

166

The

Calcutta **Gazette**
सत्यमेव जयते

Extraordinary
Published by Authority

PHALGUNA 25]

WEDNESDAY, MARCH 15, 2000

[SAKA 1921

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

DEPARTMENT OF MUNICIPAL AFFAIRS

Writers' Buildings, Calcutta-700 001

NOTIFICATION

No. 135/MA/O/C-4/3R-1/2000

Calcutta, the 15th March, 2000.

In exercise of the power conferred by section 88 of the West Bengal Municipal Elections Act, 1994 (West Ben. Act XXXIV of 1994), the Governor, after consulting the West Bengal State Election Commission, is pleased hereby to make the following amendments in the West Bengal Municipalities (Conduct of Elections) Rules, 1995, published in Part-I of the *Calcutta Gazette, Extraordinary*, dated the 22nd February, 1995, under this department Notification No. 76/C-4/MIA-38/94, dated the 22nd February, 1995, as subsequently amended (hereinafter referred to as the said rules):—

Amendments

In the said rules,—

(1) in part III,—

(a) after the heading "Voting in municipal constituencies", *insert* the following words and figure:—

"Chapter I

Voting by Ballot";

(b) after chapter I, *insert* the following chapter:—

"CHAPTER II

Voting by Electronic Voting Machines

39A. **Design of Electronic Voting Machines.**—Every electronic voting machine (hereinafter referred to as the voting machine) shall have a control unit and a balloting unit and shall be of such design as may be approved by the Election Commission.

39B. **Preparation of voting machine by the municipal returning officer.**—(1) The balloting unit of the voting machine shall contain such particulars and 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.

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

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

- (a) fix the label containing the names and symbol 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.

39C. Arrangements at the polling stations.—(1) Outside each polling station there shall be displayed prominently—

- (a) a notice, specifying the polling area, the electors of which are entitled to vote at the polling station and, when the polling area has more than one polling station, the particulars of the electors so entitled; and
- (b) a copy of the list of contesting candidates.

(2) At each polling station there shall be set up one (or more) voting compartment(s) in which the electors can record their votes free from observation.

(3) The municipal returning officer shall provide at each polling station one voting machine and copies of relevant part of the electoral roll and such other election material as may be necessary for taking the poll.

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

39D. Admission to polling stations.—The presiding officer shall regulate the number of electors, to be admitted at any one time inside the polling station and shall exclude therefrom all persons other than,

- (a) polling officers;
- (b) public servants on duty in connection with the election;
- (c) persons authorised by the Commission;
- (d) candidates, their election agents and subject to the provisions of rule 14, one polling agent of each candidate;
- (e) a child in arms accompanying an elector;
- (f) a person accompanying a blind or infirm elector who cannot move without help; and
- (g) such other persons as the municipal returning officer or the presiding officer may employ under sub-rule (2) of rule 39-G or sub-rule (1) of rule 39-H.

39E. Preparation of voting machine for poll.—(1) The control unit and balloting unit of every voting machine used at polling station shall bear a label marked with—

- (a) the serial number, if any, and the name of the 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 voter has been already recorded in the voting machine and it bears the label referred to in sub-rule (4).

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

(4) The presiding officer shall thereafter fix the paper seal so signed in the space meant therefor in the control unit of the voting machine and shall secure and seal the same.

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

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

39F. **Marked copy of electoral roll.**—Immediately before the commencement of the poll, the presiding officer shall also demonstrate to the polling agents and others present that the marked copy of the electoral roll to be used during the poll does not contain any entry other than that made in pursuance of rule 18.

39G. **Facilities for women electors.**—(1) Where a polling station is for both men and women electors, the presiding officer may direct that they shall be admitted into the polling station alternately in separate batches.

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

39H. **Identification of electors.**—(1) The presiding officer may employ at the polling station such persons as he thinks fit to help in the identification of the electors or to assist him otherwise in taking the poll.

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

(3) Where the polling station is situated in a constituency electors of which have been supplied with identity cards under the provisions of the Registration of Electors Rules, 1960, the elector shall produce his identity card before the presiding officer or the polling officer authorised by him in this behalf.

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

39I. **Challenging of Identity.**—(1) Any polling agent may challenge the identity of a person claiming to be a particular elector by first depositing a sum of two rupees in cash with the presiding officer for each such challenge.

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

- (a) warn the person challenged of the penalty for personation;
- (b) read the relevant entry in the electoral roll in full and ask him whether he is the person referred to in that entry;
- (c) enter his name and address in the list of challenged votes in Form 14; and
- (d) require him to affix his signature in the said list.

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

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

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

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

39J. **Safeguards against personation.**—(1) Every elector about whose identity the presiding officer or the polling officer, as the case may be, is satisfied, shall allow his left forefinger to be inspected by the presiding officer or polling officer and an indelible ink mark to be put on it.

(2) If any elector—

- (a) refuses to allow his left forefinger to be inspected or marked in accordance with sub-rule (1) or has already such a mark on his left forefinger or does any act with a view to removing the ink mark; or
- (b) fails or refuses to produce his identity card as required by sub-rule (3) of rule 39H he shall not be allowed to vote.

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

- 39K. Procedure for voting by voting machines.**—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 in a register of votes in Form 16A;
 - (b) obtain the signature or the thumb impression of the elector on the said register of votes; 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 his signature or thumb impression on the register of voters.

39L. Maintenance of secrecy of voting by electors within the polling station and voting procedures.—

(1) Every elector who has been permitted to vote under rule 39K shall maintain secrecy of voting within the polling station and for that purpose observe the voting procedure hereinafter laid down.

(2) Immediately on being permitted to vote the elector shall proceed to the presiding officer or the polling officer in-charge of the control unit of the voting machine who shall, by pressing the appropriate button on the control unit, activate the balloting unit for recording of the elector's vote.

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

(4) Every elector shall vote without undue delay.

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

(6) If an elector who has been permitted to vote under rule 39K or rule 39O refuses after warning given by the presiding officer to observe the procedure laid down in sub-rule (3) of the said rules, the presiding officer or a polling officer under the direction of the presiding officer shall not allow such elector to vote.

(7) Where an elector is not allowed to vote under sub-rule (6), a remark to the effect that voting procedure has been violated shall be made against the elector's name in the register of voters in Form 16A by the presiding officer under his signature.

39M. Recording of votes of blind or infirm electors.—(1) If the presiding officer is satisfied that owing to blindness or other physical infirmities an elector is unable to recognise the symbol on the balloting unit of the voting machine or unable to record his vote by pressing the appropriate button thereon without assistance, the presiding officer shall permit the elector to take with him a companion of not less than eighteen years of age to the voting compartment for recording the vote on his behalf and in accordance with his wishes:

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

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

- (2) The presiding officer shall keep a record in Form 15 of all cases under this rule.

39N. Elector deciding not to vote.—If an elector, after his electoral roll number has been duly entered in the register of voters in Form 16A and has put his signature or thumb impression thereon as required under sub-rule (1) of rule 39K decided not to record his vote, a remark to this effect shall be made against the said entry in Form 16A by the presiding officer and the signature or thumb impression of the elector shall be obtained against such remark.

39O. Tendered Votes.—(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, instead of being allowed to vote through the balloting unit, supplied with a tendered ballot paper which shall be of such design, and the particulars of which shall be in such language or languages as the Commission may specify.

(2) Every such elector shall before being supplied with tendered ballot paper write his name against the entry relating to him in Form 16B.

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

- (a) proceed to the voting compartment;
- (b) record there his vote on the ballot paper by placing a cross mark 'x' with the instrument or article supplied for the purpose on or near the symbol of the candidate for whom he intends to vote;

- (c) fold the ballot paper so as to conceal his vote;
- (d) show to the presiding officer, if required, the distinguishing mark on the ballot paper;
- (e) give it to the presiding officer who shall place it in a cover specially kept for the purpose; and
- (f) leave the polling station.

(4) If, owing to blindness or physical infirmities, such elector is unable to record his vote without assistance; the presiding officer shall permit him to take with him a companion, subject to the same conditions and after following the same procedure as laid down in rule 39M for recording the vote in accordance with his wishes.

39P. Presiding Officer's entry in the voting compartment during poll.—(1) The presiding officer may whenever he considers it necessary so to do, enter the voting compartment during poll and take such steps as may be necessary to ensure that the balloting unit is not tampered or interfered with in any way.

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

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

39Q. Closing of poll.—(1) The presiding officer shall close a polling station at the hour fixed in that behalf under section 60 and shall not thereafter admit any elector into the polling station:

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

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

39R. Account of votes recorded.—(1) The presiding officer shall at the close of the poll, prepare an account of votes recorded in Form 16C and enclose it 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 a true copy of the entries made in Form 16C after obtaining a receipt from the said polling agent therefor and shall attest it as a true copy.

39S. Sealing of voting machine after poll.—(1) As soon as practicable after the closing of the poll, the presiding officer shall close the control unit to ensure that no further votes can be recorded and shall detach the balloting unit from the control unit.

(2) The control unit and the 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 polling agents present at the polling station, who desire to affix their seals, shall also be permitted to do so.

39T. Sealing of other packets.—(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 16A;
- (c) the cover containing the tendered ballot papers and the list in Form 16B;
- (d) the list of challenged votes in Form 14A; and
- (e) any other papers 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.

39U. Transmission of voting machines, etc. to the municipal returning officer.—(1) The presiding officer shall, then, deliver, or cause to be delivered, to the municipal returning officer at such place as the municipal returning officer may direct,—

- (a) the voting machine;
- (b) the account of votes recorded in Form 16C;
- (c) the sealed packets referred to in rule 39T; and
- (d) all other papers used at the poll.

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

39V. **Procedure on adjournment of poll.**—(1) If the poll at any polling station is adjourned under sub-section (1) of section 61, the provisions of rules 39R to 39U shall, as far as practicable, apply as if the poll was closed at the hour fixed in that behalf under section 60.

(2) When an adjourned poll is recommended under sub-section (2) of section 61, the electors who have already voted at the poll so adjourned shall not be allowed to vote again.

(3) The municipal 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 electoral roll, register of voters in Form 16A and a new voting machine.

(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 provisions of rules 39A to 39U shall apply in relation to the conduct of an adjourned poll before it was so adjourned.

39W. **Closing of voting machine in case of booth capturing.**—Where the presiding officer is of opinion that booth capturing is taking place at a polling station or at a place fixed for the poll, he shall immediately close the control unit of the voting machine to ensure that no further votes can be recorded and shall detach the balloting that from the control unit.”;

(2) in part IV,—

(a) after the heading “Counting of Votes at the Election”, *insert* the following words and figure:—

“Chapter I

Counting of Votes where Ballots have been used”;

(b) in rule 40, for the word “part,”, *substitute* the word “chapter.”;

(c) after chapter I, *insert* the following chapter:—

“CHAPTER II

Counting of Votes at an Election where Electronic voting machines have been used

61A. **Definitions.**—In this part, unless the context otherwise requires,—

(a) “candidate” means a contesting candidate;

(b) “counting agent” means a counting agent duly appointed under section 52, and includes a candidate and the election agent of a candidate when present at the counting;

(c) “polling station” means a polling station provided under section 12.

61B. **Time and place for counting of votes.**—The municipal returning officer shall at least one week before the date fixed for the poll, appoint the place or places where the counting of votes will be done and the date and time at which the counting will commence and shall give notice in Form 21A to each candidate or his election agent.

61C. **Appointment of counting agents and revocation of such appointment.**—(1) The number of counting agents that a candidate may appoint under section 52 shall, subject to such general or special direction as the Commission may issue in this behalf, not exceed one at the place or each of the places fixed for counting under rule 61B.

(2) Every such appointment shall be made in Form 18 in duplicate, one copy of which shall be forwarded to the municipal returning officer while the other copy shall be made over to the counting agent for production before the municipal returning officer not later than one hour before the time fixed for counting under rule 61B.

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

(4) The revocation of appointment of a counting agent under sub-section (2) of section 53 shall be made in Form 19 and lodged with the municipal returning officer.

(5) In the event of any such revocation before the commencement of the counting of votes, the candidate or his election agent may make a fresh appointment in accordance with sub-rule (2).

61D. **Admission to the place for counting.**—(1) The municipal returning officer shall exclude from the place of counting of votes all persons other than—

(a) the assistant municipal returning officer;

- (b) such persons as the municipal returning officer may appoint to assist him in the counting of votes;
- (c) public servants on duty in connection with the election or authorised by the municipal returning officer;
- (d) candidates, their election agents and counting agents;
- (e) persons authorised by the Commission; and
- (f) any other person authorised by the municipal returning officer.

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

(3) Any person, who during the counting of votes, misconducts himself or fails to obey the lawful directions of the municipal returning officer, may be removed from the place of counting by the municipal returning officer or by any police officer on duty or any person authorised in this behalf by the municipal returning officer.

61E. Explaining the counting procedure.—The municipal returning officer shall, before the commencement of the counting, briefly explain the counting procedure to all those allowed admission in the counting place under sub-rule (1) of rule 61D and caution them as to the maintenance of secrecy, the violation of which shall be an electoral offence under section 81.

61F. Counting of votes cast by voters on election duty.—(1) On the day and at the time and place appointed under rule 61B the municipal returning officer shall first open the covers containing the ballot papers recording the votes of persons on election duty, which were received by him under rule 18 and scrutinise the ballot papers and count them and record their number and other details in Form 22.

- (2) The municipal returning officer shall reject a ballot paper—
- (a) if it bears any mark or writing by which the elector can be identified, or
 - (b) if it bears no mark on the front or it bears a mark made otherwise than with the instrument supplied for the purpose, or
 - (c) if there are marks on it in favour of more candidates than one, or
 - (d) if the mark is so placed as to render it doubtful as to which candidate the vote has been given to, or
 - (e) if it is a spurious ballot paper, or
 - (f) if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established:

Provided that—

- (i) where the municipal returning officer is satisfied that any defect has been caused by any mistake or failure on the part of the presiding officer or the polling officer, the ballot paper shall not be rejected on the ground of such defect;
- (ii) a ballot paper shall not be rejected merely on the ground that the mark indicating the vote is indistinct or made more than once, if the intention that the vote shall be for a particular candidate clearly appears from the way the paper is marked.

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

(4) The municipal returning officer shall endorse 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 and shall initial his endorsement, and his decision shall be final.

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

(6) Every ballot paper which is not rejected under this rule shall be counted as one valid vote.

(7) The municipal returning officer shall thereafter make separate packets of—

- (a) all valid ballot papers, and
- (b) all rejected ballot papers as found by him at the scrutiny and counting under sub-rule (1).

The municipal returning officer shall seal both the packets with his seal and the seals of the candidates or their election agents if they wish to affix their seals thereon, and note on the packets the number of constituency, the date of counting and a description of the contents.

61G. Scrutiny and inspection of voting machines.—(1) The municipal returning officer may then have the control units of the voting machines used at more than one polling station taken up for scrutiny and inspection and votes recorded in such units counted simultaneously.

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

(3) The municipal returning officer shall satisfy himself that none of the voting machines has been tampered with.

(4) If the municipal returning officer is satisfied that any voting machine has in fact been tampered with he shall not count the votes recorded in that machine and shall follow the procedure laid down in section 62 or section 63 as may be applicable in respect of the polling station where that machine was used.

61H. Counting of votes.—(1) After the municipal returning officer is satisfied that a voting machine has in fact not been tampered with, he shall have the votes recorded therein counted by pressing the appropriate button marked "Result" provided in the control unit whereby the total votes polled and votes polled by each candidate shall be displayed in respect of each such candidate on the display panel provided for the purpose in the unit.

(2) As the votes polled by each candidate are displayed on the control unit, the municipal returning officer shall have—

- (a) the number of such votes recorded separately in respect of each candidate in Part II of Form 16C;
- (b) Part II of Form 16C completed in other respects and signed by the counting supervisor and also by the candidates or their election agents or their counting agents present; and
- (c) corresponding entries made in a result sheet in Form 23 and the particulars so entered in the result sheet announced.

61I. Counting of votes to be continuous.—The municipal returning officer shall, as far as practicable, proceed continuously with the counting of votes and shall, during any interval when the counting has to be suspended, keep the voting machines and other packets/papers relating to the election sealed with his own seal and seal of such candidate or election agent or counting agent as may desire to affix their seals, and shall cause adequate precautions to be taken for their safety during such interval.

61J. Compilation of results of different polling stations.—The municipal returning officer shall thereafter compile the results of the counting of the polling station(s) of a constituency, add to them the number of the valid votes as counted under sub-rule (1) of rule 61F and record the results finally in Form 23.

61K. Declaration of result.—(1) The municipal returning officer shall, after completion of the procedure in rules 61F and 61J forthwith declare to be elected the candidate to whom the largest number of valid votes has been given.

(2) Where an equality of votes is found to exist between any candidates and the addition of one vote will entitle any of the candidates to be declared elected, the determination of the person to whom such additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the municipal returning officer and the candidates or their representatives who may be present and in such manner as he may determine.

61L. Preparation of return of election and issue of certificate of election.—The municipal returning officer shall then prepare and certify a return of election showing the results in Form 24 and shall also issue a certificate of election to the returned candidate in Form 25.

61M. Sending of return of election.—The municipal returning officer shall without any delay send the return of election in Form 24 to the Commission for immediate publication of the names of the elected candidates in the *Official Gazette*.

61N. Sealing of voting machines.—(1) After the result of voting recorded in a control unit has been ascertained candidate-wise and entered in Part II of Form 16C and Form 23 under rule 61F and 61H, the municipal returning officer shall reseal the unit with his seal and the seals of such of the candidates or their election agents present who may desire to affix the seals thereon, so, however, that the result of voting recorded in the unit is not obliterated and the unit retains the memory of such result.

(2) The control unit so sealed shall be kept in specially prepared boxes on which the municipal returning officer shall record the following particulars, namely:—

- (a) the name of the constituency;
- (b) the particulars of polling station or stations where the control unit has been used;
- (c) serial number of the control unit;
- (d) date of poll; and
- (e) date of counting.

61O. Preservation of sealed packets.—The municipal returning officer shall keep in his safe custody all other sealed packets received by him from the presiding officer under rule 39T and the sealed packets made by him under sub-rule (2) of rule 61F.

61P. Compilation and declaration of result in cases of adjourned poll and fresh poll.—(1) The counting and compilation of votes for a constituency in the case of adjourned or fresh poll shall be taken up by the municipal returning officer only after such adjourned or fresh poll at any polling station, as the case may be, has been held.

(2) The provisions of rules 61J to 61P shall apply in the matter of compilation and declaration of results.”;

(3) for Form 14, *substitute* the following Form:—

“FORM 14

[See rules 28(2)(c) and 39I.]

List of Challenged Votes

Election to Ward No. of the Municipality

Number and name of polling station

Serial Number of entry	Name of elector	Serial Number of Part of roll	Number of Elector's name in that part	Signature or thumb impression of the person challenged	Address of the person challenged	Name of Identifier, if any	Name of challenger	Order of presiding officer	Signature of challenger on receiving refund of deposit
1	2	3	4	5	6	7	8	9	10
1.									
2.									
3.									
4.									
5.									
6.									
7.									
8.									
9.									
10.									
etc.									

Date

Signature of Presiding Officer.”;

(4) for Form 15, *substitute* the following Form:—

“FORM 15

[See rules 32(2) and 39M(2).]

List of Illiterate, Blind and Infirm Voters

Election to Ward No. of the Municipality

Number and name of polling station

Part No. & serial No. of elector	Full name of elector	Full name of companion	Address of companion	Signature of companion

Date

Signature of Presiding Officer.”;

(5) after Form 16, insert the following Forms:—

“FORM 16A

[See rule 39K.]

Register of Voters

Election to Municipality from constituency (Ward)
No. and No. and name of polling station
Part No. of electoral roll

Sl. No.	Sl. No. of elector in the electoral roll	Signature/Thumb impression of elector	Remarks
1	2	3	4

Date

Signature of Presiding Officer.

FORM 16B

[See rule 39O(2).]

List of Tendered Votes

Election to Ward No. of the Municipality
Number and name of polling station
Part No. of electoral roll

Sl. No.	Name of elector	Sl. No. of elector in electoral roll	Sl. No. in Register of Voters (Form 16A) of the person who has already voted in place of elector	Signature/Thumb impression of elector
1	2	3	4	5

Date

Signature of Presiding Officer.

FORM 16C

[See rule 39R(1).]

Part-I : Account of Votes Recorded

Election to Ward No. of the Municipality

No. and name of polling station

Identification No. of voting control unit

Machine used at the polling station balloting unit:

1. Total number of electors assigned to the polling station
2. Total number of voters as entered in the register for voters (Form 16A)
3. Number of voters deciding not to record votes under rule 39N
4. Number of voters not allowed to vote under rule 39L
5. Total number of votes recorded as per voting machine
6. Whether the total number of votes as shown against item 5 tallies with the total number of voters as shown against item 2 *minus* number of voters deciding not to record votes as against item 3 *minus* number of voters as against item 4 (2-3-4) or any discrepancy noticed
7. Number of voters to whom tendered ballot papers were issued under rule 39O
8. Number of tendered ballot papers

Sl. No.

From

To

(a) received for use

(b) issued to electors

(c) not used and returned

9. Account of paper seals

Sl. Nos.:

From

To

Signature of Polling Agents

1. Serial No. of paper seals supplied from to 1.

2. Total numbers supplied 2.

3. Number of paper seals used 3.

4. Number of unused paper seals returned to Municipal Returning Officer (deduct item 3 from item 2) 4.

5. Serial No. of damaged paper seal if any 5.

6.

6.

6.

6.

6.

6.

6.

6.

6.

6.

6.

6.

6.

6.

6.

6.

6.

6.

Date

Signature of Presiding Officer

Place

Polling Station No.

Part-II : Result of Counting

Sl. No.	Name of Candidate	No. of Votes recorded
1.		
2.		
3.		
4.		
5.		
6.		
Total :		

Whether the total number of votes shown above tallies with the total number of votes shown against item 5 of Part-I or any discrepancy is noticed between the two totals.

Place
Date

.....
Signature of Counting Supervisor

Name of candidate/election agent/
counting agent
Full Signature

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.

Place
Date

.....
Signature of Municipal Returning Officer."

(6) for Form 18, substitute the following Form:—

“FORM 18

[See rules 42(2) and 61C(2).]

†Appointment of Counting Agents

Election to Ward No. of the Municipality I,*a candidate/the election agent of who is a candidate at the above election, do hereby appoint the following person(s) as my counting agent(s) to attend the counting of votes at

Name of the counting agent(s)	Address of the counting agent(s)
1.	
2.	
3.	
4.	
etc.	

Signature of candidate/election agent

*I/We agree to act as such counting agent(s).

- 1.
- 2.
- 3.
- etc.

Place

Date

Signature of counting agent(s)

Declaration of Counting Agent(s)

(To be signed before the Municipal Returning Officer)

*I/We hereby declare that at the above election *I/we will not do anything forbidden by section 81 of the West Bengal Municipal Elections Act, 1994, read with **section 128 of the People Act, 1951 which *I/we have *read/has been read over to *me/us.

A Representation of the

- 1.
- 2.
- 3.
- etc.

Date

Signed before me.

Signature of counting agent

Date

Municipal Returning Officer

† To be handed over to the counting agent for production at the polling station or at the place fixed for counting of votes.

* Strike out the word(s) not applicable.

** Section 128 of the Representation of the People Act 1951:

“128. Maintenance of secrecy of voting.—(1) Every officer, clerk, agent or other person who performs any duty in connection with the recording of votes at an election shall maintain, and aid in maintaining, the secrecy of the voting and shall not (except for some purpose authorised by or under any law) communicate to any person any information calculated to violate such secrecy.

(2) Any person who contravenes the provision of sub-section (1) shall be punishable with imprisonment for a term which may extend to three months, or with fine or with both.”;

(7) for Form 19, substitute the following Form:—

“FORM 19

[See rules 42(4) and 61C(4).]

Revocation of Appointment of Counting Agent

Election to Ward No.of the Municipality
I,*the election agent of /a candidate
at the above election hereby revoke the appointment of*my/his counting agent
appointed earlier to attend the counting of votes at

Place

Date

.....
Signature of person revoking.

*Strike out the word(s) not applicable.”;

(8) after Form 21, insert the following Form:—

“FORM 21A

[See rule 61B.]

Notice

Election to the Municipality

Ward No

Date of Poll

Notice to the candidates and their election agents regarding the
date, time and place for counting, compilation
and declaration of the result of election.

61B

In pursuance of rule ? of the West Bengal Municipalities (Conduct of Elections) Rules, 1995, the counting of votes
of all polling stations in the Ward, compilation of the results of counting of votes and the taking of account of the votes
cast by voters on election duty and declaration of result of the election will take place at a.m./p.m.
on the day of (month) 20 at (place).

Candidates and their election agents may remain present.

Place

Date

.....
Signature of the Municipal Returning Officer.”;

(9) for Form 22, *substitute* the following Form:—

“FORM 22

(See rules 55 and 61F.)

Counting Sheet for Municipal Returning Officer

Election to the Municipality

Ward No

Date of Poll

Votes cast by persons on election duty

Total number of sealed covers	Total number of valid ballot papers	Total number of rejected ballot papers
-------------------------------	-------------------------------------	----------------------------------------

Serial No.	Name of the Candidate	Valid votes secured by each candidate
1.		
2.		
3.		
4.		
etc.		

Place

Date

.....
Signature of the Municipal Returning Officer.”;

(10) for Form 23, *substitute* the following Form:—

“FORM 23

(See rules 56 and 61J.)

Final Result Sheet

Election to the Municipality

Ward No

Date of Poll

Name of the Candidate	Record of votes at Polling Station No. (Valid)						Record of votes given by persons on election duty (Valid)	Total of votes polled by the Candidate
	1	2	3	4	5	6 etc.		

A.

B.

C.

D.

etc.

(Rejected)

(Rejected)

Total No. of valid votes :

Total No. of rejected votes :

Grand total of votes (Valid and rejected)

Place

Date

.....
Signature of the Municipal Returning Officer.”;

(11) for Form 24, *substitute* the following Form:—

“FORM 24

(See rules 58, 59 and 61L.)

Return of Election

Election to the Municipality

Ward No

Date of Poll

Sl. No.	Name of the Candidate	Number of votes recorded in favour of each of the Candidates
(1)	(2)	(3)
1.		
2.		
3.		
4.		
etc.		

Total number of valid votes

Total number of invalid votes

Total number of tendered votes

In pursuance of the provisions contained in rule 58/61L of the West Bengal Municipalities (Conduct of Elections) Rules, 1995, I declare that the candidate, Shri/Shrimati of (address), to whom the largest number of votes has been given, has been duly elected to fill the seat as a Member to the Municipality from the Ward No.

Place

Date

.....
Signature of the Municipal Returning Officer.”;

(12) for Form 25, *substitute* the following Form:—

“FORM 25

(See rules 58 and 61L.)

Certificate of Election

Election to the Municipality

Ward No

Date of Poll

I, Municipal Returning Officer for the Ward No. of the Municipality do hereby certify that I have on this the day of 20 declared Shri/Shrimati of (address) to have been duly elected by the said ward to be a Member of the Municipality.

Place

Date

.....
Signature of the Municipal Returning Officer.”;

(13) in Table II of the Schedule, *omit* the following item and entry:—

“15. CLOCK”.

By order of the Governor,
B. K. PRADHAN,
Secy. to the Govt. of West Bengal.