panchayats* and Rural Development shall cause the names of the elected candidates published in the *Official Gazette*.

(2) In the case of an election to a *Panchayat Samiti* or *Zilla Parishad* or a *Mahakuma Parishad*, the Presiding Officer shall as soon as the counting of votes is completed and counting sheets in Form 19 and 20 are signed, send the signed Forms 19 and 20 to the *Panchayat* Returning Officer concerned in a sealed cover for final compilation of votes secured by the candidates.

(3) The *Panchayat* Returning Officer shall immediately on receipt of all the counting sheets in Form 19 and 20, in respect of all the polling stations of the concerned constituency, compile the results in a result sheet in Form 22 and declare in Form 23 the candidate to whom the largest number of valid

votes has been given, to be elected and hung up the same in his office and send copies thereof to the District *Panchayat* Election Officer, Commissioner of the Division and the Commissioner of *Panchayats* and Rural Development. The Commissioner of *Panchayats* and Rural Development shall cause the names of the elected candidates published in the *Official Gazette*.

(4) When the votes are equal, selection shall be made by lot in such manner as the Presiding Officer, or the *Panchayat* Returning Officer, as the case may be, may deem fit.

(5) As soon as may be after a candidate has been declared to be elected, the Presiding Officer in respect of *Gram Panchayat* election shall grant to an elected candidate a certificate of election in Form 24 and obtain from the candidate an acknowledgement of its receipt duly signed by him and immediately send the acknowledgement to the *Panchayat* Returning Officer and in respect of *Panchayat Samiti* or *Zilla Parishad* or *Mahakuma Parishad* election, the *Panchayat* Returning Officer shall grant to an elected candidate a certificate of election in Form 24 and obtain from the candidate an acknowledgement of receipt duly signed by him.



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Key Word : Sealing and packing.

93.

(1) After completing the counting of votes in an election, the Presiding Officer shall then make into separate packets, –

(a) counting sheets in Forms 19, 19A and 20,

(b) result sheets in Form 21 and 22,

(c) the declaration sheet in Form 23 in respect of *Gram Panchayat* election, and

(d) any other paper directed by the Commissioner to be kept in sealed packet.

(2) Each packet shall be sealed with the seals of the Presiding Officer and with the seal of the

candidate or of his election agent or of his counting agent who may be present at the polling station and may desire to affix his seal thereon.

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Key Word : Transmission of ballot boxes, packets, etc., to the *Panchayat* Returning Officer.

94.

(1) The Presiding Officer shall then deliver or cause to be delivered to the *Panchayat* Returning Officer at such place as the *Panchayat* Returning Officer may direct, –

(a) the ballot boxes,

(b) the ballot paper account,

(c) the sealed packets referred to in rule 65 and rule 93, and

(d) all other papers and materials used at the poll.

(2) The *Panchayat* Returning Officer shall make adequate arrangements for the safe transport of all ballot boxes, packets and other papers and materials for safe custody.

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Key Word : Preservation of sealed packets.

95.

The *Panchayat* Returning Officer shall keep in his safe custody all sealed packets referred to in rule 65 and rule 93 and all other papers relating to the election.





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CHAPTER II
Counting of votes when counting takes place centrally.

Key Word : Preliminaries for central counting.

96.

(1) Notwithstanding anything contained in sub rule (1) of rule 83, if the Commission is satisfied that the counting of votes can more conveniently be done centrally instead of at the polling stations immediately after the close of poll, it may, in consultation with the State Government, by order, direct that the used and sealed ballot boxes and other records and materials of such polling station or stations shall be brought in such manner as may be specified, to a place, to be appointed by order, by the *Panchayat* Returning Officer, for safe custody and for counting on such date and at such hour as may be appointed by the *Panchayat* Returning Officer:

Provided that the date appointed for counting shall be, as soon as may be, within ten days from the date of the poll.

(2) Upon the issue of the order of the Commission, the *Panchayat* Returning Officer shall make adequate arrangement for safe transport of the polled boxes and other records and materials, and for their safe custody.

(3) The order of the *Panchayat* Returning Officer under sub-rule (1) shall be communicated to the candidates, the recognised political parties and the local parties having interest at least three days before the date of poll:

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

(4) A candidate and his election agent may, if they so desire, follow, on arranging separate transport, the vehicle transporting the polled ballot boxes and other materials and may stay to keep watch on the place where the ballot box or boxes are kept for safe custody or for such purpose they may appoint one or more counting agents and authorise them for the purpose under intimation to the *Panchayat* Returning Officer:

Provided that a candidate or on his behalf, only one person, authorised by him, may remain present to keep such watch

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Key Word : Appointment of Counting Officer and counting assistants.

97.

Upon issue of the order referred to in sub-rule (1) of rule 96, the *Panchayat* Returning Officer shall, in consultation with the District *Panchayat* Election Officer, appoint such number of Counting Officers and counting assistants as may be considered necessary, and on such appointment, the Counting Officers and the counting assistants shall exercise such powers, perform such functions and discharge such duties as are required to be exercised, performed and discharged by the Presiding Officer and the polling officers under sub rule (2) of rule 83 . Such appointment shall be made in a format devised in this behalf by the Commission.





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Key Word : Counting venue.

98.

Subject to such other directions as may be issued by the Commission the counting venue shall be a secured place with relatively easy accessibility. It should preferably be used as a distribution centre and reception centre as well.





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Key Word : Strong room.

99.

- (1) The building where counting shall be held, should have a few large and small rooms for use as counting hall and strong room or rooms for storing the polled ballot boxes with ballot paper account, paper seal account, Presiding Officer's declaration, Presiding Officer's diary and any other paper as may be considered necessary.
- (2) Strong room or rooms shall, after polled boxes and other records are put inside, remain under lock and key and sealed by the *Panchayat* Returning Officer who shall also invite the candidates or their election agents to put their seals.
- (3) The *Panchayat* Returning Officer shall put one competent officer in charge of the strong room. If there are more than one strong rooms, more than one officer may be given the charge.





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Key Word : Arrangements in the counting hall.

100.

(1) Subject to such other directions as may be issued by the Commission, counting halls or rooms shall be situated as near to the strong rooms as possible and under the same roof with the strong rooms. If anywhere the counting hall and the strong rooms do not share the same roof, a temporary, well protected covered passageway may be erected for movement of polled ballot boxes.

(2) A counting hall shall generally have not exceeding 20 counting tables in addition to the table for *Panchayat* Returning Officer together with such other arrangements as may be directed by the Commission. Each table shall be supplied with such stationery and other articles as may be considered necessary.





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Key Word : Admission to the place fixed for counting.

101.

(1) The *Panchayat* Returning Officer shall exclude from the place fixed for counting of votes all persons except, –

- (a) counting officers and counting assistants as he may appoint to assist him in the counting,
- (b) persons authorised by the Commission,
- (c) public servants on duty in connection with the counting, and
- (d) candidate, their election agents and counting agents.

(2) Subject to any direction issued by the Commissioner in this behalf, the *Panchayat* Returning Officer shall decide which counting agent or agents shall watch the counting process at any particular counting table or group of counting tables.

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

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Key Word : Maintenance of secrecy of voting.

102.

The *Panchayat* Returning Officer shall, before he commences the counting in each hall read out and explain the provisions of section 108 to such persons as may be present in the hall.





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Key Word : Commencement of counting and counting of election duty votes.

103.

(1) Subject to such other directions as may be issued by the Commission, counting shall be continuous and shall not be postponed or deferred until counting in respect of all the three tiers are completed under the provisions of rule 86. There shall be tier-wise counting and counting of one tier shall have to be completed before counting of next tier is taken up.

(2) The sealed covers shall be taken up for counting immediately before opening of polled ballot boxes at the counting tables for each tier in the order as referred to in rule 87. For this purpose, the *Panchayat* Returning Officer shall keep segregated the related covers tierwise to avoid any mix-up. The procedure for counting of votes in such sealed covers shall be as follows, –

(a) the sealed covers relating to a *Gram Panchayat* constituency shall be sent to the Counting Officer at the counting table who shall open them one after another in presence of the candidates or their election agents;

(b) the sealed covers relating to a *Panchayat Samiti* constituency shall be taken up for counting by the *Panchayat* Returning Officer or the Assistant *Panchayat* Returning Officer for the *Panchayat Samiti* constituency, as the case may be, in charge of a counting hall when he shall open them one after another in presence of the candidates or their election agents or counting agents;

(c) the sealed covers relating to a *Zilla Parishad* constituency shall be taken up for counting by the *Panchayat* Returning Officer or the Assistant *Panchayat* Returning Officer for the *Zilla Parishad* constituency, as the case may be, present at the counting venue when he shall open them one after another in presence of the candidates or their election agents or counting agents; if he is required to take up counting of more than one constituency, he may take up such counting at a pre-appointed place within the counting centre.

(3) The counting officer or the *Panchayat* Returning Officer shall then proceed to scrutinise all ballot papers in terms of rule 88 and make separate bundles of candidatewise valid ballot papers and rejected ballot papers.

(4) All valid votes received shall be counted and the total number of votes secured by each candidate shall be recorded in the counting sheets in Form 19 in the relevant column in respect of *Gram Panchayat*, *Panchayat Samiti* or *Zilla Parishad* or *Mahakuma Parishad* election and the total votes secured by each candidate shall then be announced. The counting officer shall take the bundles of valid and rejected ballot papers to the *Panchayat* Returning Officer's table in the hall before taking up the polled ballot boxes for counting.

(5) Thereafter all the valid ballot papers and all the rejected ballot papers shall be separately bundled and kept together in a packet which shall be sealed with the seal of the *Panchayat* Returning Officer and of such of the candidates or election agents or counting agents as may desire to affix their seal thereon and on the packet so sealed shall be recorded the name of the constituency, the date of counting and a brief description of the contents.



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Key Word : Scrutiny and opening of ballot boxes.

104.

- (1) On completion of counting of election duty votes under rule 103 for one tier, the *Panchayat* Returning Officer shall order round wise and polling station wise distribution of polled ballot boxes for that tier along with ballot paper account in Form 18, paper seal account and such other records as may be considered necessary by the *Panchayat* Returning Officer, at the counting tables, such distribution being made in a systematic manner following the sequence of polling stations so as to ensure that no ballot box is left out of sight.
- (2) The counting officer may have more than one ballot boxes used at a polling station including its auxiliary booth and the ballot papers found in any or all such boxes shall be counted simultaneously.
- (3) Before any ballot box is opened at a counting table, the counting agents present at that table shall be allowed to inspect the paper seal or such other seals as might have been affixed thereon and to satisfy themselves that they are intact and have not been tampered with.
- (4) The *Panchayat* Returning Officer shall also satisfy himself that none of the ballot boxes has been tampered with.
- (5) If it appears to the counting officer that any of the boxes has been tampered with, he shall immediately bring the matter to the notice of the *Panchayat* Returning Officer in charge of the hall. The *Panchayat* Returning Officer on being satisfied about it, shall stop counting of the ballot papers contained in that box and shall forthwith bring the matter to the notice of the Commission through the District *Panchayat* Election Officer for instruction.

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Key Word : Counting of votes.

105.

(1) For counting of ballot papers contained in the polled box or boxes relating to a polling station, the counting officer shall take out the ballot papers from all the boxes one by one in presence of the counting agents at the table.

(2) The ballot papers taken out of the boxes shall be arranged in convenient bundles; the counting officer shall then ascertain the total number of ballot papers found in the box or boxes of the polling station and proceed to fill in the columns in Part II of the ballot paper account in Form 18. In case of unusual discrepancy as referred to in column 2 of Part II of the said Form, he shall bring the matter to the notice of the *Panchayat* Returning Officer in charge of the hall for instruction.

(3) The Counting Officer shall then take up the ballot papers for scrutiny and candidate wise sorting.

(4) (a) Without prejudice to the power and authority of the *Panchayat* Returning Officer in the matter, the counting officer shall reject a ballot paper on the grounds mentioned in clause (a) to clause (h) read with the provisos of sub rule (2) of rule 88 and shall follow the procedure referred to in sub-rule (3) to sub-rule (5) of the said rule. In case of any doubt or dispute, he shall refer the matter to the *Panchayat* Returning Officer in charge of the hall who shall take up the matter and resolve finally. The rejected ballot papers shall be made into a separate bundle.

(b) In case of double-member *Gram Panchayat* constituency when the votes are recorded in the ballot papers in Form 13 (2), there may be occasions when the ballot paper is rejected for one seat and found valid for another one; such ballot papers shall be treated as partly valid ballot papers and shall be made into a separate bundle.

(5) All the valid and partly valid ballot papers shall be sorted candidate wise and made into convenient bundles and thereafter the counting officer shall, –

(a) in case of a *Gram Panchayat* constituency, record the votes of each candidate in Form 19A by putting 1 (one) mark representing one vote in the relevant column of the candidate in a continuous row and on completion of the exercise in respect of all the ballot papers, shall count total votes secured by each candidate, fill in all other columns and sign the form after which the ballot papers relating to each candidate shall be made into separate bundles when in case of a double-member constituency, ballot papers shall be kept in common bundles with partly valid ballot papers made into separate bundle;

(b) in case of a *Panchayat Samiti*, *Zilla Parishad* or *Mahakuma Parishad* constituency, count the number of votes in the bundles for each candidate, enter the total number of votes for each candidate in the relevant column in Form 20, fill in the other columns in the said Form and sign it and thereafter take the Form and the bundles of valid and rejected ballot papers belonging to each candidate to the *Panchayat* Returning Officer's table.

(6) (a) After completion of the exercise referred to in clause (a) of sub-rule (5), in case of a *Gram Panchayat* constituency, the Counting Officer shall enter the candidatewise figures obtained in Form 19 and Form 19A in the relevant columns of Form 21, write down the grand total of votes secured by each candidate, announce the same and after a little pause, sign the Form.

(b) The *Panchayat* Returning Officer for *Panchayat Samiti* constituencies, on receipt of the bundles of ballot papers and the counting sheets in Form 20 and other papers from different counting tables in the manner as provided in clause (b) of sub-rule (5), shall enter the polling stationwise figures of votes obtained in different copies of Form 20 as also in Form 19 relating to election duty votes secured by each candidate, –

(i) in case of a *Panchayat Samiti* constituency, in Form 22, write down the grand total of votes for each candidate, announce the same and after a little pause, sign the Form;

(ii) in case of a *Zilla Parishad* or *Mahakuma Parishad* constituency, in Form 22, write down the total of votes for each candidate as obtained in that hall, announce the same and after a little pause, sign the Form and send the completely filled in Form to the *Panchayat* Returning Officer for *Zilla Parishad* constituencies;

(c) The *Panchayat* Returning Officer for *Zilla Parishad* constituencies, on receipt of the Form 22 duly filled in under sub-clause (ii) of clause (b), shall treat them as sheets, assign continuous serial number to each such sheet on the basis of ascending order of serial number of polling stations for which votes are recorded thereon and enter the sheetwise figures in another copy of the Form 22 as also figures of election duty votes obtained in Form 19, write down the grand total of votes for each

candidate, announce the same and sign the Form.

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Counting of votes when counting takes place centrally.

Key Word : Recount of votes polled.

106.

(1) Subject to any direction as may be issued by the Commission in this behalf, after the completion of counting, in case of a *Gram Panchayat* constituency, the Counting Officer after announcement of figures of total votes secured by each candidate as recorded in Form 21 and in case of a *Panchayat Samiti*, *Zilla Parishad* or *Mahakuma Parishad* constituency, the *Panchayat* Returning Officer concerned after announcement of figures of total votes secured by each candidate as recorded in Form 22 in terms of clause (b) of sub-rule (6) of rule 105, shall give a little pause before putting his signature on such form.

(2) After such announcement referred to in sub-rule (1) has been made, a candidate or in his absence, his election agent or his counting agent may apply in writing to the Counting Officer or the *Panchayat* Returning Officer, as the case may be, for recount of votes either wholly or in part stating the grounds on which he demands such recount. On receipt of such application, the Counting Officer or the *Panchayat* Returning Officer, as the case may be, shall follow the provisions laid down in sub-rule (3) to sub-rule (6) of rule 105 *mutatis mutandis*.





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CHAPTER II
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Key Word : Declaration of result of election and certificate of election.

107.

(1) In case of an election to a *Gram Panchayat*, the Counting Officer shall as soon as counting of votes is completed and the result sheet in Form 21 is signed, declare in Form 23 the candidate or candidates securing the highest number of valid votes, as elected. He shall take the copy as also the bundles of valid and rejected ballot papers and other related records to the *Panchayat* Returning Officer-in-charge of the hall.

(2) The *Panchayat* Returning Officer shall, on receiving Form 21 and Form 23 under sub-rule (1), inform the District *Panchayat* Election Officer and the Commissioner of *Panchayats* and Rural Development of the results of the poll. The District *Panchayat* Election Officer shall forthwith inform the Commission of such result alongwith such other information as may be required by the Commission. The Commissioner of *Panchayats* and Rural Development shall cause the names of the elected candidates to be published in the *Official Gazette*.

(3) In case of an election to a *Panchayat Samiti*, *Zilla Parishad* or *Mahakuma Parishad*, the *Panchayat* Returning Officer concerned shall as soon as the counting of votes is completed and the result sheet in Form 22 is signed, declare in Form 23 the candidate securing the highest number of valid votes as elected. He shall then send copies thereof to the District *Panchayat* Election Officer,

Commissioner of the Division and the Commissioner of *Panchayats* and Rural Development. The District *Panchayat* Election Officer shall forthwith inform the Commission of such result alongwith such other information as may be required by the Commission. The Commissioner of *Panchayats* and Rural Development shall cause the names of the elected candidates published in the *Official Gazette*.

(4) Subject to such directions as may be issued by the Commission in this behalf, when the votes are equal, selection shall be made by lottery in such manner as the Counting Officer or the *Panchayat* Returning Officer, as the case may be, may deem fit.

(5) As soon as may be after a candidate has been declared elected, the Counting Officer in respect of *Gram Panchayat* election, shall grant to an elected candidate a certificate of election in Form 24 and obtain from the candidate an acknowledgement of its receipt duly signed by him and immediately take the acknowledgement to the *Panchayat* Returning Officer in charge of the hall and in respect of *Panchayat Samiti*, *Zilla Parishad* or *Mahakuma Parishad* election, the *Panchayat* Returning Officer concerned shall grant to an elected candidate a certificate of election in Form 24 and obtain from the candidate an acknowledgement of receipt duly signed by him.



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CHAPTER II
Counting of votes when counting takes place centrally.

Key Word : Sealing of used ballot papers and other records and custody thereof.

108.

(1) Subject to such other directions as may be issued by the Commission, the *Panchayat* Returning Officer shall arrange for sealing and packing of used ballot papers and other records and the provisions contained in rule 93 shall be followed *mutatis mutandis* for this purpose.

(2) The *Panchayat* Returning Officer shall make adequate arrangement for safe custody of such sealed packets and also other papers as referred to in rule 94.





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PART V
COUNTING OF VOTES.

CHAPTER III
Counting of votes at a central place where EVMs are used.

Key Word : Scrutiny and inspection of EVM.

109.

(1) The *Panchayat* Returning Officer may have the control units of the EVMs used at a polling station including auxiliary booth taken up for scrutiny and inspection and votes recorded in such units counted simultaneously.

(2) Before the votes recorded in any control unit of an EVM are counted under sub-rule (1), the candidate or his election agent or his counting agent present at the counting table shall be allowed to inspect the paper seal and such other seals as might have been affixed on the unit and to satisfy themselves that the seals are intact.

(3) The *Panchayat* Returning Officer shall also satisfy himself that none of the EVMs has been tampered with.

(4) If the *Panchayat* Returning Officer is satisfied that any EVM has been tampered with, he shall not count the votes recorded in that EVM and shall bring the matter to the notice of the Commission through the District *Panchayat* Election Officer and seek their instruction.

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CHAPTER III
Counting of votes at a central place where EVMs are used.

Key Word : Counting of votes where EVMs are used.

110.

- (1) Before commencement of counting in a hall, the *Panchayat* Returning Officer shall, for the purpose of maintenance of secrecy of voting, read out and explain the provisions of section 108 to such persons as may be present in the hall.
- (2) The *Panchayat* Returning Officer shall at first take up the sealed covers and for this purpose the procedure referred to in rule 103 shall be followed.
- (3) After completion of procedure referred to in sub-rule (2), the EVMs shall be distributed to the counting tables in the hall in the manner referred to in rule 104. The Counting Officer 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 by each candidate shall be displayed in respect of each such candidate on the display panel provided for the purpose in the unit.
- (4) As the votes polled by each candidate are displayed on the control unit, the *Panchayat* Returning Officer shall have, –
 - (a) the number of such votes recorded separately in respect of each candidate in Part II of Form 18A,
 - (b) Part II of Form 18A completed in other respects and signed by the Counting Officer 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 21 or Form 22 as the case may be and shall announce the particulars so entered in the result sheet.

(5) After Form 21 or Form 22 as the case may be, has been completely filled in, the Counting Officer or the *Panchayat* Returning Officer as the case may be, may follow the procedure referred to in rule 106 in case an application for recount of votes is received and shall declare the results of election and issue certificate of election in the manner laid down in rule 107.

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Key Word : Sealing and storage of detachable memory of the EVM.

111.

(1) After the result of voting recorded in control unit has been ascertained candidate-wise and entered in Part II of Form 18A and the result sheet has been filled in subject to such direction as may be issued by the Commission, the *Panchayat* Returning Officer concerned shall take out the detachable memory from the control unit of an EVM and seal such memory with his seal and seal of such of the candidates or their election agents present who may desire to affix their seals thereon so that the detachable memory retains the memory of such result as has been recorded in it:

Provided that if a control unit does not have any detachable memory, or such detachable memory can not be separated for any reason, the control unit shall be sealed in the similar manner and all provisions in this rule relating to the detachable memory, shall apply to such sealed control unit.

(2) The detachable memory or the control unit, as the case may be, so sealed shall be kept in specially prepared boxes on which the *Panchayat* Returning Officer, conducting the counting, shall record the following particulars, namely, –

(a) the names of the constituencies of each tier for which the election has been held,

(b) the particulars of polling station where the control unit has been used,

(c) the serial number of the control unit,

(d) the date of poll, and

(e) the date of counting.

(3) The detachable memory or the control unit, as the case may be, preserved shall not be opened or inspected by, or produced before, any person or authority except under an order of the competent court.

(4) All detachable memories used at an election shall be kept in the custody of the concerned *Panchayat* Returning Officer or an officer authorised by the Commission in this behalf for a period not less than thirty days from the date of declaration of the result and the memory, so preserved in the detachable memory, shall not be erased thereafter except under the orders of the Commission, for use of the same in any subsequent election.

(5) Subject to such directions as may be issued by the Commission in this behalf, the *Panchayat* Returning Officer shall keep in his safe custody all the sealed packets referred to in rule 79.





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PART VI

CHAPTER I Miscellaneous.

Key Word : **Bye-election.**

112.

For the purpose of any bye-election under section 124, the provisions of these rules for conduct of elections shall apply *mutatis mutandis*:

Provided that the nature of reservation as determined for that seat or constituency as the case may be, at the time of preceding general election shall remain unaltered.





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PART VI

CHAPTER I Miscellaneous.

Key Word : Production and inspection of election papers.

113.

While in the custody of the *Panchayat* Returning Officer, –

- (a) the packets of unused ballot papers with counterfoils attached thereto,
- (b) the packets of used ballot papers whether valid, tendered or rejected,
- (c) the packets of the counterfoils of used ballot papers,
- (d) the packets of marked copies of electoral roll, and
- (e) control unit or the detachable memory of such unit where EVM is used

shall not be opened and their contents shall not be inspected by, or produced before, any person or authority except under order of a competent court.

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PART VI

CHAPTER I

Miscellaneous.

Key Word : Disposal of election papers.

114.

Subject to any direction to the contrary given by the Commission or by a competent court, –

(a) the packets of unused ballot papers referred to in clause (a) of rule 113 shall be retained for a period of three months from the date of declaration of the result and shall thereafter be destroyed in such manner as may be directed by the Commission,

(b) the packets referred to in clause (b), clause (c) and clause (d) of rule 113 shall be retained for a period of six months from the date of declaration of the result and such packets shall not be destroyed except with the approval of the Commission,

(c) the control unit or the detachable memory of such unit as referred to in clause (e) of rule 113 shall be retained for a period of six months from the date of declaration of the result and shall thereafter be waived subject to the approval of the Commission,

(d) all other papers relating to election shall be retained for a period of six months from the date of declaration of the result and shall thereafter be destroyed.

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PART VI

**CHAPTER I
Miscellaneous.**

Key Word : Manner of serving order of requisition of premises, vehicles, vessels and animals.

115.

– An order for requisition of any premises, vehicles, vessels and animals under section 127 shall be served on the person being owner of the property or in possession of the property in any of the following manner, –

(a) in person,

(b) in his absence, service may be made on any adult member of the family, whether male or female, residing with him,

(c) in case of corporation or firm, the service may be made on any manager or agent who works for such corporation or firm and is empowered to accept service,

(d) by post,

(e) by courier service,

(f) if a person cannot be found, by affixing the copy of such order 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.





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PART VI

CHAPTER II Repeal and savings.

Key Word : Repeal and savings.

116.

(1) The West Bengal *Panchayat* (Election) Rules, 1974 is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the said rules shall be deemed to have been validly done or taken under these rules.





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PART I
Preliminary

Key Word : Definitions

2.

(1) In these rules, unless the content requires otherwise, –

(a) “Act” means the West Bengal *Panchayat* Elections Act, 2003;

(b) “ballot box” includes any box, bag or other receptacle used for the insertion of ballot papers by electors;

(c) “ballot paper” means a paper in which the names of the candidates nominated for a certain election and their respective symbols are printed and includes the counterfoil of such paper;

(d) “bye-election” means election or elections to fill casual vacancies from one or more seats or constituencies in a *Gram Panchayat*, *Panchayat Samiti*, *Mahakuma Parishad* or *Zilla Parishad*;

(e) “Commissioner” means the State Election Commissioner referred to in sub-section (1) of section

3 of the West Bengal State Election Commission Act, 1994 (West Ben. Act VIII of 1994);

(f) “electoral roll” means the electoral roll for a constituency of *Gram Panchayat* relating to a Block;

(g) “EPIC” means the Electoral Photo Identity Card issued to an elector under the direction of the Election Commission of India;

(h) “EVM” means an Electronic Voting Machine which is operated electronically for giving or recording votes;

(i) “Form” means a Form appended to these rules and includes a translated version of such Form in Bengali or Nepali language;

(j) “general election” means elections to one or more *Gram Panchayats, Panchayat Samitis, Mahakuma Parishads or Zilla Parishads* in a specified area from all the constituencies of such bodies for the purpose of their reconstitution;

(k) “local political party” means, with respect to a sub-division of a district, a political party declared as such by the Commissioner by order from time to time and such order in respect of that political party remaining in force on the date appointed under clause (a) of rule 28.

Explanation. – A political party shall be declared to be political party if that party, –

(i) has been engaged in political activity for a continuous period of preceding five years, and

(ii) at the time of declaration, has at least one elected member in any tier of *Panchayats* for every existing twenty-five members or any fraction thereof, elected to that tier of *Panchayats* from the area of a sub-division of a district or, if there is no elected body of *Panchayats* in that sub-division, one elected member in the Municipality or Municipalities

for every existing twenty-five members or any fraction thereof, elected to the Municipality or Municipalities within the area of that sub-division;

(l) “Schedule” means a Schedule appended to these rules;

(m) “section” means a section of the Act.

(2) Words and expressions used in these rules and not otherwise defined but defined in the Act or in the West Bengal State Election Commission Act, 1994, shall have the same meanings as respectively assigned to them in the said Acts.

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**Government of West Bengal
The West Bengal *Panchayat* Election Rules 2006**

**PART II
Preparation of electoral roll.**

Key Word : Form and language of electoral roll

3.

The electoral roll of any *Panchayat* shall be in such form as the Commission may direct and shall be prepared in Nepali language for the constituencies of the *Panchayats* in hill areas as defined in clause (11c) of section 2 of the West Bengal *Panchayat* Act, 1973, and in Bengali language for all other constituencies.

