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**Handbook for
Presiding Officers
Of
Panchayat Election**

(Where Ballot Papers are used)

WEST BENGAL STATE ELECTION COMMISSION

2018

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Handbook for Presiding Officers of Polling Stations where Ballot Papers are used

CHAPTER I

I. PRELIMINARY

Introductory:

1.1. As a Presiding Officer, you have an important role to play in the conduct of poll. You enjoy full legal power to control the proceedings in the polling station under your charge. It is your primary duty and responsibility to ensure a free and fair poll at your polling station. It is necessary for this purpose to equip yourself fully with the law and procedure and the relevant instructions and directions of the Commission in relation to the conduct of elections so as to enable you to act strictly in accordance with them and give no room for any reasonable complaint.

1.2 Special features of Panchayat General Election are simultaneous election to all the three tiers of the Panchayat, separate ballot papers to be issued in three different colours, three different ballot boxes for three tiers and double member Gram Panchayat Constituency in some cases where an elector is to cast two votes in a single ballot paper.

1.3 You are the Presiding Officer for a polling station in which ballot papers and ballot boxes will be used. You should, therefore, acquaint yourself fully with the operation of the ballot boxes and rules and procedures prescribed for the conduct of poll using ballot papers and ballot boxes . You should familiarise yourself thoroughly with each step to be taken in the conduct of poll at the polling station. A slight mistake or lapse or wrong application of the law or rules or inadequate knowledge of operation of the ballot box may vitiate the poll at your polling station.

Brief introduction to Ballot Boxes:

2.1 Depending on the availability Bungo or Godrej type ballot boxes will be used for Panchayat and Zilla Parishad Constituencies. The operation of these ballot boxes are described in Annexure-VIII.

2.2 Since there is only one ballot paper in one tier, in two member Gram Panchayat Constituency the ballot paper may be too long to go into a Bungo type or Godrej type ballot box. For the Gram Panchayat seat therefore, special type of metal boxes of bigger size may be used as ballot boxes.

Legal provisions regarding conduct of poll:

3. The provisions of the law which have a bearing on your duties as a Presiding Officer are reproduced in Annexures I and II.

Broad outlines of your duties:

4.1 This Handbook is designed to give you the information and guidance which you may need in the performance of your functions as a Presiding Officer. However, it may be noted that this Handbook cannot be treated as an exhaustive compendium in all aspects and as a substitute reference for various provisions of election law during the conduct of poll. You should, wherever necessary, refer to those legal provisions which are reproduced in annexures I and II.

4.2 While detailed directions and instructions are contained in the various chapters of this Handbook, some of the important aspects of your duties are given below :

- i. You must acquaint yourself with members of your polling party and keep contact with them right from your appointment as Presiding Officer.
- ii. You must keep in ready possession all relevant instructions of the Panchayat Returning Officer.
- iii. You must have a clear idea of the location of your polling station and your itinerary to and from the polling station.
- iv. You should attend all rehearsals and training classes without fail.
- v. While collecting election materials, you should ensure that all items have been handed over to you. The most important items are the ballot boxes, arrow cross mark, rubber stamp for voting, Tendered Ballot Papers, Voters' Slip, distinguishing mark, marked copy of electoral roll and extra copies of the roll, Paper Seals, Statutory forms, Sealing wax and Indelible ink.
- vi. On arrival at the polling station, you should have a clear idea of the arrangements to be made for setting up of a proper polling station especially to secure secrecy of voting, regulation of queue of voters protection of poll proceedings from outside interference, etc.
- vii. You are required to sign your name in full on the back of each ballot paper before issue but not on the counterfoil of the ballot paper To enable the commencement of poll at the appointed time, you should keep in advance some ballot papers signed.
- viii. You are also required to affix on the back of each ballot paper and its counterfoil, the distinguishing mark of your polling station with the rubber stamp given to you.
- ix. The poll should commence at the hour fixed for such commencement by the Commission. Before commencing the poll, the candidates or their agents present and the Polling Officers should be warned about the maintenance of secrecy of

vote and provisions of section 108 of the West Bengal Panchayat Elections Act, 2003 should be brought to their notice.

- x. The identity of elector should be verified by the First Polling Officer on production of EPIC or in absence of EPIC, by any other document prescribed by the Commission. The unofficial identity slip if any carried by an elector is not a valid document for verification of his identity.
- xi. After an elector is identified with reference to his entry in the electoral roll, his left forefinger should be marked with the indelible ink.
- xii. In order to ensure that the indelible ink mark put on the voter's finger has properly dried up and become a distinct indelible ink mark his left forefinger should be again checked up before the voter leaves the polling station.
- xiii. After an elector has been identified, the entry relating to the elector in the marked copy of the electoral roll should be underlined. A tick mark (v) will also be put in the case of a female elector.
- xiv. The signature or thumb impression of the elector should be obtained on the counterfoil of the ballot paper before he is allowed to record his vote. If an elector refuses to put his signature or thumb impression, he shall not be issued of ballot paper.
- xv. The ballot papers need not be issued to electors in consecutive serial order as that would enable the polling agents to work out the serial number of ballot paper that is being issued to individual voters. At the same time, if the first three or four bundles of ballot papers (50 in number in a bundle) are shuffled and bundles used at random and not in consecutive serial order, then the object would be served. At the close of the poll, the numbers of the ballot papers issued to the electors should be in a continuous and unbroken series to avoid confusion in drawing up the ballot paper account.
- xvi. If you consider an elector to be much below the minimum age of voting, i.e. 18 years, but is otherwise satisfied about his identity and the fact of inclusion of his name in the electoral roll, you should obtain a declaration from him about his age, vide form of declaration in *Annexure III*.
- xvii. If an elector to whom a ballot paper has been issued, refuses even after warning given to him to observe the procedure relating to the maintenance of secrecy of voting within the polling station, the ballot paper issued to him shall, whether he has recorded his vote or not, be taken back from him by you or under your direction and thereafter cancelled.

- xviii. You have to go on recording in the Presiding Officer's Diary the relevant events as and when they occur.
- xix. You have to regulate the proceedings in the polling station for peaceful and smooth conduct of poll. You should be firm and impartial, and act strictly according to law and instructions issued by the Commission.
- xx. You shall close the poll at the hour fixed for that purpose by the Commission, even if the commencement of poll was delayed for any reason. However, all voters present at the polling station at the closing hour of poll shall be allowed to vote even if that means the continuing of poll for some more time. It should also be ensured that after the closing hour of poll nobody joins the queue of voters. To ensure that, you should distribute slips to all voters standing in the queue, starting such distribution of slips from the tail-end of the queue.
- xxi. At the close of poll, you are required to prepare a Ballot Paper Account in Part I of Form 18. Authenticated copies of such accounts of ballot paper recorded are required to be given to the polling agent of each candidate present. You are also required to make a declaration regarding furnishing of such copies to the candidates' agents in the form prescribed by the Commission.
- xxii. It is your personal responsibility to hand over the ballot boxes and all election papers duly sealed and secured to the officer responsible for the collection thereof, under proper receipt.

Check Memo:

5. To ensure that you have fulfilled the various statutory requirements in connection with the election, the Commission has drawn up a CHECK MEMO for you which is given in *Annexure VI*. The said CHECK MEMO should be properly maintained by you.

CHAPTER II

II. FORMATION OF POLLING PARTY AND REHERSALS

1. **Polling party:**

Your party will consist of yourself and five Polling Officers. While appointing the polling party your Panchayat Returning Officer will authorize one of the Polling Officers in your party to perform the duties of Presiding Officer in case you are to be unavoidably absent from the polling station.

2.1 **Polling Rehearsals:**

Attend all the polling rehearsals as are arranged for your Polling Party. This is essential for fully acquainting yourself with the operation of ballot boxes and for obtaining clear idea of the polling procedure to be followed at the polling station and understanding the provisions of the law. Even if you have worked as Presiding Officer or Polling Officer in some earlier election, you must attend the training classes / rehearsals as you may not have handled the ballot boxes earlier. The election law and procedure are being amended from time to time and it is necessary that you should follow the revised procedure. Otherwise, the conduct of election may not be in accordance with the latest procedures or instructions. Furthermore, it is always advantageous to refresh your memory even if there is no change in the law and procedure.

2.2 You must take with you the Polling Officer authorized to perform your duties in your unavoidable absence to those rehearsals. It is very necessary that you and such authorized Polling Officer should perform the various operations on the Ballot Box for yourself / himself and should not be content with simply watching the demonstration. Both of you should also familiarize yourselves with the fixing of the paper seals, address tags, etc.

2.3 You should also prepare a sample Ballot Paper account in Form 18.

3. **Application by Voters on Election Duty:**

You and your Polling Officers may be electors in the Panchayat area in which you are posted on duty. The order of appointment as Presiding Officer will be issued in duplicate along with sufficient number of Form 14 to enable you and the Polling Officers to apply for ballot papers. Applications from voters on election duty for issue of ballot paper are required by law to be made at least three days before the day of poll.

CHAPTER III

III. COLLECTION OF BALLOT PAPERS AND POLLING MATERIALS

Polling Materials:

1. On the day previous to the day of poll or on the day of departure for the polling station you will be supplied with all the election materials, a list of which is set out in *Annexure VII*. Before leaving for your polling station, make sure that you have received all the items.

Checking of Polling Materials:

2. Check, in particular, the following:

- (1) The Ballot Boxes given to you for each of the tiers can be operated smoothly.
- (2) You will be given ballot papers in bundles of 50 each and one containing less than 50 ballot papers. Please count the ballot papers given to you carefully and ensure that you have not received any short. Each and every ballot papers should be checked meticulously to ensure that they are of the three constituencies relevant to your polling station (Gram Panchayat, Panchayat Samity and Zilla/ Mahakuma Parishad) and that the total number of ballot papers also tally with member of voters in electoral rolls. Any missing serial number or ballot paper with duplicate member should be brought to the notice of the Returning Officer/ Assistant Returning Officer. If it is found that numbers on the back of the counterfoil and of the ballot paper does not tally it should not be issued to the election.

Checking of Polling Materials:

3. Check also —

- (1) that there is sufficient quantity of indelible ink in each of the phial(s) supplied to you and that the stamp pads are not dry:
- (2) That the rubber stamp bearing distinguishing mark contains the abbreviated name of the Block in block letters at the numerator and polling station number at the denominator, all within a circle that all the six arrow cross marks sticks have seats affixed on both sides of the stick.
- (3) that all the five copies (i.e. 4 marked copies & one working copy) of the relevant part(s) of the electoral roll are complete and identical in every respect and, in particular, that—

- a. the relevant part(s) given to you pertain to the area for which the polling station has been set up and that it is complete in all respects along with the supplements, in every copy,
 - b. all deletions of names and corrections of clerical or other errors as per the supplement have been duly incorporated in all the copies,
 - c. all the pages in each working copy of the roll have been serially numbered in manuscript from 1 onwards,
 - d. the printed serial numbers of the voters are not amended and no new numbers are substituted for them;
- (4) Copies of Electoral rolls for each Polling Station / Booth shall be as follows :
- a. Presiding Officer—one working copy and one marked copy.
 - b. 1st Polling Officer-in-charge of identification & G.P. ballot paper—one marked copy.
 - c. Polling Officer-in-charge of identification & P.S. ballot paper—one marked copy.
 - d. Polling Officer-in-charge of identification & Z.P. ballot paper—one marked copy.
- (5) Check the copies of the list of contesting candidates for three tiers. The names and symbols of the candidates given in the list should be in the same serial order in which they appear on the ballot papers.
- (6) If you have any doubt about your movement programme route to be followed, get them cleared.

CHAPTER IV

IV. SETTING-UP OF POLLING STATIONS

Itinerary:

1. Have a clear idea of the routes and timings that you have to follow to reach your polling station. Details of the itinerary including the means of transport for yourself and the other members belonging to your party will be supplied to you in advance.

Arrival at the Polling Station:

2. You should be at the polling station with your party well in time.

Absence of Polling Officer:

3. If any Polling Officer appointed for your polling station is absent from the polling station, you have the power to appoint another on the spot in his place. Later, you have to inform the Panchayat Returning Officer of such appointment formally. Do not, appoint any person who is an active supporter or worker of any of the candidates or an active opponent of any candidate.

Delegation of duties of Presiding Officer:

4.1 If you yourself have to be absent from the polling station on account of illness or other unavoidable reason, the Polling Officer previously authorized in this behalf by District Panchayat Election Officer/ Panchayat Returning Officer will act in your place. He will exercise all the powers and duties of the Presiding Officer.

4.2 You may also delegate any of your functions in the polling station to any Polling Officer working with you at the polling station. Such delegation, however, does not relieve you of your own responsibility as you are in overall charge of the entire polling station in any case.

Setting-up of Polling Stations:

5.1 On your arrival at the place where the polling station is to be set up, inspect the building proposed for the purpose and the polling station itself. In simultaneous election every voter will have to cast votes for Gram Panchayat, Panchayat Samity and Zilla Parishad in the same booth and the layout of the Polling Booth will be such as to facilitate a voters casting of the votes for all the tiers in the voting process. It is open to you to decide the actual set-up of the polling station but make sure that —

- a. there is enough space for the voters to wait outside the polling station;
- b. there are separate waiting spaces for men and women as far as practicable;

- c. there are separate entrance and exit for voters;
- d. there is easy flow of voters from the time they enter the polling station to the time they leave it and there is no criss-cross movement within the polling station;
- e. the Polling Agents are seated in such a way that they can see the face of an elector as and when the elector enters the polling station and is identified by the first Polling Officer so that they can challenge the identity of the elector, if need be. They should also be able to see the entire operation at the Presiding Officer's table where the control unit is kept and also see the movement of the elector from the Presiding Officer's table to the voting compartment and his exit from the polling station after recording of vote. But they should not in any event be seated in a place where they have the chance of seeing the voter actually recording his vote;
- f. the seating arrangement of all the Polling Officers is also such that they are not in a position to see the voter actually recording his vote;
- g. even if there is only one door to the room housing the polling station, separate entrance and exit can be provided with the help of bamboos and ropes in the middle of the doorway. Make sure that the inside of the voting compartment is sufficiently lighted. If necessary, arrange for a suitable light to be provide for each compartment.

5.2 If more polling stations than one are located in the same building, you should satisfy yourself that necessary arrangements have been made for segregating the voters and making them wait in different queues.

5.3 Even if the polling station is located in a private building, the building and the area around it up to a radius of two hundred meters should be under your control. No watch and ward staff or other personnel connected with the owner, whether armed or unarmed, should be allowed to remain either at the polling station or within the above area. The security arrangements at the Polling Station and within the above area will be entirely the responsibility of the police under your control.

5.4 No photos of leaders of political parties or slogans having a bearing on elections should be exhibited and if they are already there, you should take steps to remove them till the poll is over.

5.5 No cooking or lighting of fire for any purpose should be allowed inside the polling station during the day of the poll.

Display of notice:

- 6.1 Display prominently outside each polling station —
 - a. a notice specifying the polling area or the particulars of electors to be served by the polling station; and
 - b. a copy of the list of contesting candidates in Form 7 and wherever practicable the facsimile of the symbol of each candidate.
- 6.2 The language of the notice should be the same as for the list of contesting candidates and the order of the names should also be the same.

CHAPTER V

V. ASSIGNMENT OF DUTIES TO POLLING OFFICERS & VOTING PROCEDURE

Voting procedure in polling station and duties of Polling Officers:

1. For efficient and smooth conduct of poll at your polling station, you should be thoroughly conversant with the procedure that is to be followed from the time an elector comes into the polling station till he leaves it after casting his vote. The voting procedure and the duties which each Polling Officer has to perform in this whole operation are explained in detail in subsequent chapters. However, a broad distribution of duties among the Polling Officers is indicated below.

Duties and functions of Polling Party members:

Presiding Officer:

2.1 The Presiding Officer will be in-charge of overall supervision of the conduct of poll. He shall sign every ballot paper in full on the back before it is issued to a voter. In the event of any unusual occurrence in the polling station, he shall take up the matter in such a manner which may allow the polling officers to proceed with the voting process uninterrupted.

First Polling Officer:

2.2 The First Polling Officer will be in-charge of a marked copy of the Electoral Roll. After the identity of an elector is established he will underline the entry relating to the elector in the marked copy of the Roll and where the elector is a female put a tick mark (v) on the left hand side of the name of the female elector. He will also be in-charge of issue of ballot papers for Gram Panchayat.

Second Polling Officer:

2.3 The Second Polling Officer will issue ballot papers for Panchayat Samity after marking voters name on the copy of Electoral Roll with him and also handover the arrow cross mark.

Third Polling Officer:

2.4 The Third Polling Officer will issue ballot papers for Zilla Parishad after marking the voters name of the copy of Electoral Roll with him and also handover the arrow cross mark.

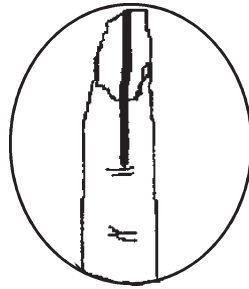
Fourth Polling Officer:

2.5 The Fourth Polling Officer, who win sit next to the 1st Polling Officer (between 1st and 2nd Polling Officer) will be responsible for marking the left fore-finger of the voter with indelible ink. He will also handover arrow cross mark to the voter after inking it properly. He will simultaneously keep watch that the arrow cross mark is returned.

Voting Process in operation:

3.1. **Duties of First Polling Officer :** On entering the polling station , a voter will proceed direct to 1st Polling Officer, in-charge of marked copy of Electoral Roll and ballot paper of *Gram Panchayat Constituency*,. He will satisfy himself about the identity of the elector following the procedure laid down in Rule 54 of the West Bengal Panchayat Election Rules, 2006 (*Annexure-I*). On identification, the name and serial no. of the voter must be called out loudly. It will be the duty of 1st polling officer to know the name of the voter and to locate his name in the Electoral Roll. If there is no challenge as regards identity of the voters , the 1st polling officer will underline the entry relating to the elector in the marked copy of Electoral Roll and when the elector is a female put a tick mark (✓). He will also issue the Gram Panchayat ballot papers and pass on it to 4th Polling officer after taking signature of the voter on the counterfoil. If there is a challenge to the identity, he will turn the voter to the Presiding Officer. The First Polling Officer then issue an identity slip to the voter showing only Part No. and Sl. No.. The voter will be reminded to put only one mark against only one candidate as per his choice when it is a single member constituency or two candidates, one in each column when it is 2-member constituency. In the counter foil of the ballot paper the Part No, Serial No. of the voters and mode of identification of the voter are to be noted and signature / LTI of the voter to be obtained in the counter foil by the First Polling Officer.

3.2. **Duties of Fourth Polling Officer:** The voter will then proceed to the Fourth Polling Officer sitting by the side of the 1st polling officer. The 4th polling officer will check the voter's left fore-finger to see that it does not bear any sign or trace of indelible ink. The indelible ink will be applied on voter's left fore-finger as a line from the top end of nail to the bottom of the first joint of the left fore-finger as shown in the diagram below:



He will collect the identity slip from the voter. The Fourth Polling Officer will then handover the Gram Panchayat ballot paper and the arrow cross mark to the voter. Direction for holding the ballot paper may be explained to the voter. He will also be instructed to proceed to the voting compartment for marking, come back and insert the ballot paper in the ballot box placed for Gram Panchayat ballot papers. After handing over the ballot paper to the voter the 4th polling officer will pass on the identity slip to the 2nd polling officer sitting next to him.

3.3. **Duties of Second Polling Officer:** When the voters reports to the 2nd polling officer he will underline the name of the voter in the marked copy of the Electoral Roll. He will also record the Part No. and Serial No. of the voter in the counter foil of the Panchayat Samity ballot paper and indicate the mode of identification in case it is not a simultaneous election. He will also obtain signature or LTI of the voter on the counter foil of the ballot paper. The voter will then receive the Panchayat Samity ballot paper (whose colour will be pink) and the arrow cross mark for marking voters. The voter may be reminded only to mark one mark of his choice on the ballot paper and directed . The voter will be directed to proceed to voting compartment, mark his vote secretly, come back and insert the casted ballot paper folded as per instruction in the ballot box placed in front of the 2nd polling officers and meant for Panchayat samity. The Second Polling Officer immediately after handing over the Panchayat Samity ballot paper to the voter will handover the identity slip to the 3rd Polling Officer close to him. He will direct the voter to the 3rd polling officer after completion of voting in respect of Panchayat Samity. He will mark sure that the arrow cross mark has been taken back.

3.4. Duties of Third Polling Officer: On receipt of the identity slip of from the Second Polling Officer, the Third Polling Officer will underline the name of the voter in the Electoral Roll and put a tick mark (✓) on left hand side of the Electoral Roll. Then he will enter Part No. and Serial No. of the voter in the counter foil of the Zilla Parishad ballot paper and obtain signature or LTI of the voter on the counter foil of the ballot paper. The mode of identification should be indicated in case it is not a simultaneous election. The polling officer will then give the Z.P. ballot papers and arrow cross mark to the voter. The voter should be advised to mark only one candidate as per his choice on the ballot paper in their voting compartment, come back and insert the marked and duly folded ballot paper in the ballot box for Zilla Parishad placed in front of the Third Polling Officer. Please make sure that the arrow cross mark has been taken back.

CHAPTER VI

VI. REGULATION OF ENTRY INTO AND SEATING ARRANGEMENTS IN THE POLLING STATION

Persons entitled to enter the polling stations:

1.1. Apart from the electors assigned to your polling station, the following persons can be admitted into the polling station:

- (a) Polling Officers;
- (b) Each candidate, his election agent;
- (c) One polling agent of each candidate at a time;
- (d) Persons authorized by the Commission;
- (e) Public servants on duty in connection with election;
- (f) Observers appointed by the Commission;
- (g) A child in arms accompanying an elector;
- (h) A person accompanying a blind or an infirm voter who cannot move without help; and
- (i) Such other persons as you may from time to time admit for the purpose of identifying voters or otherwise assisting you in taking the poll.

1.2. The Panchayat Returning Officers have been asked to issue identify cards to the contesting candidates in terms of Rule 40(2) of the West Bengal Panchayat Election Rules, 2006. You may ask for its production, if necessary. Similarly, the election agents of the candidates can be asked, if necessary to produce the duplicate copy of their appointment letter, containing photographs which is attested by the Returning Officer.

1.3. You should note that the term "Public servant on duty in connection with election" does not normally include police officers. Such Officers, whether in uniform or in plain clothes, should not, as a general rule, be allowed to enter the polling booth, unless you decide to call them in for the maintenance of law and order or some similar purpose. The presence of police personnel, in arms or without arms, in Uniform or in plain dress, in the polling booth without any compelling reason may give rise to complaints by some candidates or parties who have alleged that their agents had been overawed by unnecessary show of force.

1.4. Security personnel accompanying, if any, an elector or candidate or his election agent or polling agent should not be allowed to enter the polling station.

1.5. You should also note that the above expression, "Public servant on duty in connection with election" does not include the Ministers, State Ministers and Deputy Ministers of the Union and the States.

1.6. Entry of persons should be strictly regulated as detailed above, otherwise, the smooth and orderly conduct of poll may be vitiated. You should allow only three or four electors to enter the polling station at a time.

1.7. If you have a reasonable doubt about the presence of any person about whose credentials you have a reasonable suspicion in the polling booth, you have the power to have him searched, if necessary, even though the person concerned may be in possession of a valid authority letter to enter the polling booth.

1.8. In the performance of your duties, you are only bound only by the instructions of the Commission. You are not to take orders from or show any favour to any official not connected with the election or political leaders including Ministers. Even in the matter of requests for entry into the polling booth from. these, you should allow them only if they are in possession of a valid authority letter issued by the Commission.

1.9. A village officer or other officer or a woman attendant employed by you for helping you in the identification of electors or to assist you otherwise in taking the poll should normally be seated outside the entrance to the rolling station. He / She should be admitted into the polling station only when he/she is required for identification of a particular voter or for assisting you for a particular purpose in connection with the taking of the poll. No one inside the polling station should be allowed to influence or try to influence the voters by words or gestures to vote in a particular way.

Attendance of polling agents:

2.1. The polling agents of the candidates have been asked to reach the polling station at least one hour before commencement of poll in order to be present when you are going through the preliminaries. If any part of these preliminaries has already been gone through the proceedings need not be commenced *de novo* to accommodate any late-comer.

2.2. The law does not specify any time limit for the appointment of polling agents and even if a polling agent turns up late at a polling station, he should be allowed to participate in the further proceedings at the polling station. One Polling Agent of a candidate at a time will, however, be allowed inside the Polling Station.

Production of appointment letters by polling agents:

3.1. Every polling agent must produce before you the appointment letter in Form 10 by which the candidate or his election agent has appointed him. Check that the appointment is for your polling station. The polling agent should then complete the document and sign the declaration therein in your presence and then deliver it to you before he can be admitted into the polling station. Preserve all such appointment letters and at the end of the poll send them in a cover addressed to the Panchayat Returning Officer along with other documents.

3.2. In case of any doubt about the genuineness of appointment letter in the said Form 10 of any polling agent presented before you, you should compare the specimen signature of the candidate / his election agent with their specimen signatures as provided by the Panchayat Returning Officer.

Passes for polling agents:

4. Each candidate can appoint one polling agent and two relief polling agents at each polling station. However, only one polling agent of a candidate should be allowed inside the polling station at any given time. Give every polling agent who is admitted into the polling station a permit or pass on the authority of which he can come in and go out of the polling station as may be necessary.

Seating of polling agents:

5. Give the polling agents seats close behind the Polling Officer in-charge of the marked copy of the electoral roll. Where this is not practicable because of the situation of the door for entrance, they may be given seat just opposite the Polling Officers. In any seating arrangement, they should be provided opportunity of seeing the faces of the electors and challenging their identity whenever necessary. They should not be allowed to move about in the polling station.

Smoking to be prohibited inside polling station:

6. You should not allow smoking inside the polling station. If any of the polling agents desires to smoke, he may go out of the polling station without causing any dislocation to the polling.

Facilities to press representatives and photographers:

7.1. Subject to the maintenance of peace and order there may be no objection to any photographer taking photographs of voters lining up outside the polling station.

7.2. The Panchayat Returning Officer does not have any power to authorize any person who is not an elector or who is not required to assist you in taking the poll, to enter a polling station. Any person including publicity officials of the State Government should not be allowed inside a polling station without a letter of authority from the Commission. In no circumstances no photograph be allowed to be taken of a voter pressing the button of the voting machine.

Facilities to Observers appointed by Commission:

8.1. The Commission may appoint its Observers at elections.

8.2. During the day of poll, Observers may visit your polling station. It is possible that he may be present there when you are going through the preliminaries before the commencement of poll. You should show him due courtesy and regard when he visits your polling station and should furnish him with such information as he may require from you for the purpose of his report to the Commission. He will only observe the poll being taken at your polling station, but will not give you any direction. If, however, he makes any suggestion with a view to providing more convenience to electors or making the poll process at your polling station smoother, you should give due consideration to such suggestion. In case, you are facing any particular problem or feeling any difficulty at your polling station, you may bring it to his notice, as he might be of help to you in solving that problem or removing that difficulty by bringing the matter to the notice of the Panchayat Returning Officer or other authorities concerned for necessary remedial action.

8.3. Observers will be wearing badges issued by the Commission on their person and will also be carrying appointment letters and authority letters issued by the Commission.

Wearing of badges, etc., inside the polling station:

9.1. No person should be allowed within the polling station or within 100 meters thereof to wear badges, emblems, etc., bearing the name of candidates or political leaders and / or their symbols or pictorial representation thereof.

9.2. The polling agents may, however, display on their person a badge showing only the name of the candidate whose agents they are.

CHAPTER VII

VII. PREPARATION OF BALLOT PAPERS FOR ISSUE

1. Preliminaries before poll:

In order that the poll is commenced at the hour fixed for the purpose, you should start making preliminary preparations, like the preparation of ballot papers for issue to electors, preparation of ballot box for reception of votes etc. at least 30 minutes before the time fixed for the commencement of poll.

2. Preparations of Ballot Papers for Issue:

2.1. Affixing of Distinguishing Mark.

You will be supplied with ballot papers of three types with counterfoils equal to the number of voters allotted to your polling station, rounded off to the next ten. The ballot papers will ordinarily be in bundles of 50 each and one or more bundles containing less than 50 ballot papers. Every ballot paper before issue to an elector is required to be affixed with a distinguishing mark on its back. The distinguishing mark has to be affixed at the top right-hand corner both on the back of counterfoil and also on the back of the ballot paper. A rubber stamp containing the distinguishing mark for your polling station will be supplied to you. To facilitate the issue of ballot papers without interruption and to avoid the chance of any ballot paper being issued without the distinguishing mark, you should have the distinguishing mark affixed the day before the poll or on the day of poll before the poll is commenced as directed by the Panchayat Returning Officer. Where it is not found possible to rubber stamp the distinguishing mark on the ballot paper and on the counterfoil on account of any unavoidable reason, it would suffice if the distinguishing mark is noted by hand in ink on each ballot paper and its counterfoil;

2.2. Where the number of contesting candidates exceeds 9 the ballot paper would be printed in two columns and the manner of affixing the distinguishing mark on such ballot papers will be slightly different. In such case, the distinguishing mark may be put on the back of the ballot paper immediately on the top right side of the shaded middle line dividing the ballot paper vertically into two halves. Through such middle line will be printed only on the front side of the ballot paper, its impression in the back of the ballot paper will be visible through the ballot paper. The object of affixing the distinguishing mark in this way is that it should be clearly visible from outside after the ballot paper is folded for being put in the ballot box. The mark on the counterfoil will continue to be on the top right-hand corner.

3. Presiding Officer's signature on ballot papers:

3.1. To remove all suspicion regarding the genuineness of ballot papers, the Presiding Officers of each polling station is required to sign his name in full on the back of each ballot paper before its issue to the voter. You should sign your name in full on the back of each ballot paper before it is issued to the voter, but you need not sign on the counterfoil.

3.2. You may sign about two bundles of 50 ballot papers each immediately before the commencement of the poll. This should be done a few minutes before the commencement of the poll. Usually it would take only about 5 minutes to sign 100 ballot papers and show the signing of the ballot papers should begin not about 15 minutes before the commencement of the poll. You should sign the remaining ballot paper according to necessity as the poll progresses. You should ensure that only the exact number of ballot papers required for issue to electors are signed by you.

3.3. At the closing stages of the poll, it would be necessary for you to sign each ballot paper as and when a voter turns up for voting. This will ensure that no signed ballot paper is kept in the bundle of unused ballot papers after the poll.

4. Prefolding of Ballot papers:

4.1. Prefold the ballot paper before issue. You may find that names of contesting candidates are printed in one, two or more columns. The manner of folding of such ballot paper before issue to a voter will be as under,

4.2. In case of single-column ballot paper :-

- (a) first vertically along the middle of the ballot paper;
- (b) then horizontally as many times as may be necessary to facilitate the insertion of the ballot paper into the ballot box;

4.3. In case of a double-column ballot paper :-

- (a) first vertically along the middle of both the columns ;
- (b) again vertically along the middle of the ballot paper ; and
- (c) then horizontally as many times as may be necessary to facilitate the insertion of the ballot paper into the ballot box;

4.4. In case of triple-column ballot paper :-

- (a) first vertically along the middle of the first and third columns ;
- (b) then along the middle of the ballot paper ;
- (c) then horizontally as many times as may be necessary to facilitate the insertion of the ballot paper into the ballot box;

5. Serial Number of Ballot Paper to be used at Polling Station and shuffling of bundle:

5.1. Before commencement of the poll, you should allow the polling agents to note the first and last of serial numbers of the ballot papers which will be used at the polling station and also any ballot paper duly cancelled by you on account of its defective nature.

5.2. The polling agents should not, however, be permitted to take note of the serial number of any ballot paper issued to any voter. Nor should they take any other notes which may enable one to work out these serial numbers as this would destroy the secrecy of the vote. You have the authority to prevent any one from taking any such notes, as this amounts to misconduct as being an attempt to violate the secrecy of the vote. You are competent to seize and forfeit any documents on which a polling agent may have taken any such note. If any polling agent persists in taking such notes in spite of warnings, you should not allow him to remain in the polling station.

5.3. In order to see that the polling agents are not able to note down the serial number of ballot papers issued to particular voters, it has been decided that the ballot papers may not be issued in consecutive serial order but may be issued at random. As shuffling of individual ballot papers in stitched bundles will not be possible, you should do the shuffling in respect of the bundles by issuing the first three or four bundles of ballot papers at random to the Polling Officer-in-charge of ballot papers and not in consecutive serial order. This process of shuffling of bundles of ballot papers should not, however, be repeated towards the close of the poll so that on the completion of the poll the serial numbers of ballot papers issued to voters are, as far as practicable, in continuous unbroken series.

CHAPTER VIII

VIII PREPARATION OF BALLOT BOX

Ballot Boxes:

1.1. Depending on the availability Bungo Type or Godrej Type ballot boxes will be used for Panchayat and Zilla Parishad constituencies . The operation of these boxes are described in *Annexure VIII*.

1.2. Since there is only one ballot paper in one tier, in two member Gram Panchayat constituency the ballot paper may be too long to go into a Bungo Type or Godrej Type ballot box. For the Gram Panchayat seat, therefore, special type of metal boxes of bigger size may be used as ballot boxes.

Preparation of Ballot Box:

3. You should prepare the ballot box for the poll, at least 15 minutes before the hour fixed for the commencement of poll. The instructions for operating the ballot box are contained in *Annexure VIII*. Allow the ballot box to be inspected by the polling agents and demonstrate to them that it is empty.

Identification of Ballot Box:

3.1. Put inside the box an address tag duly filled up with all the details for identification in case the necessity arises at the time of counting. Also firmly attach on the handle of the ballot box an addressing showing all the details.

3.2. The address tag will be in the following form :

From	To
The Presiding Officer	The Panchayat Returning Officer
Polling Station No.....	Address
Serial No. & Name of the Constituency & No. of Constituency
Ballot Box No. / Serial Number	
Assigned to the ballot box at	
Polling Station.....	
Date of Poll	

3.3. The address tag inside the box will give the serial number of the constituency, serial number and name of the polling station and the date of poll, but not the serial number of the ballot box.

3.4. The address tag outside the ballot box will give the above particulars and in addition it will also show the serial number of the ballot box as indicated below.

3.5. The serial number of ballot box should be a fractional number giving the serial number of the box as well as the total number of ballot boxes used. Thus if three ballot boxes have been used at a polling station, the serial number for a ballot box will be entered as follows:

- | | | |
|-------|--------------------------|-----|
| (i) | on the first ballot box | 1/3 |
| (ii) | on the second ballot box | 2/3 |
| (iii) | on the third ballot box | 3/3 |

3.6. These serial numbers on the ballot boxes should be given at close of poll.

CHAPTER IX

IX. FIXING OF PAPER SEAL IN THE BALLOT BOX

Fixing of Paper Seal:

- 1.1. In the system of voting where ballot papers and Godrej type Ballot Boxes are used, the ballot boxes are sealed and secured by fixing a paper seal specially printed by the Commission.
- 1.2. There is a frame in the ballot box and the seal, if at all to be used, is to be inserted.
- 1.3. The paper seal is to be fixed in position, in the frame so that the coloured background shows through the window of the ballot box. You should note that only one paper seal is used for one ballot box. It should be ensured that no damaged paper seal is used. If in the process fixing a paper seal gets damaged, it should be replaced then and there before the ballot box is finally set for polling.

Signature of Presiding Officer and Polling Agents on Paper Seal:

- 2.1. As Presiding Officer you would affix your full signature on white surface of the paper seal. Take signatures of the polling agents present on the white surface. See that the signatures of the polling agents tally with their signatures on their appointment letters. Verify that the paper seal cannot shifted from position by softly pulling at its end. As the paper seal will be of 10 inches in length, you should take care to fold the two ends so that the paper seal does not hang loose inside the ballot box where it may be damaged when ballot papers are pushed by means of the pusher supplied.
- 2.2. Then put the distinguishing mark at the centre of the paper seal in such a way that the distinguishing mark is visible through the window.

Accounts of Paper Seals:

- 3.1. Keep in the form illustrated in the end of this chapter an account of the paper seals supplied to him for use in the polling station and paper seals actually used by him for sealing.
- 3.2. Please allow the candidates for their polling agents present to note down the serial number of the paper seals supplied for use and the number of paper seals actually used.

FORM

PART -I

Record of Paper Seals used at Election to.....Constituency
..... Polling Station No.

Serial No.	Serial No. of Box used	Ballot Box No. (engraved)	Serial No. of paper seal used	Remarks
1	2	3	4	5
1.				
2.				

PART-II

Account of Paper Seals

1.	Serial numbers of paper seals supplied from Sl. No. to Sl. No.	Signature of Presiding Agents:
2.	Total Number supplied.	1.
3.	Number of paper seals used.	2.
4.	Number of unused paper seals returned to Panchayat Returning Officer (Deduct item 3 from item 2)	3. 4.
5.	Serial No. of damaged paper seals, if any.	

Date

Place

Signature of Presiding Officer

N.B. Parts I and II are parts of the same form and should be printed on the same sheet of papers. They should not be detached from each other

CHAPTER X

X. PROCEDURE FOR USE OF ADDITIONAL BALLOT BOXES

If you find at any time during the poll that the ballot box in use is getting filled, even after it has been shaken and ballot papers have been pressed into position through the slit by means of the pusher supplied, you may prepare another box in the same manner as the first one during the course of the poll but sufficiently in advance. When you place the second box for reception of ballot papers, the first box should be closed immediately, sealed and kept aside at a safe place. There should be only one box in use for a tier at any point of time and the second box should be pressed to service only when the first box is full declaration, fixing of paper seals etc. should be gone through as in the case of the first set of box.

CHAPTER XI

XI. COMMENCEMENT OF THE POLL

Commencement of the poll:

1. Commence the poll at the stroke of the hour fixed for the purpose. Your preliminaries should be completed by then. If unfortunately the preliminaries are not over, admit three or four voters at the hour fixed for the commencement of the poll and let the First Polling Officer deal with them in regard to their identification etc. until the preliminaries are completed by you. This sort of overlapping of preliminaries is very undesirable and every effort should be made to avoid it. Even, if for any unforeseen reason, you do not commence the poll at the appointed hour, you should not extend the appointed closing time except as provided in Chapter XXIV.

Warning about secrecy of voting:

2. Before commencing the poll, explain to all present the provision of Section 108 of the W.B. Panchayat Election Act, 2003 and Section 128 of the R.P. Act (*Annexure II*), regarding their duty to maintain the secrecy of the vote and the penalty for any breach thereof.

Precautions for indelible ink:

3. Ask the Polling Officer in-charge of indelible ink to take adequate precautions to see that the phial containing the indelible ink is kept in such a manner that it does not get tilted and the ink split during the poll. For that purpose, take some sand or loose earth in a cup or an empty tin or some such broad-bottom vessel, and push the phial down three-quarter of its length into the center of the vessel so that it is firmly embedded in the sand or earth. Also ensure that the plastic rod attached to the cork is left standing in the phial and not taken out except for the purpose of marking voter's forefinger. The rod should always be held with its marking end pointing vertically downwards. Otherwise, some of the ink will drip down the rod and spoil the fingers of the person using it.

Marked copy of the electoral roll:

4. Before the commencement of the poll, you should also show to the polling agents and others present at the polling station that the copies of electoral rolls intended to be used as the marked copy does not contain any marks or entries other than the "ED vote" marks against the names of those voters to whom election duty votes have been allowed.

Entry of voters to polling station to be regulated:

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

CHAPTER XII

XII. SAFEGUARDS FOR FREE AND FAIR ELECTION

Declarations by Presiding Officer as safeguard for ensuring free and fair election:

1. In order to ensure that you have duly carried out the instructions contained in the foregoing chapters regarding the demonstration of the Ballot Boxes, marked copy of the electoral roll etc. which are necessary safeguards for ensuring free and fair election you are required to read out the declaration prescribed in *Annexure IV* before the commencement of the poll. This should be done immediately after reading the provisions of Section 108 of the West Bengal Panchayat Election Act, 2003 read with Section 128 of the Representation of the People Act, 1951, regarding maintenance of secrecy of voting. You should read out the declaration aloud to the hearing of all persons present in the polling station and sign the declaration and obtain thereon the signatures of such of the polling agents as are present and are willing to affix the same. You should also record thereon the name of the polling agents who decline to affix their signatures on it.

Procedure to be followed at the time of use of additional Ballot Boxes:

2. During the course of poll, if it becomes necessary to use a new Ballot Box, you are again required to read out a further declaration, prescribed in *Annexure IV A*. At the end of the poll, you should record the declaration as prescribed in *Annexure V* in the same manner. The declarations in *Annexure IV* and *IVA* will be put into a separate packet and delivered to the Panchayat Returning Officer after the conclusion of the poll along with the account of votes recorded.

CHAPTER XIII

XIII. ENFORCEMENT OF ELECTION LAW IN AND AROUND POLLING STATION

Impartiality essential:

1. Your tact, firmness and impartiality, particularly the last one are the most important safeguards against any breach of the peace. Treat all parties and candidates equally and decide fairly and justly every disputed point. Needless to say, neither you nor any other officer at your polling station should do any act which could be interpreted as furthering the prospects of any candidate at the election.

Ban on canvassing:

2. It is an offence to canvass within one hundred metres of the polling station. Any person who does so can be arrested without warrant by the police and may be prosecuted under section 110 of the W.B. Panchayat Elections Act, 2003 read with section 130 of the Representation of the People Act, 1951 (*See Annexure II*).

Candidate's election booth:

3. According to the instructions of the Commission, no election booths of the candidates should be allowed to be set up as such booths pose many difficulties in the way of holding free, fair and smooth elections by creating obstructions to voters, confrontation among various party workers and law and order problems. However, the candidates may provide one table and two chairs for the use of their agents and workers for the distribution of unofficial identity slip to voters beyond a distance of 200 meters from the polling station with an umbrella or a piece of tarpaulin over their head to protect them from the Sun/ rain. No crowd should be allowed to collect around such tables. If any instance of violation of the above instructions of the Commission is brought to your notice, you should report the matter to the Sector Magistrate or other officials responsible for maintenance of law and order around your polling station for necessary remedial action by them.

Disorderly conduct in or near the polling station:

4. Enforce the provisions contained in Section 111 of the W.B. Panchayat Elections Act, 2003 read with Section 131 of the R.P. Act (*see Annexure II*). If any person behaves in a disorderly manner, you can have him arrested on the spot by a police officer who would

take for prosecution as per law. The police have the power to take such steps and use such force as may be reasonably necessary for preventing such behavior. This powers should, however, be resorted to only when persuasion and warning have proved in effective. If the use of a megaphone or loudspeaker interferes with the work of the polling station, you should take steps to stop such use. The Section does not prescribe any limit of distance. It is left to you to decide whether it is enough and loud enough to disturb the proceeding at the polling station.

Removal of disorderly persons:

5. Any person who misconducts himself or fails to obey your lawful directions during the poll may be removed from the polling station on your orders by any Police Officer or other persons authorized by you (See Section 112 of the W.B. Panchayat Elections Act, 2003 and Section 132 of the R.P. Act, 1951 *Annexure II*).

Illegal hiring of vehicles for the conveyance of voters:

6.1. The West Bengal Panchayat Elections Act, 2003 or the R.P. Act, 1950 does not confer any specific powers on you to check the illegal conveyance of voters. If a complaint to that effect is made, tell the complainant that he may take action to prosecute the offender under Section 114 of the W.B. Panchayat Elections Act, 2003 read with Section 133 or the R.P. Act, 1951 or use the fact as a ground for filing an election petition against the offending candidate in due course. Forward any complaint filed before you to the sub-divisional or other magistrate who have jurisdiction to deal with such cases with such remarks which you can make from your own observation and personal knowledge.

6.2. Also follow the instructions/ directives issued by the Commission regulating the plying of vehicles on the day of poll.

Removal of Ballot Boxes from polling station to be an offence:

6. Any person who, at any election, fraudulently or unauthorisedly takes or attempts to take a Ballot Box or Boxes out of a polling station or willfully aids or abets the doing of any such act, commits a cognizable offence punishable with imprisonment upto one year or with fine upto five hundred rupees or with both. In this connection, Section 118 of the W.B. Panchayat Act, 2003 and Section 135 of the R.P. Act, 1951 read with Explanation to Section 61A of the R.P. Act, 1951 may be seen.

Breach of official duty by election officers:

7. Your attention is also drawn to Section 115 of the W.B. Panchayat Elections Act, 2003 read with Section 134 of the R.P.Act, 1951 which provides that if any Presiding or Polling Officer is without reasonable cause guilty of any act or even of any omission in course of his official duty, he commits a cognizable offence.

Prohibition of going armed to or near a polling station:

8. As per the provisions of Section 117 of W.B. Panchayat Elections Act, 2003 read with Section 134B of the Representation of People Act, 1951, no persons (other than any Police Officer and any other person appointed to maintain peace and order at a polling station who is on duty at the polling station) can, on a polling day, move armed with arms as defined in the Arms Act, 1959 of any kind within the neighbourhood of a polling station. If any person contravenes these provisions he is liable to imprisonment for a term which may extend to two years or with fine or with both. The offence is cognizable.

CHAPTER XIV

XIV. VERIFICATION OF ELECTOR'S IDENTITY AND PROCEDURE IN CASE OF CHALLENGE

Verification of elector's identity:

1.1. As has already been explained in Chapter V, an elector on entering the polling station will proceed direct to the First Polling Officer who will be in charge of the marked copy of the electoral Roll and responsible for identification of electors. The Polling Officer should properly verify his identity with reference to the entry in the electoral roll.

1.2. A voter may bring with him an unofficial identity slip which might have been issued to him by a candidate or his agents. This slip should be on plain white paper and may contain the name of the elector, his serial number in the electoral roll, part number of the electoral roll, number and name of the polling station where he is to cast his vote. The slip should not contain the name of the candidate and/or the name of the party and /or facsimile of symbol allotted to him. If any slip has been issued by a candidate or his party in violation of this instruction of the Commission and is brought to the polling station, it should be brought to the notice of the polling agent of the candidate concerned forthwith for putting an immediate end to such violation.

1.3. It should be noted that carrying of unofficial identity slip by an elector does not guarantee the identity of the voter nor does it absolve the polling officer of his duty and responsibility of satisfying himself about the identity of such voter. Such slips only help in locating the name of the elector in the electoral roll.

1.4. The First Polling Officer in-charge of the marked copy of the electoral roll and identification of electors should not treat the identity of an elector established by the mere production of an 'unofficial identity slip, which he brings to the polling station. Though such a slip helps in locating the entries relating to an elector in the electoral roll, it cannot automatically be taken for granted that the person producing the slip is that particular voter. Further, an illiterate voter who cannot read the entries in the unofficial identity slip and satisfy himself that the slip held by him/her actually relates to him/her. Therefore, the First Polling officer should simply take the slip and read out only the serial number of the entry of the elector in the electoral roll and not read out his/her name and other particulars from the slip. Thereafter, the polling officer should ask the person to announce his/her name loudly and if necessary other particulars relating to the entry so as to ensure that he/she is the genuine voter producing the identity slip.

1.5. In terms of Rule 54 of Panchayat Election Rules, a voter is required to produce Electoral Photo Identity Card (EPIC) issued by the Election Commission of India. To establish his identity, those electors who have not been issued with EPIC should produce one of the alternative documents of identification specially permitted by the Commission. The electors who have been issued with EPIC by Election Commission of India but are unable to produce the same for loss due to arson ,flood , theft or other reasons beyond his control are to inform the Returning Officers at least 3 days before the date of poll and obtain a certificate from the Returning Officers. Such electors are to produce an alternative document specified by the Commission along with the certificate from Returning Officer. The first Polling Officer will ask the elector to produce EPIC and if not provided with by ECI, other specified documents. The Polling Officer in-charge of identification must, therefore, satisfy himself about the identity of the elector after examining the EPIC or in case of non issue of EPIC, alternative documents as specified by the Commission. In case of loss of EPIC, the elector must produce a certificate from the Returning Officer along with any alternative documents as specified. In case of any doubt the elector should be directed to present himself before you. You should make a further probe to satisfy yourself about the identity of the elector. The Presiding Officer should not hesitate to hand over the elector to the police in case he is found to be an impersonator.

1.6. Though normally a voter coming to a polling station is presumed to be the genuine voter, this presumption is not irrebuttable. If from the surrounding circumstances like the serious difference in age of the elector given in the electoral roll and the age of the person as ascertainable from his appearance, the Polling Officer entertains any doubt about the identity of the voter before him, he should satisfy himself about the real identity and genuineness of the voter. In such a case he should not accept the identity of the voter on the production of the identity slip or Identity Card and should refer the matter to the Presiding Officer for his decision.

List of dead, absent and allegedly bogus voters:

2. It is expected that polling agents may bring with them a copy of the list of the names of dead, absent and allegedly bogus voters. The candidate or his party may supply similar list to you. If any person claims to be a voter whose name is mentioned in that list you shall check that person's identity rigorously. This will not amount to a formal challenge.

Challenging a voter's identity:

3. Every person whose name is entered in the electoral roll and who produces EPIC or in absence of EPIC such document or documents as mentioned at para 1.5 above is entitled to vote at the election. Unless, there is a challenge by a candidate or his election

or polling agents or unless you are clearly satisfied that he is a bogus voter, it should normally be presumed that the person claiming to be a voter and produces required document or documents as mentioned in para 1.5 above and giving out the name, other details correctly is that voter. If there is a challenge or if you feel any reasonable doubt about the identity of the person from the surrounding circumstances, you should hold a summary inquiry and decide the question.

Challenge fee:

4. You should not entertain any challenge by a candidate or his election/polling agents of a voter's identity until the challenger pay Rs.2/- in cash. After the amount has been paid, furnish a receipt therefore to the challenger in the form prescribed in *Annexure-IX*. Warn the person challenged about the penalty for personation, read out the relevant entry in the electoral roll in full and ask him whether he is the person referred to in that entry, enter his name and address in the list of Challenged Votes (Form-15) and ask him to sign or affix his thumb impression thereon. If he refuses to do so, do not allow him to vote.

Summary inquiry:

5. First ask the challenger to produce evidence to show that the person challenged is not the voter that he claims to be. If the challenger fails to adduce *prima-facie* evidence in support his challenge, disallow the challenge and allow the person challenged to vote. If the challenger succeeds in making out a *prima-facie* case that the person is not the voter in question, you should call upon the latter to produce evidence to rebut the challenge i.e. to prove that he is the voter he claims to be. If he proves his claim by such evidence, allow him to vote. If he fails to do so, hold that the challenge has been established. In course of the enquiry, you are free to ascertain the truth from the village officer, the neighbours of the voter in question and any other person present. While taking evidence you may administer an oath to the person challenged or any other person offering to give evidence. In case the challenge has been established, you should hand over the person to the policeman on duty, together with your complaint addressed to the Police Station in the jurisdiction of which your polling station falls.

Return or forfeiture of challenged fee:

6. If the challenge is established after the inquiry is over, return the challenge fee of two rupees to the person who made the challenge after taking his receipt in Column 10 of Form 15. List of Challenged Votes and on the counterfoil of the relevant receipt in the Receipt Book. Where you are of the opinion that the challenge was frivolous or was not

made in good faith do not return and forfeit the challenge fee to Government and enter the word "forfeited" in Column 10 of Form 15 and the relevant counterfoil in the Receipt Book.

Clerical and printing errors in the roll to be overlooked:

7. The particulars in respect of a voter as entered in the electoral roll are sometimes incorrectly printed or have become out of date e.g., regarding the exact age of the voter. You should overlook mere clerical and printing errors in any entry relating to a voter in the roll, provided that you are otherwise satisfied about the identity of the person claiming to be the voter, according to other particulars entered in the electoral roll. When the electoral roll has been prepared in more than one language and the name of a person has not been included in the marked copy of the electoral roll, such a person should be allowed to vote if his name appears in the version of the electoral roll in other language for the same area. An entry in respect of every such elector should be noted by you in ink on the marked copy of the electoral roll.

Eligibility of a voter not to be questioned:

8. So long as the identity of a voter is established to your satisfaction, he has the right to vote. No question can be raised at the polling station about the eligibility of such a person to be a voter. For instance, you are not entitled to hold any inquiry into the question whether he is over 18 years of age or ordinarily resides in the Constituency.

CHAPTER XV

XV. APPLICATION OF INDELIBLE INK AND OBTAINING SIGNATURE/ THUMB IMPRESSION OF ELECTOR BEFORE PERMITTING HIM TO RECORD HIS VOTE

Inspection of voter's left forefinger and application of indelible ink:

1.1. As soon as may be, after identity of an elector has been verified by the First Polling Officer, and if there is no challenge as to the elector's identity, his left forefinger will be marked with indelible ink by the fourth polling officer in the manner described in Chapter-V. If any elector refuses to allow his left forefinger to be inspected or marked in accordance with instruction or has already such a mark on his left forefinger or does any act with a view to removing it, he shall not be allowed to vote.

1.2. In case it is noticed that an elector has applied any oily or greasy substance on his finger in order to neutralize the indelible ink mark to be put on his finger, such oily or greasy substance should be removed by the polling officer with the help of a piece of cloth or a rag before putting indelible ink mark on the finger of that elector.

1.3. Indelible ink mark is required to be made before obtaining the signature/thumb impression of the elector, so that by the time the elector leaves the polling station after casting his/her vote, there is sufficient time gap for the indelible ink to dry up and develop a distinct indelible mark.

1.4. Further before the elector leaves the polling station, his/her left forefinger should again be checked by the Presiding Officer/Third/Last Polling Officer. If the elector has removed the ink or the ink mark is indistinct, his left forefinger should again be marked with indelible ink.

Application of indelible ink at Fresh Poll:

2. At the time of fresh poll/countermanded poll, the marking with indelible ink made at the original poll should be ignored and fresh marking with indelible ink should be put at the root of the nail of the voter's left middle finger in such a way that a portion of the ink spreads on the ridge between the skin and the root of the nail and a clear mark is left.

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

3. If an elector has no left forefinger, then indelible ink should be applied on any such finger which he has on his left hand. If he does not have any finger on his left hand, the ink should be applied on his right forefinger and if he has no right forefinger, on any other

finger which he has on his right hand starting with his right forefinger. If he has no finger on either hand, ink should be applied on such extremity (stump) of his left or right hand as he possesses.

Signature / thumb impression of elector before issue of ballot paper:

4.1. After the left forefinger of the elector has been marked with indelible ink as aforesaid, the Polling Officer in-charge of ballot papers will obtain the signature or thumb impression of the elector on the counterfoil of the ballot paper which is to be issued to him and where on his electoral roll number has been noted by the Polling Officer. If any elector refuses to put his signature or thumb impression on the counterfoil of the ballot paper, no ballot paper shall be issued to such elector.

4.2. The ballot paper of the counterfoil of which the electoral roll number of such elector refuses to sign has already been noted by the Polling officer should be cancelled and both on the ballot paper and its counterfoil the words "cancelled, refused to sign" should be endorsed by the Polling Officer. Such cancelled ballot paper should be kept in the cover containing other cancelled ballot papers and accounted for in the ballot paper account in Form 18.

Signature of elector:

5. A signature may be described as the writing of a person's name on a document with the intention of authenticating that document. A literate person while signing on the register of voters, will be required to write his name, i.e. both his name or names and his surnames in full or in any case his surname in full or names either in full or by means of initials of that name or names. The preferable course in the case of a literate voter will be to request him to sign his name, i.e. both his name or names and his surname in full. If a literate person puts simply a mark and insists that, that mark should be taken as a signature, while claiming to be a literate person, then, that mark cannot taken to be his signature because as stated, signature means, in the case of a literate person, the writing of the name of that person by himself in authentication of a document on which he writes his name. In such a case, if he refuses to sign his name in full, as indicated above, then his thumb impression should be taken. If he refuses to give his thumb impression also then he should not be allowed to vote. No ballot paper should be given to him and such ballot paper should be cancelled.

Thumb impression of elector on Counterfoil:

6.1. If an elector is unable to sign his name, the impression of his left thumb should be obtained on the counterfoil of ballot paper. It should be noted that it is not necessary for the Presiding Officer or any Polling Officer to attest such thumb impression on the Register.

6.2. If the left thumb of the voter is missing, then the impression of right thumb should be taken. If both thumbs are missing, the impression of one of the fingers of the left hand starting from the forefinger should be taken. If there are no fingers on the left hand, the impression of the fingers of the right hand should be taken. If no fingers are available the voter being unable to record his vote himself will necessarily have to seek assistance of a companion under Rule 59 of the said Rules and the companion shall have to be allowed. However, such companion should be a voter of that polling station.

6.3. It is necessary that the thumb impression on the counterfoil should be a clear thumb impression. The thumb of the voter should not be inked so lightly from the stamping pad that it gives only a faint or undecipherable impression. Nor should be the thumb be inked so heavily that it gives a smudge impression instead of a clear thumb impression on the Register.

6.4. After taking the thumb impression the ink on the elector's thumb should be wiped off with the help of a wet piece of cloth.

Signature/ thumb impression of blind or infirm or leper voters:

7. Thumb impression of a blind voter or a voter suffering from leprosy should be obtained on the counterfoil. In case, any such voter is literate, he may be allowed to put his signature in place of thumb impression. The Presiding Officer shall keep a brief record of the blind/ infirm voters in Form-16.

Issue of Voter's slip to elector:

8.1. After an elector's identity is established, the entry relating to him made in the marked copy of electoral roll and his signature/ thumb impression obtained on that Register, the fourth Polling Officer shall prepare a Voter's Slip for that elector in the following Form:

Voter's slip

Electoral Roll Part No.

Serial No. of elector as entered in the electoral roll

8.2. These Voters' Slips will be got printed by the Panchayat Returning Officer/ District Panchayat Election Officer in a paper of half of the dimension of a Post Card and will be supplied to you as one of the items of polling materials, in stitched bundles of hundred slips and/or fifty slips each, having regard to the number of electors assigned to your polling station.

8.3. The Voters' Slips prepared by the First Polling Officer in respect of each elector under Paragraph 8.1 above shall be delivered by him to that elector and the elector shall be directed to proceed to the Fourth polling Officer or, whoever is in the charge of making indelible ink and handing over the Gram Panchayat ballot paper.

CHAPTER XVI

XVI. ISSUE OF BALLOT PAPERS AND INSTRUCTIONS TO VOTERS REGARDING VOTING PROCEDURE

1. **Precaution against ballot papers sticking together:**

Take care to see that two or more ballot papers do not stick together and as a result more ballot papers than one are issued to a voter. The best way to check this is for Polling Officer in-charge of ballot papers to take out the ballot paper meant for a voter while the voter's identity is being checked and to see that the serial number for the ballot paper left at the top of the bundle is next to the serial number of the ballot paper taken out for issue.

2. **Defective ballot papers:**

While issuing ballot paper, if any ballot paper is found defective, it should not be issued to any voter but should be cancelled by you. Such defective ballot papers cancelled by you in the polling station may also be kept in the cover containing cancelled ballot papers. The counterfoil of such ballot paper will remain in the bundle with an endorsement 'Cancelled: Defective ballot paper'. It has to be accounted for in the ballot paper account.

3. **Prefolding of ballot paper:**

3.1 When a ballot paper is handed over to an elector for making his vote thereon the last polling officer in-charge of rubber stamps will first fold the ballot paper twice, first vertically and then horizontally, in such a way that the distinguishing mark affixed on the back of the ballot paper is clearly visible at the top right hand corner. He will then unfold the ballot paper and hand it over to the elector.

3.2 Where the number of contesting candidate is more than 9 (nine) and where there are two seats in a Gram Panchayat constituency the ballot papers will be printed in two (2) columns. The mode of folding these ballot papers will be different. The ballot paper may be folded vertically first in the middle of each of the two halves and thereafter the third fold may be along the shaded vertical line dividing the two halves. It should then be folded horizontally in such manner that the distinguishing mark affixed on its back is clearly visible. It should thereafter be unfolded and handed over to the elector.

4. **Instructions as to how the ballot paper is to be marked:**

4.1. The Polling Officer in-charge of the ballot papers of the respective tiers will instruct the voter:

- a. to go inside a voting compartment;
- b. to record there his vote by making a mark on the symbol of the candidate for whom he wishes to vote with the inked rubber stamp given to him but no demonstration should be made by affixing the rubber stamp on any particular symbol on a specimen ballot paper or any other paper. If any assistance is required by any voter, the procedure for marking should be explained by affixing the stamp on a piece of plain paper without any symbol;
- c. not to stamp the ballot paper more than once;
- d. to record the ballot paper along the prefolded lines;
- e. to bring it out of the voting compartment thereafter; and
- f. to insert the folded ballot paper into the ballot box.

4.2. This officer should ensure that the arrow cross-mark rubber stamp is adequately inked, but not over inked before it is handed over to the voter. He should check from time to time that the pad is not dry and the rubber of the arrow cross-mark rubber stamp is intact and in position. He should also ensure that the self-inking pad is not kept inside the voting compartment at any stage. He should also see, particularly in the case of illiterate voters, that they have understood how the stamp is to be used for marking. He may ask such a voter to make a mark with the stamp on a sheet of plain paper, if necessary.

5. Voters to vote without undue delay:

See that a voter does not stay in the compartment unduly long. No other voter should be allowed to go into the compartment when another voter is inside. When the voter comes out the Polling Officer will take the rubber stamp from him and ask him to insert the ballot paper into the ballot box.

6. Precautions to ensure correct voting:

If you notice that the voter has erroneously marked the ballot paper on the back, or suspect that the voter has not marked the ballot paper at all you may ask the voter whether he has marked the ballot paper and, if so, on the correct side and if not, instruct him to go back into the voting compartment and to make the mark. If the voter comes to you with a ballot paper unfolded or folded in the wrong way, you should rectify the defect, maintaining the secrecy of the vote as far as practicable. Ensure also that the voter puts into the box the ballot paper given to him by checking the distinguishing mark on the back where-ever necessary.

CHAPTER XVII

XVII. MAINTENANCE OF SECRECY OF VOTING BY ELECTORS

Voting procedure to be strictly observed:

1. Every elector who is permitted to vote shall maintain absolute secrecy of voting within the polling station. He should strictly observe the voting procedure mentioned in Chapter V.

Refusal to observe Voting Procedure:

2.1. If any elector refuses, after warning given by the Presiding Officer to observe the voting procedure, the Presiding Officer or a polling officer under the direction of the Presiding Officer shall disallow such elector to vote under Rule 58(5) of the West Bengal Panchayat Election Rules, 2006. If ballot papers have already been issued to the voter, such ballot paper should be withdrawn from him and cancelled. The words "Cancelled voting procedure violated" be recorded and signed by Presiding Officer. Such papers should be kept in a separate cover with noting " Ballot paper: voting procedure violated" . It has to be accounted for in Form 18 in SI. No. 4(a) at the close of poll.

CHAPTER XVIII

XVIII. VOTING BY BLIND AND INFIRM VOTERS

1.1. If you are satisfied that owing to blindness or other physical infirmity, an elector is unable to recognize the symbol on the balloting unit or unable record his vote by pressing the appropriate button thereon without assistance you shall permit that elector under Rule 59 to take with him a companion of not less than 18 years of age to the voting compartment for recording the vote on his behalf and in accordance with his wishes. The Rule clearly states that only a person whose name is recorded in the electoral roll of your Polling Station shall be eligible to act as such companion.

1.2. No person shall be permitted to act as a companion of more than one elector. Before any person is permitted to act as companion of an elector the entry relating to the elector and to companion in Form 16 be completed and signature of the companion be obtained in column no. (5) of the said Form.

CHAPTER XIX

XIX. CLOSING AND SEALING OF BALLOT BOXES AND ELECTION PAPERS

1.1 Under the rules votes in a Panchayat election may either be counted at the polling station itself immediately after the close of poll or may be counted at some central place at the direction of the Commission.

1.2 The Commission has adopted the practice of counting at a central place for the present.

2. Closing and sealing of ballot boxes:

2.1 After completion of the poll, close the slit of the ballot box and secure it in the presence of the Polling Agents. Detailed instructions for closing of box are given in *Annexure VIII*.

2.2 Also attach firmly and in proper manner the address tag and the label on the canvas bag or the cloth cover, as the case may be. The address tag and the label should contain the very same particulars as the address tag outside ballot box referred to in Chapter VIII. The address tag and the label should be clearly filled in to avoid any confusion at the collection centre and subsequently.

2.3 It is not sufficient to write the particulars contained in the address tag and label on the canvas bag or cloth cover. It is very necessary to use the address tag and labels.

3. Verification of number of ballot papers issued to voters:

At the end of the day's poll, the Polling Officer in-charge of the marked copy of the electoral roll and ballot papers should check that the sum of the total number of electors to whom ballot papers have been issued by them (according to the marked copy of electoral roll) and the total number of tendered ballot papers as entered in the list of tendered votes and the total number of ballot papers issued in lieu of spoiled ballot papers tallies with the number of ballot papers actually issued to voters and they should record it in Presiding Officer's Diary with their signatures. The first Polling Officer should also be required to find out the number of women voters and put it in the record.

4. Preparation of ballot paper account:

4.1 At the close of poll, you should prepare a complete and accurate account of all ballot papers supplied to you and used at the polling station i.e., ballot papers (i) actually issued voters ;(ii) used as tendered ballot papers; (iii) cancelled for one reason or the other; and

(iv) be returned as unused. Such ballot paper account should be prepared in Form 18 and signed by you.

4.2. You should not forget that in the ballot paper account the total number of ballot papers received by you must be equal to the sum total of -

1. Ballot papers unused

- a. with the signature of Presiding Officer, if any,
- b. without the signature of the Presiding Officer;

2. Ballot papers issued to voters (other than those cancelled on any account or used as tendered ballot papers);

3. Ballot papers cancelled

- a. for violation of voting procedure under rule 59 and
- b. for any other reason; and

4. Ballot papers used as tendered ballot papers

4.3. This account must be accurate; otherwise it will leave to serious difficulties at the time of counting of votes. It is necessary that due care and caution is taken by you while preparing the Ballot Paper Account.

5. Furnishing of copy of ballot paper account to polling agents:

5.1. You should note that you are required by rule 64(2) to furnish to every polling agent present at the close of poll a true copy of the ballot paper account prepared by you in Part I of Form 18 after obtaining a receipt therefore from the agent. You should, therefore, furnish to every polling agent (but only one polling agent of each candidate) present at the close of poll a true copy of the ballot paper account without their asking it. Obtain their full signatures in token of receipt of such copy on the Form of Declaration prescribed in *Annexure V* which declaration you have to make in order to ensure that you have complied with this requirement. Also note in that declaration the name(s) of polling agent(s), if any, refusing to take a copy of the ballot paper account and sign the declaration.

5.2. To enable you to make the required number of copies of ballot paper account you will be supplied with as many copies of printed form (Form 18) as the number of contesting candidates plus one or two more for the original account. If possible, you should prepare the required number of copies with the help of carbon paper while filling in the entries in the original account itself so that all such copies supplied to polling agents and the original account are identical in every respect.

CHAPTER XX

XX. ELECTORS DECIDING NOT TO VOTE

If a voter after obtaining a ballot paper decides not to cast a vote, 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. All cancelled ballot papers will be kept in separate packets.

In simultaneous elections involving more than one tier if a voter leaves the polling booth without casting all his votes, no ballot paper or ballot papers shall be issued to him for casting remaining votes or votes if he re-enters the polling booth.

CHAPTER XXI

XXI. VOTING BY PUBLIC SERVANTS ON ELECTION DUTY

1. Facilities for voting to public servants on election duty:

1.1. The provisions relating to the exercise of vote by persons on election duty are contained in Rule 52 of the West Bengal Panchayat Elections Rules, 2006.

1.2. Presiding Officers, Polling Officers, or other public servants on election duty have been given the right to opt to vote. Any such voter opting to vote has to apply to the Panchayat Returning Officer in Form 14 for such facility. The Panchayat Returning Officer on being satisfied that the person is entitled to the concession, will allow him to cast his vote before him.

CHAPTER XXII

XXII. TENDERED VOTES

1. If a person presents himself at the polling station and seeks to vote representing himself to be a particular elector after another person has already voted as such elector, you shall satisfy yourself about the identity of the elector concerned. If you are satisfied about the identity of the elector on his satisfactorily answering such questions relating to his identity as you may ask, you shall allow the elector concerned to vote. Complaints are often received by the Commission that some Presiding Officers discourages such persons without trying to verify their identity. This should never be done. The Presiding Officer must try to verify the identity and ask him to give a 'Tendered Vote', if his identity is established. It should be remembered that the number of tendered votes is an indicator of the extent of false voting, if any, at a polling station. Therefore, tendered votes should never be discouraged.

Design of tendered ballot paper:

2.1. The Commission has specified that the tendered ballot paper shall be of the same as the other ballot papers used at the polling station.

2.2. Such tendered ballot paper shall be serially the last in the bundle of ballot papers issued for use at the polling station. So issue the last ballot paper to the voters.

2.3. You will write the words 'Tendered Ballot Paper' on back of these ballot papers, on its counterfoil in your own hand, and put your signature before issuing them, as tendered ballot papers.

Record of Voters to whom tendered ballot papers are issued:

3. You shall also maintain a complete record of the electors who have been issued with tendered ballot papers in Form 17. You shall also obtain the signature or thumb impression of the elector in column (6) of that Form before delivering a tendered ballot paper to him.

Recording of vote on tendered ballot papers:

- 4.1. While delivering a tendered ballot paper to the elector, he shall also be supplied with inked arrow cross mark rubber stamp.
- 4.2. On receiving the tendered ballot paper, the elector concerned will mark his vote thereon in the voting compartment by placing the cross mark on or near the symbol of the candidate for whom he intends to vote by means of the arrow cross mark rubber stamp.
- 4.3. The elector will then fold the tendered ballot paper and, after coming out of the voting compartment, instead of putting it in the ballot box.
- 4.4. You shall keep all the tendered ballot papers and the list in Form 16B in a cover specially provided for the purpose and seal the cover at the close of the poll.
- 4.5. 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 with him a companion in accordance with the procedure mentioned in Chapter XVIII.

CHAPTER XXIII

XXIII. ADJOURNMENT / STOPPAGE OF POLL FOR RIOT, BOOTH CAPTURING, ETC.

Adjournment of poll for Riot:

1. Under section 66(1) of the West Bengal Panchayat Elections Act, 2006 the Presiding Officer of a Polling Station is empowered to adjourn the poll on account of-

- i. a natural calamity like flood, a severe storm and the like, or
- ii. non-receipt or loss or damage to essential polling materials like voting machine, authentic copy of electoral roll and the like, or
- iii. disturbance of peace at the polling station making it impossible to take the poll, or
- iv. any other sufficient cause.

2.1. If there is a riot or any attempt of open violence, use the police to control the same. If, however, it cannot be controlled and it is impossible to continue the poll, you should adjourn the poll. The poll should also be adjourned if the taking of the poll is rendered impossible on account of any natural calamity or other sufficient cause. A passing shower of rain or strong wind would not be the sufficient cause for adjournment of poll. The discretion given to you to adjourn the poll should be exercised most sparingly and in cases where it has become physically impossible to take the poll.

2.2. In every case of adjournment of poll, report immediately the full facts to the Panchayat Returning Officer. Wherever the poll is adjourned, announce formally to all present that the poll will be taken on a day to be notified subsequently by the Commission.

2.3. Seal and secure the ballot boxes used, ballot papers yet to be used counterfoils of used ballot papers and all election papers in the presence of the polling agents as if the poll has come to a close in the normal way.

Completion of adjourned poll:

3.1. Where the poll has been adjourned at a polling station, the adjourned poll will recommence on the date and time fixed by the Commission from the stage at which it was left immediately before the adjournment, i.e., the electors who have not already voted before the poll was adjourned will alone be permitted to vote at the adjourned poll. The Panchayat Returning Officer will provide the Presiding Officer of the polling station at which such adjourned poll is taken, with the sealed packet containing the marked copy of the electoral roll and a new set of ballot boxes.

3.2. Before the recommencement of adjourned poll, the sealed packet containing the marked copy of the electoral roll should be reopened by the Presiding Officer in the presence of the candidate or their agents, who may be present at the polling station, and this very marked copy of the electoral roll should be used for completion of adjourned poll.

3.3. The provisions of rules 48 to 65 of the W.B. Panchayat Elections Rules, 2006 will apply to the conduct of an adjourned poll as they apply to the poll before it was so adjourned.

3.4. Where the poll could not be commenced due to non-arrival of the polling party or other reasons, the provisions of above mentioned rules will apply to every such adjourned poll as they apply to the original poll.

Stoppage of poll due to capturing, etc.:

4.1. Under section 67(2)(a) of the West Bengal Panchayat Elections Act, 2003 the District Panchayat Election Officer is competent to declare the poll at a polling station to be void and direct a afresh poll, if at the polling station -

- i. any ballot paper or ballot box has been unlawfully taken away by any unauthorized person, or
- ii. any ballot paper or ballot box has been accidentally or intentionally destroyed or lost or damaged or tampered with and the result of the poll at that polling station cannot be ascertained for that reason, or
- iii. any error or irregularity in procedure as is likely to vitiate the poll has been committed, or
- iv. there has been booth capturing (as defined in section 135A of the Representation of People Act, 1951).

4.2. If any such thing happens at your polling station, you should report full facts forthwith to the Panchayat Returning Officer to enable him to report the matter to the District Panchayat Election Officer, for its directions.

4.3. After considering all materials circumstances, if the District Panchayat Election Officer directs fresh poll to be taken at a polling station, such fresh poll shall be taken in the same manner as the original poll.

4.4. All electors entitled to vote at the polling station in question will be entitled to vote again at the fresh poll. The marks of the indelible ink made at the original poll should be ignored at the fresh poll. To distinguish the marks to be made at the fresh poll from those already made at the original poll, the Commission has directed that the mark of the indelible ink should be put on the voter's left middle finger at the fresh poll.

CHAPTER XXIV

XXIV. CLOSE OF POLL

Voting by persons present at Polling Station at Closing Hour:

1.1. The poll should be closed at the hour fixed for the purpose even if for certain unavoidable reasons it had commenced somewhat later than the hour appointed for the commencement of the poll. However, all voters present at the polling station at the hour appointed for the close of poll should be permitted to record their votes even if the poll has to be continued for some time beyond the appointed closing hour.

1.2. A few minutes before the appointed closing hour of the poll, announce to all those within the limits of the polling station who are waiting to vote that they will be allowed to record their votes in turn. Distribute to all such electors, slips signed by you in full which should be serially numbered from serial number 1 onwards according to the number of electors standing in the queue at that hour. Continue the poll even beyond the closing hour until all these electors cast their votes. Depute police or other staff to watch that no one is allowed to join the queue after the appointed closing hour. This can be effectively ensured if the distribution of slips to all such electors is commenced from the tail end of the queue and proceeded towards its head.

Closing of poll:

2. After all the electors present at the polling station at the appointed closing hour have voted as provided in the preceding para you should formally declare the poll as closed and should not permit any person to vote thereafter in any circumstance.

CHAPTER XXV

XXV. SEALING OF ELECTION PAPERS

Sealing of election papers in packets:

1.1. After the close of poll, all election papers relating to the poll shall be sealed in separate packets as required by rule 65.

1.2. All the packets so sealed except the packets containing (i) the Ballot Paper Account (Form 18) and Paper Seal Account, (ii) the declarations by the Presiding Officer before the commencement of poll, during the poll and after close of poll (*Annexure IV& IVA*) and (iii) the Presiding Officer's Diary should be put in four large packets as explained in paragraph 3 below and sent to the Panchayat Returning Officer.

1.3. The covers containing (i) the Account of Votes Recorded and Paper Seal Account, if paper seals are used, (ii) the declarations by the Presiding Officer, and (iii) the Presiding Officer's Diary should be sent separately along with the Ballot Boxes to the receiving center.

2. You should allow each candidate or his election agent or his polling agent who may be present at the polling station to affix his seal on the envelopes and packets containing the following documents :

- i. the marked copy of electoral roll;
- ii. counterfoils of the used ballot papers;
- iii. the ballot papers signed by Presiding Officer but not issued to the voters;
- iv. any other ballot papers not issued to the voter;
- v. the list of challenged votes;
- vi. any other papers that the Panchayat Returning Officer has directed to be kept in a sealed packet;
- vii. the sealed cover(B) containing other cancelled ballot papers.

Packing of 'statutory covers' and 'non-statutory covers' and election materials:

3. In order to avoid delay and inconvenience of waiting at the place for depositing the sealed voting machine, election papers and all other materials you are advised to pack the covers and other materials in four separate large packets as explained below and hand them over at the place appointed for receipt thereof:

- (a) the first packet should contain the sealed cover mentioned below and should be superscribed "STATUTORY COVERS" :
- i. the sealed cover containing the marked copy of the electoral roll;
 - ii. the seal cover containing the counterfoils of used ballot papers including tendered ballot papers;
 - iii. the sealed cover containing signed but unused ballot papers, with counterfoils;
 - iv. the sealed cover containing other unused ballot papers with counterfoils.;
 - v. the cover containing the used tendered ballot papers and the list in Form 17.
 - vi. The sealed cover containing the ballot papers cancelled for violation of voting procedure.

Even if a statement or record to be put in any cover mentioned above is nil, a slip noting on it that the statement or record "Nil" may be put in the cover and the total number of six covers made ready so that no necessity arises for the receiving official at the receiving center to enquire about the non-production of any of the sealed covers to be received by him.

- (b) The second packet should contain the following covers and should be superscribed as "NON-STATUTORY COVERS" :
- i. the cover containing the copy or copies of electoral roll (other than the marked copy);
 - ii. the cover containing the appointment letters of polling agents in Form 11;
 - iii. the sealed cover containing the list of challenged voters in Form 15;
 - iv. the cover containing the list of blind and infirm electors in Form 16 and the declarations of the companions;
 - v. the cover containing the declarations obtained from electors as to their age and list of such electors (*Annexure III*);
 - vi. cover containing the receipt book and cash, if any, in respect of challenged votes;
 - vii. cover containing unused and damaged paper seals; and
 - viii. cover containing unused Voter's Slips.

- (c) The third packet should contain the following items:
- i. the Handbook for Presiding Officer;
 - ii. the indelible ink set (with stopper having been secured on each phial effectively with molten candle or wax applied thereon to prevent leakage or evaporation);
 - iii. Pusher for ballot box and metal strip for detaching ballot papers;
 - iv. self-inking pads;
 - v. the metal seal of the Presiding Officer;
 - vi. the arrow cross-mark rubber stamp for marking tendered ballot papers;
 - vii. Rubber stamp having distinguishing mark of the polling station;
 - viii. cup for setting the indelible ink.
- (d) All the other items, if any, should be packed into the fourth packet.

4. Each of the five smaller covers/ packets to be included in the first packet marked "Statutory Covers" should be sealed. The other smaller covers/ packets containing various non-statutory papers and items of election materials to be included in the second, third and fourth packets marked "Non-Statutory Covers" may be prepared separately, but need not be sealed (except the cover containing list of challenged votes in Form 15) in order to save time. All these unsealed covers and the sealed cover containing the list of challenged votes in Form 15 should simply be placed in the respective bigger covers along with a check memo, signed by the Presiding Officer. These three bigger packets need not be seen; but may be properly secure by means of pins or thread so that the contents may be checked at the receiving center. The first packet marked "Statutory Covers" should, however, be sealed by the Presiding Officer after checking of the contents at the receiving center.

CHAPTER XXVI

XXVI. PREPARATION OF THE DIARY AND DELIVERY OF BALLOT BOXES AND ELECTION PAPERS AT COLLECTION CENTRES

Preparation of the diary:

1.1. You should draw up the proceedings connected with the taking of the poll at the polling station in the diary to be maintained for the purpose. The proforma of diary is reproduced at *Annexure XII*. However you will be furnished with a duly numbered proforma of the diary and that proforma alone should be used by you.

1.2. You must go on recording the relevant events as and when they occur. You should mention therein all important events.

1.3. It has been observed in many cases that the Presiding Officer do not make the entries in the relevant columns of the diary at regular intervals or from time to time as envisaged and fill in all entries and complete the diary at the end of the poll. This is not permitted. It should be noted that any lapse on your part in the proper maintenance of diary at all points of time during the process of poll will be very seriously viewed by the Commission and may invite punitive action.

Transmission of voting machine and election papers to the Municipal Returning Officer:

2.1. After the ballot boxes and all election papers have been sealed and secured by you at the end of the poll in the manner explained in Chapters XXVI and XXVII, you have to deliver them at such place as the Panchayat Returning Officer may direct and in accordance with such arrangements as the Panchayat Returning Officer may make.

2.2. The ballot boxes and the election papers should be delivered at the collection centre without any delay. Any delay in this behalf will be viewed by the Commission with utmost concern and will invite severe disciplinary action against all concerned.

2.3. You will hand over to the Official-in-charge of the collecting centre the following twelve items of election records and materials and obtain a receipt:

- i. the ballot boxes duly sealed;
- ii. unused ballot boxes;
- iii. the cover containing the ballot paper account;

- iv. the cover containing the paper seal account, incase paper seals have been used;
- v. the cover containing the declarations of the Presiding Officer;
- vi. the cover containing the Presiding Officer's Diary;
- vii. the first packet superscribed Statutory Covers (containing 6 covers);
- viii. the second packet superscribed Non-Statutory Covers (containing 8 covers);
- ix. the third packet containing 7 items of election materials;
- x. material for voting compartment;
- xi. lantern, if supplied;
- xii. waste paper basket;
- xiii. polythene bag/ gunny bag to carry polling materials; and
- xiv. fourth packet containing all other items, if any.

All the above items will be checked by the receiving official(s) at the collecting centre in your presence and thereafter you will be relieved.

ANNEXURE I

EXTRACTS FROM THE WEST BENGAL PANCHAYAT ELECTIONS ACT, 2003 & ELECTION RULES, 2006.

EXTRACTS FROM THE WEST BENGAL PANCHAYAT ELECTIONS ACT, 2003:

28. (1) Subject to the provisions of sub-section (5) of section 6 of the West Bengal State Election Commission Act, 1994, the *Panchayat* Returning Officer shall, with the prior approval of the District *Panchayat* Election Officer, appoint a Presiding Officer for each polling station and such number of polling officer or officers to assist the Presiding Officer as he thinks necessary but shall not appoint any person who has been employed by, or on behalf of, or has been otherwise working for, a candidate in or about the election as a Presiding Officer or a polling officer.

Provided that if any polling officer is absent from the polling station, the Presiding Officer may appoint in his place any person who is present at the polling station other than a person who has been employed by, or on behalf of, or has been otherwise working for, a candidate in or about the election to be the polling officer and shall, when such appointment is made, inform the *Panchayat* Returning Officer accordingly.

(2) A polling officer shall, if so directed by the Presiding Officer, perform all or any of the functions of the Presiding Officer under this Act or the rules made thereunder.

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

(4) In the event of simultaneous election of members to *Gram Panchayat*, *Panchayat Samiti*, *Zilla Parishad* or the *Siliguri Mahakuma Parishad*, or in the case of any of the two simultaneous elections, as the case may be, the same set of persons referred to in subsection (1) shall be appointed as Presiding or polling officers to conduct the poll.

Explanation.—A Presiding Officer shall, unless the context otherwise requires, be deemed to include a person performing any function which he is authorised to perform under sub-section (2) or sub-section (3), as the case may be.

29. Subject to the general guidance, superintendence and control of the *Panchayat* Returning Officer, it shall be the general duty of the Presiding Officer, at a polling station, to keep peace and order therein and to see that the poll is fairly taken and counting of votes is done.

30. It shall be the duty of a polling officer at a polling station to assist the Presiding Officer for such polling station.

57. (1) A contesting candidate or his election agent may appoint in the prescribed manner such number of agents and relief agents as may be prescribed to act as polling agents of such candidate at each polling station.

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

60. (1) A polling agent may perform such functions in connection with the poll as are authorized by or under this Act, to be performed by a polling agent.

(2) A counting agent may perform such functions with the counting of votes as are authorized by or under this Act to be performed by a counting agent.

61. (1) At every election where a poll is taken, each contesting candidate at such election and his election agent shall have a right to be present at and polling station provided under section 27 for the taking of the poll.

(2) A contesting candidate or his election agent may himself do any act or thing which any polling agent or the counting agent of such contesting candidate of appointed, would have been authorised by or under this Act to do, or may assist any polling agent or the counting agent of such contesting candidate in doing any such act or thing.

67. (1) If at any election—

(a) any ballot box or any ballot paper used or intended to be used at a polling station at any time before or after the commencement of poll or during counting is unlawfully taken out of the custody of the Presiding Officer, or is accidentally or internationally destroyed or is lost, or is damaged or tampered with, to such an extent, that the result of the poll at that polling station cannot be ascertained, or

(b) any voting machine develops a mechanical failure during the course of the recording of votes; or

- (c) any such error or irregularity in procedure as is likely to vitiate the poll is committed at a polling station, the Presiding Officer shall forthwith report the matter to the Panchayat Returning Officer and the Panchayat Returning Officer shall forthwith report to the District Panchayat Election Officer.
- (2) Thereupon, the District Panchayat Election Officer shall, after taking all material circumstances into account, either—
- (a) declare the poll at that polling station to be void; or
 - (b) if satisfied that the result of a fresh poll at that polling station will not in any way, affect the result of the election or that the error or irregularity in procedure is not material, issue such directions to the Panchayat Returning Officer as he may deem proper for further conduct and completion of the election:

Providing that on any such occasion referred to in clause (a) or (b), the District Panchayat Election Officer shall send a complete report to the Commission.
- (3) The Commission may,—
- (a) on receipt of any of the reports referred to in sub-section (2)—
 - (i) accept the report and proceed in terms of sub-section (4) or allow completion of the election; or
 - (ii) modify in any manner, as it deems fit, the order or the directions referred to in sub-section (2) by an order specifying its decision and the action thereon;
 - (b) in consideration of the report of the material circumstances obtained from or through the District Panchayat Election Officer, its own machinery or any other agency, may issue any order in terms of sub-section (2) and upon issue of such order, the poll at a polling station may be void and provisions of sub-section (4) shall apply *mutatis mutandis*.
- (4) Where a poll at a polling station is declared to be void under clause (a) of sub-section (2), the District Panchayat Election Officer shall immediately report the matter to the Commission and also to the State Government. The Commission shall, by notification, fix a date and time for taking the fresh poll and thereupon the District Panchayat Election Officer shall fix the polling station at which poll shall be taken.

68. (1) If at any election—
- (a) booth capturing has taken place at a polling station or at a place fixed for the poll in such a manner that the result of the poll at that polling station cannot be ascertained; or
 - (b) booth capturing or snatching or forcible occupation of any polled ballot box or polled ballot paper takes place in any place for counting of votes in such a manner that the result of the counting at that place cannot be ascertained, the Panchayat Returning Officer shall forthwith report the matter to the District Panchayat Election Officer, and on receipt of the said report the District Panchayat Election Officer shall immediately send a report to the Commission.
- (2) The Commission shall, on receipt of the report from the District Panchayat Election Officer under sub-section (1) and after taking all material circumstances into account, either—
- (a) declare that the poll at that polling station be void, appoint a day, and fix the hours, for taking fresh poll at that polling station or place and notify the date so appointed and hours so fixed in such manner as it may deem fit, or
 - (b) countermand the election in that constituency, provided the Commission is satisfied that in view of the large number of polling stations involved in booth capturing, the result of the election is likely to be affected, or that booth capturing had affected counting of votes in such manner as to affect the result of the election.

Explanation.—In this section, "booth capturing" has the same meaning as in section 135A of the Representation of the People Act, 1951.

69. At every election where a poll is taken, votes shall be given by ballot in such manner as may be prescribed, and no votes shall be received by proxy.

70. With a view to preventing personation of electors, provision may be made by rules made under this Act—

- (a) for the marking with indelible ink of the thumb or any other finger of every elector who applies for a ballot paper or ballot papers for the purpose of voting at a polling station before delivery of such paper or papers to him;
- (b) for the production before the Presiding Officer or a polling officer of a polling station by every such elector as aforesaid of his identity card before the delivery of a ballot paper or ballot papers to him if, under the rules made in that behalf

under the Representation of the People Act, 1950 electors of the constituency in which the polling station is situated have been supplied with identity cards with or without their respective photographs attached thereto; and

- (c) for prohibiting the delivery of any ballot paper to any person for voting at a polling station if at the time such person applies for such paper he has already such a mark on his thumb or any other finger or does not produce on demand his identity card before the Presiding Officer or a polling officer of the polling station.

72. (1) No person who is not, and except as expressly provided by this Act, every person who is, for the time being entered in the electoral roll of any constituency shall be entitled to vote in that constituency.

(2) No person shall vote at an election in any constituency if he is subject to any of the disqualifications referred to in section 165 of the Representation of the People Act, 1950.

(3) No person shall vote at a general election in more than one constituency of the same class, and if a person votes in more than one such constituency, his votes in all such constituencies shall be void.

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

(5) No person shall vote at any election if he is confined in a person, whether under a sentence of imprisonment or otherwise, or is in the lawful custody of the police:

Provided that nothing in this sub-section shall apply to a person subjected to preventive detention under any law for the time being in force.

Maintenance of secrecy of voting.

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

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

109. (1) No person who is a District *Panchayat* Election Officer or a *Panchayat* Returning Officer or an Assistant *Panchayat* Returning Officer or a Presiding or Polling Officer at an election, or an officer or clerk appointed by the *Panchayat* Returning Officer or the Presiding Officer to perform any duty in connection with an election shall in the conduct or the management of the election do any act (other than the giving of vote) for the furtherance of the prospects of the election candidate.

Officers etc. at elections not to act for candidates or to influence voting.

(2) No such person as aforesaid, and no member of a police force, shall endeavour — to persuade any person to give his vote at an election, or

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

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

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

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

Prohibition of canvassing in or near polling station

110. (1) No person shall, on the dates on which a poll is taken at any polling station, commit any of the following acts within the polling station or in any public or private place within a distance of one hundred meters of the polling station, namely:-

a. canvassing for vote; or

b. soliciting the vote of any elector; or

c. persuading any electoral not vote for any particular candidate; or

d. persuading any elector not to vote at the election; or

e. exhibiting any notice or sign (other than an official notice) relating to the election.

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

(3) An offence punishable under sub-section (2) shall be cognizable.

Penalty of disorderly conduct in or near polling stations.

111. (1) No person shall, on the date or dates on which a poll is taken at any polling station, —

- (a) use or operate within or at the entrance of the polling station, or in any public or private place in the neighborhood thereof, any apparatus for amplifying or reproducing the human voice, such as a megaphone or a loudspeaker, or
- (b) shout, or otherwise act in a disorderly manner, within or at the entrance of the polling station or in any public or private place in the neighborhood thereof;

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

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

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

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

Penalty for misconduct at the Polling Station

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

(2) The power conferred by sub-section (1) shall not be exercised so as to prevent any elector who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

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

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

Penalty for failure to observe procedure for voting

113. If any elector to whom a ballot paper has been issued, refused to observe the procedure prescribed for voting the ballot paper issued to him shall be liable for cancellation.

Prohibition of going armed to, or near polling station.

117. (1) No person, other than the *Panchayat* Returning Officer, the Presiding Officer, any police officer and any other person appointed to maintain peace and order at a police station who is on duty at the polling station, shall, on a polling day, go armed with arms, as defined in the Arms Act, 1959, of any kind within the neighborhood of a polling station.

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

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

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

Removal of ballot papers from polling station to be an offence

118. (1) any person who at any election unauthorisedly takes, or attempts to take, a ballot paper out of a polling station or willfully aids or abets the doing of any such act, shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to five hundred rupees or with both.

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

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

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

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

EXTRACTS FROM THE WEST BENGAL PANCHAYAT ELECTION RULES, 2006:

41. Appointment of election agent and revocation of such appointment or death of election agent. —

(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).

42. Appointment of polling agent. —

(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.

43. Revocation of the appointment or death of a polling agent. —

(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.

44. Appointment of counting agent when counting is held at the polling station.—

(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.

45. Revocation of the appointment or death of a counting agent. —

(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.

Poll and voting in Gram Panchayat, Panchayat Samiti and Zilla Parishad constituencies.

46. Design of ballot box. —

(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*.

47. Form of ballot paper. —

(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.

48. Arrangement at polling station. —

- (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.

49. Admission to polling station.—

The Presiding Officer shall regulate the number of voters to be admitted at any one time inside the polling station and shall 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.

50. Preparation of ballot boxes for poll. —

- (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.

51. Marked copy of electoral roll and announcement of first and last serial numbers of ballot papers. —

- (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.

52. Facilities for voter on election duty. —

(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.

53. Facilities for women voters. —

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

(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.

54. Safeguards against personation. —

(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.

55. Identification of voters. —

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

(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.

56. Challenging of identity. —

- (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.

57. Issue of ballot papers to voters. —

(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.

58. Voting procedure. —

(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.

59. Recording of vote of blind or infirm voter. —

(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.

60. Spoilt and returned ballot papers. —

(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.

61. Tendered votes. —

(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.

62. Closing of poll. —

(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.

63. Sealing of ballot boxes after poll. —

(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.

64. Account of ballot papers.—

(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.

65. Sealing of other packets. —

(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 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.

66. Procedure on adjournment of poll. —

- (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.

ANNEXURE II
EXTRACTS FROM THE REPRESENTATION OF THE
PEOPLE ACT, 1951

PART- VII

CHAPTER III — Electoral Offences

128. Maintenance of secrecy of voting-

- (1) Every officer, clerk, agent or other person who performs, any duty in connection with the recording or counting of votes at an election shall maintain, and aid in maintaining, the secrecy of the voting and shall not (except for some purpose authorized 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.

ANNEXURE III

FORM OF DECLARATION BY ELECTOR ABOUT AGE

I hereby solemnly declare and affirm that my age was more than 18 years on the first date of January,....., i.e. the qualifying date with reference to which the existing electoral roll of the constituency was prepared / revised .

I am aware of the penal provisions of section 39 of the West Bengal Panchayat Elections Act, 2003 for making any false declaration in connection with the inclusion of any name in the electoral roll or the preparation, revision or correction of the electoral roll.

Signature / Thumb impression of the Elector

.....

Father / Mother / Husband's Name

.....

Part number of electoral roll

.....

Dated

Serial number of elector

.....

Certified that the above declaration was made and subscribed by the elector above named before me.

Signature of the Presiding Officer

.....

Number and name of Polling Station

Dated

.....

ANNEXURE IV

(CHAPTER XIII, Para 1 & 2)

**DECLARATION BY THE PRESIDING OFFICER BEFORE THE
COMMENCEMENT OF THE POLL**

Name of GP / PS / ZP.....

Constituency No.

Serial No. and Name of the Polling Station

Date of Poll

I hereby declare:

- (1) that I have demonstrated to the polling agents and other persons present—
 - (a) that the ballot box/boxes to be used are empty ;
 - (b) that the marked copy of the electoral roll to be used during the poll does not contain any marks other than those used for issuing election duty votes;
 - (c) that on the paper seal used for securing the ballot boxes, I have affixed my own signature and obtained signatures of such of the polling agents as are present and desirous of affixing the same ;
 - (d) that I have allowed the polling agents to note the first and last of the serial numbers of the ballot papers which will be used in the polling station;

Signature

Presiding Officer

Signature of polling agents :

1(of candidate.....) 2.(of candidate.....)

3.(of candidate.....) 4.(of candidate.....)

5.....(of candidate.....) 6.(of candidate.....)

7.....(of candidate.....) 8.(of candidate.....)

The following polling agent(s) declined to affix his / her / their signature(s), on this declaration:

1.....(of candidate.....) 2.....(of candidate.....)

3.....(of candidate.....) 4.....(of candidate.....)

Date:

Signature

Presiding Officer

ANNEXURE IVA

**DECLARATION BY THE PRESIDING OFFICER BEFORE AT THE TIME OF
USE OF SUBSEQUENT BALLOT BOX, IF ANY**

Name of GP / PS / ZP.....

Constituency No.

Serial No. and Name of the Polling Station

Date of Poll

I hereby declare:

- (1) that the ballot box/boxes to be used are empty ;
- (2) that on the paper seal used for securing the ballot boxes, I have affixed my own signature and obtained signatures of such of the polling agents as are present and desirous of affixing the same;

Signature

Presiding Officer

Signature of polling agents :

1(of candidate.....) 2.(of candidate.....)

3.(of candidate.....) 4.(of candidate.....)

5.....(of candidate.....) 6.(of candidate.....)

7.....(of candidate.....) 8.(of candidate.....)

9.....(of candidate.....)

The following polling agent(s) declined to affix his / her / their signature (s), on this declaration:

1.....(of candidate.....) 2.(of candidate.....)

3.....(of candidate.....) 4.(of candidate.....)

Date:

Signature

Presiding Officer

ANNEXURE V

**DECLARATION BY THE PRESIDING OFFICER AT THE END OF POLL
Part – I**

I have furnished to the polling agents, who were present at the polling station at the close of the poll and whose signatures are affixed below, an attested copy of each of the entries in the ballot paper Account in "Part-I" of Form 18 as required under rule 64 of the West Bengal Panchayat Election Rules, 2006.

Date:
Time

Signature
Presiding Officer

Received an attested copy of the entries in the accounts of votes recorded (Part-I of Form 18).

Signature of polling agents :

- 1(of candidate.....) 2.(of candidate.....)
- 3.(of candidate.....) 4.(of candidate.....)
- 5.....(of candidate.....) 6.(of candidate.....)
- 7.....(of candidate.....) 8.(of candidate.....)
- 9.....(of candidate.....)

The following polling agent(s) who were present at the close of the poll declined to receive an attested copy of Part-I of Form 18A and to give a receipt therefore and so an attested copy of that Form was not supplied to them.

- 1(of candidate.....) 2(of candidate.....)
- 3(of candidate.....) 4(of candidate.....)
- 5.....(of candidate.....) 6(of candidate.....)
- 7.....(of candidate.....) 8(of candidate.....)
- 9.....(of candidate.....)

Date:
Time

Signature
Presiding Officer

Part – II

DECLARATION AFTER THE SEALING OF THE BALLOT BOXES

I have affixed my seals, and I have allowed the polling agents who were present at the polling station at the close of poll to affix their seals on the kind of the ribbon binding the ballot box / boxes.

Date:
Time

Signature
Presiding Officer

The following polling agents have affixed their seals.

Signature of polling agents :

- 1(of candidate.....) 2.(of candidate.....)
- 3.(of candidate.....) 4.(of candidate.....)
- 5.....(of candidate.....) 6.(of candidate.....)

The following polling agents refused or did not want to affix their seals.

- 1(of candidate.....) 2.(of candidate.....)
- 3.(of candidate.....) 4.(of candidate.....)

Date:
Time

Signature
Presiding Officer

ANNEXURE VI

Chapter I, Para 5

CHECK MEMO FOR PRESIDING OFFICER

Item	Action to be taken	Remarks
1	Obtaining and keeping in possession all relevant instructions from the Municipal Returning Officer.	Whether obtained and kept?
2	Familiarisation with the other members of the polling party and maintenance of close relationship with them.	Whether done ?
3	Collection of election materials.	Whether ensured that all the election materials and that too in sufficient quantities and numbers have been collected?
4	Checking up of ballot papers, ballot boxes, marked copies of the electoral roll, arrow cross mark rubber stamp, paper seals, Register of Voters, Voter's Slips, etc.	Whether done ?
5	Separate entrance and exit for voters at Polling Stations .	Whether ensured ?
6	Display of notice specifying the polling area and the numbers of electors assigned and also a copy of the list of contesting candidates;	Whether displayed ?
7	Address tag to be put inside the ballot box	Whether done?
8	Conducting mock poll.	Whether conducted?
9	Fixing Paper Seal	Whether done?

- | | | |
|-----|--|---|
| 10 | Declaration to be made at the Commencement of the poll. | Whether made ? |
| 11 | Reading out the provisions of the Section 108 of the W.B. Panchayat Elections Act, 2003 read with Sec 128 of R.P.Act, 1951 with regard to the secrecy of voting by Presiding Officer at the beginning of the poll. | |
| 12 | Allowing polling agents to see the serial numbers of balloting unit and control unit and paper seal. | Whether allowed ? |
| 13. | .Marking of indelible ink on left four-finger and obtaining the signature / thumb impression on the Counter foils. | Whether being properly done? |
| 14 | Declaration from under-aged electors. | Whether obtained? |
| 15 | Maintenance of Presiding Officer's Diary | Whether events are recorded from time to time as and when they occur? |
| 16 | Close of poll at the appointed hour | Whether done? |
| 17 | Supply of attested copy of Ballot Paper Account in Form 18 to Polling Agents. | Whether attested copies given to all the polling agents? |
| 18 | Declaration to be made at the close of poll | Whether made? |
| 19 | Sealing of Ballot Boxes and election papers | Whether done according to instructions ? |

ANNEXURE VII
(Chapter III, Para I)

List of polling materials for a polling station.

1.	Balloting Box(es)	Depending upon the number of contestants.
2.	Canvas bag or new cloth for wrapping ballot boxes	Depending upon the Number of electors.
3.	Address Tags	5 for control Unit and 4 for each Balloting Unit
4.	Voter's Slips	Depending upon the number of electors
5.	Ballot Papers	Depending upon the number of electors
6.	Working copy of the Electoral Roll	3 copies
7.	Indelible Ink	2 phials of 10cc or/and 5cc.
8.	Cup for setting the indelible ink	1
9.	Cloth or rag for removing oil or any other substance from the finger (s)	1
10.	Arrow Cross Mark Rubber stamp for marking Ballot Papers.	6
11.	Paper Seals where necessary	6
12.	Pusher	3
13.	Material for voting compartment	1
14.	Receipt for deposit of fee for challenged votes	1 book
15.	Metal seal for Presiding Officer	1
16.	Presiding Officer's Diary	1
17.	Self inking pad (purple)	1
18.	Copying pencil	1
19.	Ordinary pencil	1

20	Ball point pen	2	blue colour
21.	Foolscap paper	1	sheet
22.	Metal rule for detaching ballot paper	3	
23.	Pins	1	packet
24.	Sutli (Thread)	1	ball
25.	Sealing wax	6	pieces
26.	Candles	4	
27.	Gum paste	1	bottle
28.	Match box	1	
29.	Blade	1	
30	Flexible wire	1	Metre
31.	Carbon paper	4	
32.	Waste paper basket	1	
33.	Lanterns, if necessary —		
34.	List of contesting candidates	2	copies
35.	List of challenged votes (Form 14)	1	
36.	Passes for Polling Agents		Depending upon the number of contestants
37.	Notice specifying polling area .	2	copies
38.	Form for list of tendered votes (Form 17)	2	
39.	Form for list of blind or infirm voters (Form 16)	2	
40	Form for companions of blind or infirm voters	5	
41	(i) Form for declaration by Presiding Officer before commencement of the poll, and at the end of poll.		
	(ii) Form of Ballot Paper Account		
	(iii) List of Contesting candidates		

42	(i) Form for declaration by elector about his age	
	(ii) List of electors who voted after giving declaration about their age	10
43.	Cover for unused ballot papers	1
44.	Cover for tendered ballot papers (duly marked) and list of tendered votes	1
45.	Cover for unused paper seals	1
46.	Cover for ballot papers cancelled	1
47.	Voting procedure violated	2
48.	Cover for signed but unused ballot papers	2
49.	Cover for ballot paper account	1
50.	Cover for marked copy of electoral roll	1
51.	Cover for other copies of electoral roll	1
52.	Cover for letters of appointment of polling agents	1
53.	Cover for receipt book and cash forfeited	1
54.	Cover for declarations of companions	
55.	Cover for list of challenged vote (Form 17)	1
56.	Cover for Presiding Officer's Diary	1
57.	Cover for list of blind or infirm voters	1
58.	Polythene bag/Gunny bag to contain polling materials	1

ANNEXURE VIII

Instructions for Operating Ballot Boxes

I. Godrej Type Ballot Box

1. **Figure 1:** Illustrates the Ballot Box in the balloting position. Study this figure to know the names of the various parts. Note that the slit for insertion of ballot papers is open in this position.
2. **To open box :**
 - (i) Undo the wire which secures the window cover to the button.
 - (ii) Turn window cover clockwise so as to expose the window fully as in Figure 2.
 - (iii) Hold your palm upwards and insert a finger through the window and extend it to the middle of the bottom of the lid to contact the BRACKET. (This bracket can be seen in Figure 4.)
 - (iv) Pull bracket towards the window and turn the button gently ANTI CLOCKWISE until it stops, after less than a quarter turn, as in Figure 3. (The box is now unlocked and the lid can be opened to expose its inside.) (See Figure 4.)
 - (v) Allow the candidates or their agents to inspect the box without disturbing mechanism.
3. **To prepare box for balloting:** Figure 5 shows that frame into which the seal if at all to be used is to be inserted and also illustrates the correct method of inserting and securing it. To do this properly you have to proceed as follows:
 - (i) Take the paper seal, either green or pink, have it signed near its wider end on its white face by the candidates or their agent who may desire to sign. Also sign yourself and record the date.
 - (ii) Keep a record of the serial number of the paper seal in the Form prescribed and allow the candidates or their agents to note the number.
 - (iii) Insert the ends of the paper seal through the inner chinks (see Figure 4) on either side of the central part of the frame so that the white side of the paper seal with the signatures should be visible below the lid of the box.
 - (iv) Make the narrower end of the seal shorter so that wider end with the signatures thereon is longer, in order to prevent accidental damage to the paper seal. Strengthen it by inserting in the central part of the frame, a padding of cardboard

of the size 2.1/10" x 1.7/16" after applying a little gum on the inner surface of that part of the paper seal only which is enclosed within the frame—Figure 5D. The padding should be thick enough so that the paper seal is held firmly in position. Check this by pulling it gently. The paper seal should not move at all.

- (v) Secure the two top corners of the curd-board to (the paper seal and to the inner side of the lid of the ballot box by scaling wax. (See Figure 5E)
- (vi) If any candidate or his agent arrives late and could not sign on the paper seal before its insertion into the frame, he should be allowed to sign or affix his seal on the longer portion of the paper seal at this stage if he so desires.
- (vii) Then close the lid of the box gently. Take care that the loose ends of the paper seal remain within the ballot box as in Figure 5F. Turn the button slightly clockwise until it stops with a click. The slit should now be fully open in the correct balloting position as in Figure 2. Do not turn the button further or the slit will get closed and no ballot paper can be inserted thereafter. In case this happens through carelessness, the box will have to be reopened after destroying the paper seal and will have to be prepared once again for balloting with a fresh paper seal.
- (viii) Turn the window cover anti-clockwise so that the window is covered by it full as in Figure 1. Run a piece of wire through the hole in the window cover and the corresponding hole in the button and twist the ends of the wire together tightly few times so that the window cover is secured effectively to the button which cannot be turned thereafter. Then run a piece of twine through the holes in the window cover and the button and tie it tightly with multiple knots. Hold the free ends of the twine together and put your seal on them as close to knots as practical after placing the ends on a piece of the thick strong paper.

4. To close the slit and seal the box after balloting:

- (i) after the last voter has vote remove the wire and cut the twine so as to free the window cover.
- (ii) Move the window cover clockwise and turn the button hard in the clockwise direction until it stops and closes the slit completely (Figure 6).
- (iii) Turn the window cover anti-clockwise so as to close the window fully. Hold button and the window cover together, run a piece of wire through the hold in the window cover and the corresponding hole in the button and secure them together firmly by twist the ends of the wire together tightly a few times. (The box will now appear as in Figure 7).

- (iv) After closing and securing the ballot box or boxes of the polling stations, run a ribbon or tape on the four sides of the box lengthwise and breadthwise crossing each other on the passing under the handle if there is one and tie the knot firmly and seal the knot on a piece of thick paper or card-board with your seal. The polling agents should also be asked to affix their seals or their signatures if they so desire. After this, the ballot box should be either
 - (a) placed in a strong canvas bag with provision for closing it with a strong rope or locking arrangement and the bag closed and sealed by you; or
 - (b) wrapped with a new cloth which shall be sewn and the seams sealed by you. In either case, the polling agents present should be asked to affix their seals if they desire. Also attach properly the address tag and the label on the canvas bag or cloth cover the case may be or you may write the particulars in ink. The box is now ready for despatch to the Returning Officer.

5. At the counting of votes:

- (i) Remove wire and twine with seal. (Damage to there does not by itself prove tampering.)
- (ii) Shift window cover to expose window and see that the portion of the paper seal visible through the window is intact.
- (iii) Also check that the slit is closed and that the button cannot be turned in either direction. Allow the candidates and their agents also to satisfy themselves about items (ii) and (iii).
- (iv) Pierce the paper seals and the padding below it with a sharp pen knife and cut it along the edge of the window to make an aperture.
- (v) Insert a finger through the aperture and contact the bracket. Pull back the bracket and turn the button ANTI-CLOCKWISE. As soon as the button has turned a little, let go the bracket and then continue turning the button till it stops. Pull the bracket back again and turn button further ANTI-CLOCKWISE until it finally stops. (The box is now open and the lid can be lifted.)
- (vi) Open the lid and check that:
 - (a) the paper seal is genuine and intact, i.e. of full length.
 - (b) the signatures and the seals, if any, on the paper seal are in order, and
 - (c) the serial number of the paper seal tallies with the corresponding number noted by the Presiding Officer, in the prescribed form.

(The candidates and their agents should also be allowed to satisfy themselves about this.)

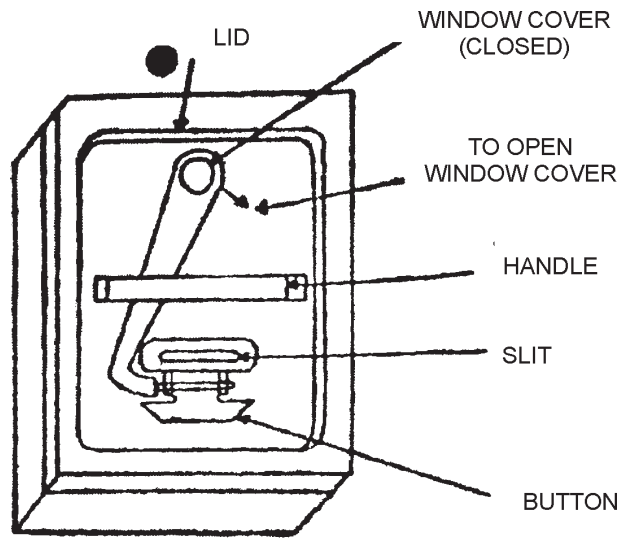


FIG. 1

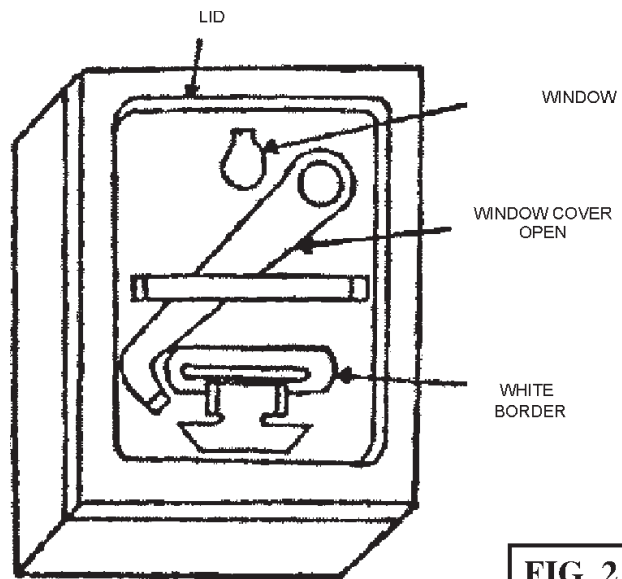


FIG. 2

FRAME FOR
PAPER SEAL

WHITE SPACE
OF PAPER

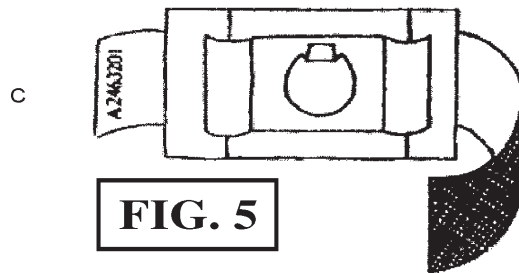
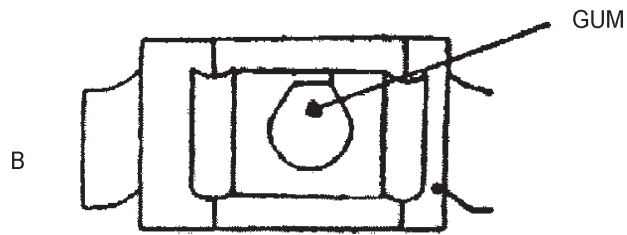
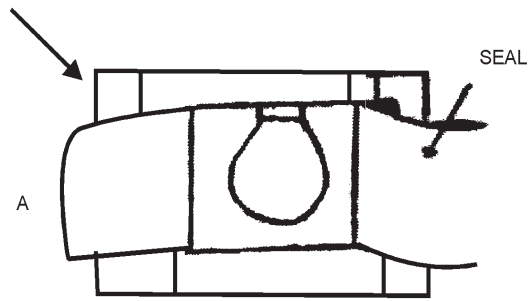


FIG. 5

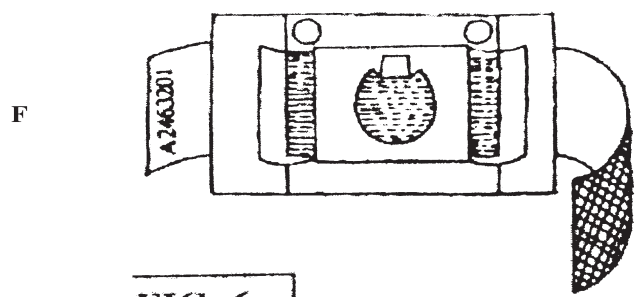
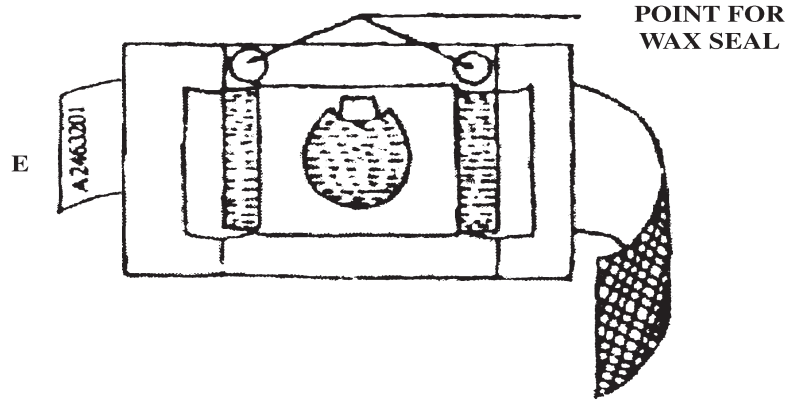
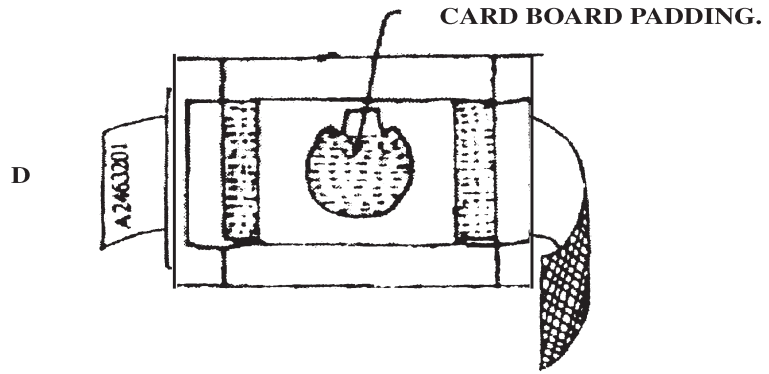


FIG. 6

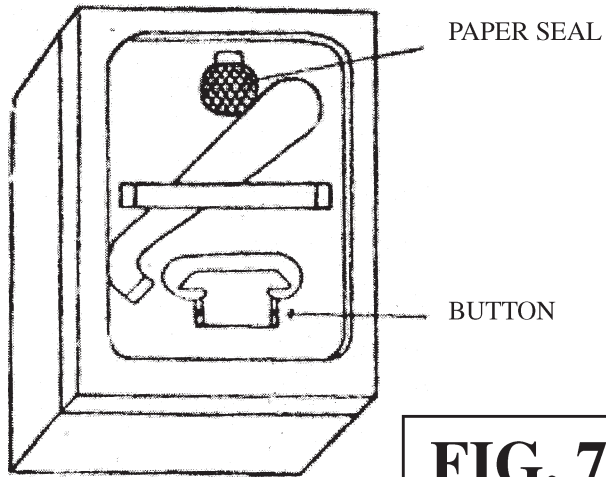


FIG. 7

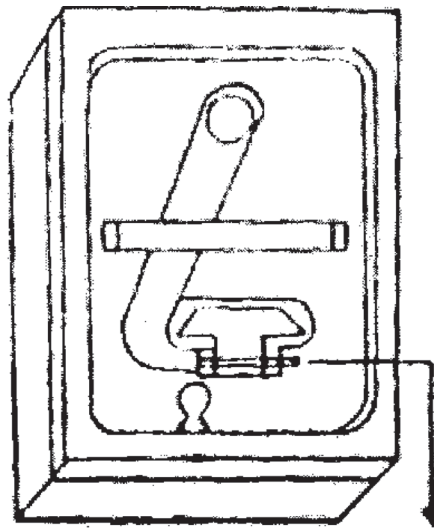


FIG. 8

BUTTON AND WINDOW
COVER SEALED.

II. The Bungo Type Ballot Box

1. To open the box:

- (i) Lift the metal seal cover—A (see Figs. 1 and 2).
- (ii) Move the lock-handle (or bolt)—B (see Fig. 2) towards the slit. The box is now unbolted.
- (iii) Open the box by lifting the lid—G (see Figs. 2 and 3) by the handle. The inside of the box is now exposed.

2. Prepare box for balloting:

- (i) Allow the candidates or their agents to examine the box.
- (ii) Pull the spring—D (see Fig. 3) on the inner surface of the lid and simultaneously move the sliding knob (slot handle)—E (see Fig. 2) away from the slit. Release the spring. The slit is now open to allow balloting.
- (iii) Place the lid back into position (see Fig. 2). Move the lock-handle (or bolt) away from the slit. The lid is now bolted. Close the depression near the lock-handle with a little molten sealing wax. No seal need be affixed on the same. Run a small piece of wire through the holes in the bolt and the corresponding holes in the fixed platform and twist the ends of the wire a few times tightly while holding them together so that the locking bolt and the fixed platform are tightly held together and cannot be moved either way. Also run pieces of twine through the corresponding holes and tie up the ends of each piece of twine tightly with multiple knots. Now Affix your seal as close to the knots as practicable on one piece of twine with sealing wax after placing the ends on a piece of thick strong paper. The candidates or their agents, may put their seals similarly on the other pieces of twine.
- (iv) Affix the identity card in the space provided on the inside of the metal cover after noting thereon the identity marks for the box.
- (v) Now close the metal seal cover taking care to see that all the seals remain safe inside the cover. Secure the cover to the fixed platform by passing a piece of wire through their holes and twist the ends of the wire together tightly a few times to prevent anyone from opening the outer cover during the poll. Also run a piece of twine through the hole and then tie up its end's tightly with

multiple knots. Seal the ends of the twine with your own seal near the knots after placing the ends on a thick piece of paper.

3. To close the slit after the poll:

- (i) After the end of the poll, open the metal seal cover after breaking the seal and cutting the twine. See if your seal is intact. Even if it seals is not, it is enough if the inner seals inside the seal cover are intact. Show the polling agents that they are intact.
- (ii) Push the sliding knob (slot-handle) towards the slit until it clicks. The slit is now locked. Check that the sliding knob (slot-handle) can not be moved either way. Now close and seal the metal cover as again in item (iii) of paragraph 2.
- (iii) After closing and securing the ballot box or boxes of the polling station, run a ribbon or tape on the four sides of the box lengthwise and breadthwise crossing each other on the lid passing under the handle if there is one and tie the knot firmly and seal the knot on a piece of thick paper or card board with your seal. The polling agents should also be asked to affix their seals or their signatures if they so desire. After this, the ballot box should be either:
 - (a) placed in a strong canvas bag with provision for closing it with a strong rope or other locking arrangement and the bag closed and sealed by you;
or
 - (b) wrapped with a new cloth which shall be sewn and the seams sealed by you.

In either case, the polling agents present should be asked to affix their seals, if they so desire. Also attach properly the address tag and the label on the canvas bag or cloth cover as the case may be or you may write the particulars in ink. The box is now ready for despatch to the Returning Officer.

4. At the counting of votes:

- (i) Remove wire twine with seals of the metal seal cover.
(Damage to this seal is not vital and does not by itself prove tampering.)
- (ii) Open the metal seal cover and check that all the seals inside the seal cover are authentic and intact. Also check that the slit is closed.
- (iii) Then remove wire and pieces of twine with seals and open the box as explained in para 1 above.

FIG. No. 1

BUNGO TYPE BALLOT BOX

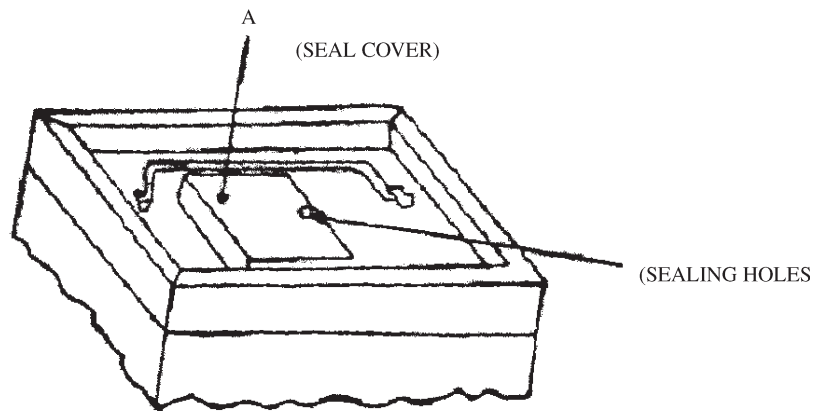


FIG. No. 2

**IDENTITY CARD
HOLDER**

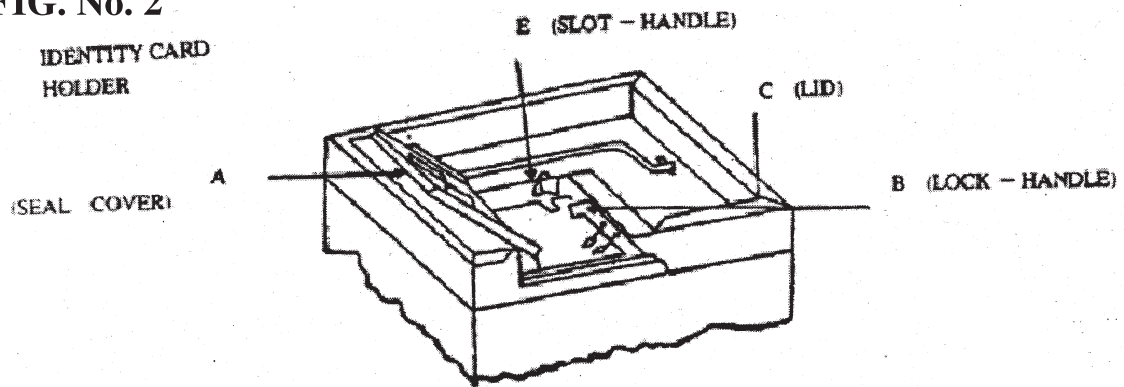


FIG. No. 3

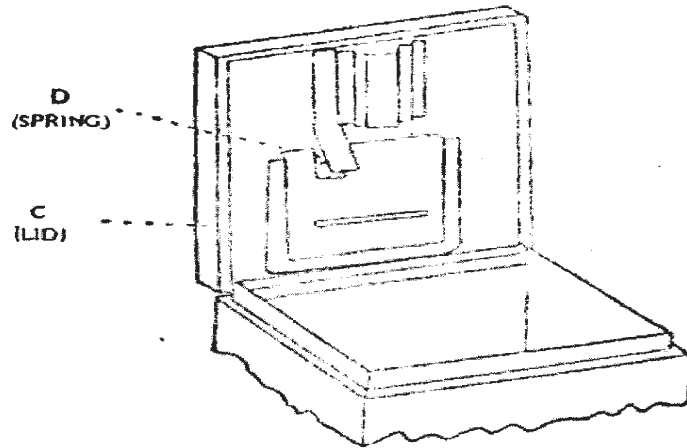
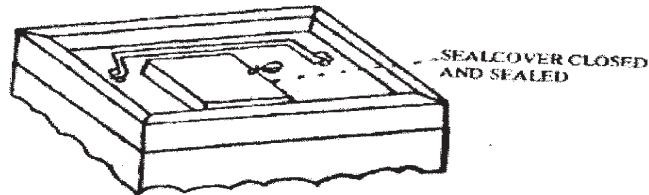


FIG. No. 4



INDEX

- A. SEAL COVER
- B. LOCK HANDLE
- C. LID
- D. SPRING
- E. SLOT-HANDLE

ANNEXURE IX

Receipt for Challenge Fee

Book No..... Page No.
Office of the Presiding Officer for Polling
Station No.of (GP/PS/ZP)
Received a sum of Rs. 2 (Rupees two only)
in cash from Shri
Candidate / Election Agent / Polling
Agent on account of deposit for challenge
under rule 56(1) of the WB Panchayat
Elections Rule, 2006.

Date..... Presiding Officer

Forfeited to Government

Presiding Officer

Received back the amount of Rs. 2 (Rupees
two only) under rule 56(5) of W.B.
Panchayat Election Rules, 2006.

Name and Signature of Candidate /
Election Agent / Polling Agent

Date

Receipt for Challenge Fee

Book No Page No
Received a sum of Rs. 2 (Rupees two only)
in cash from Shri
Candidate / Election Agent
/ Polling Agent on account of deposit for
challenge under rule 56(1) of the WB
Panchayat Elections Rule, 2006.

Date

Presiding Officer for Polling Station No.
.....of
Municipality.

ANNEXURE X

Declaration by the Companion of Blind Infirm Elector:

Name of GP / PS / ZP
Constituency No.
Serial No. and Name of the Polling Station
Date of Poll

I,Son / daughter / wife of
..... aged residing at *
..... hereby declare that:

- a. I have not acted as companion of any other elector at any Polling Station today,
the
- b. I will keep secret the vote recorded by me on behalf of **
.....

Signature of companion

* Full address must be given.

** Name, Part No. of elector to be given.

ANNEXURE XI

FORM 10

Appointment of polling/counting agent

[See rule 42(2) and 44(1)]

Election to the **Gram Panchayat**/Panchayat Samiti/Zilla Parishad/Mahakuma Parishad* from the.....constituency.

I,(name), a candidate/** the election agent of who is a candidate at the above election, do hereby appoint..... of(address) as a polling / counting agent to attend *Polling Station No at (place) fixed for the poll onat (time)

His name is entered in the electoral roll of..... constituency in Part No.Serial No.

Place

Date

.....
*Signature of Candidate**/election agent*

I agree to act as polling **/counting agent.

Place

Date

.....
*Signature of polling**/counting agent*

Declaration of polling / counting agent to be signed before Presiding Officer

I hereby declare that at the above election I will not do anything forbidden by rules 51(3) and 85 of the West Bengal Panchayat (Election) Rules, 2006, which I have read / **has been read over to me.

Date
Signed before me. Signature of Polling **/ counting agent

Date
Signature of Presiding Officer

* Appropriate particulars of the election to be inserted here.

** Strike off the inappropriate alternative.

FORM 11

Revocation of appointment of polling /counting agent

[See rule 43(1) and 45(1)]

Election to the *Gram Panchayat**/Panchayat Samiti/Zilla Parishad/Mahakuma Parishad from the.....Constituency.

To
The Presiding Officer

I, (name), a candidate/** the election agent of..... at the above election, hereby revoke the appointment ofpolling/**counting agent at the polling station Noat) (Place).

Signature of pollings/counting agent

Place

Date
Signature of Candidate/ **election agent

* Appropriate particulars of the election to be inserted here.

** Strike off the inappropriate alternative.

FORM 15

List of challenged votes

[See rule 56(2)(c)]

Election to the *..... ** *Gram Panchayat /Panchayat Samiti/
Zilla Parishad/Mahakuma Parishad* from the
constituency.

No. and Name of polling station.

Serial No. of entry	Name of voter	Part No.	Serial number of voter's name in that part	Signature or thumb impression of the person challenged
(1)	(2)	(3)	(4)	(5)

Address of the Person challenged	Name of Identifier	Name of challenger, if any	Order of Presiding Officer	Signature of Challenger on receiving refund of deposit
(6)	(7)	(8)	(9)	(10)

Date

Signature of Presiding Officer

* Appropriate particulars of the election to be inserted here.

** Strike off the inappropriate alternative.

FORM 16

List of blind and infirm voters

[See rule 59(2)]

Election to the****Gram Panchayat/Panchayat Samiti/Zilla Parishad/Mahakuma Parishad* from theconstituency.
No. and name of polling station

Part No. and serial No. of voter	Full name of voter	Full name of companion	Part No. and serial No. of companion	Signature of companion
(1)	(2)	(3)	(4)	(5)

Date

.....

Signature of Presiding Officer

* Appropriate particulars of the election to be inserted here.

** Strike off the inappropriate alternative.

FORM 17

List of Tendered Votes

[See rule 61(2)]

Election to the****Gram Panchayat/Panchayat Samiti/Zilla Parishad/Mahakuma Parishad* from the constituency, No. and name of polling station

Name of voter	Part No. & Sl. No. of voter in electoral roll	Sl. No. of tendered ballot paper	Sl. No. of ballot paper issued to the person who has already voted	Sl. No. in Register of voters(17A) of the person who has voted	Signature or thumb impression of person tendering vote
(1)	(2)	(3)	(4)	(5)	(6)

Date

.....

Signature of Presiding Officer

* Appropriate particulars of the election to be inserted here.

** Strike off the inappropriate alternative.

FORM 18

Ballot paper account

[See rule 65(1) and rule 65 (3)]

PART – I

Election to the.* ** Gram Panchayat /Panchayat Samiti/Zilla Parishad/MahakumaParishad from theconstituency, No. and name of polling station

Serial number Total numbers

- 1. Ballot papers received.....
- 2. Ballot papers unused—
 - a. with the signature of the Presiding Officer, if any,and
 - b. without the signature of the Presiding Officer
 - c. Total
- 3. *Ballot papers used at the polling station(1-2=3)
- 4. Ballot papers cancelled—
 - a. for violation of voting procedure under rule 59and
 - b. for any other reason
 - c. Total
- 5. Ballot papers used as tendered ballot papers
- 6. *Ballot papers to be found in the ballot box (3-4-5 =6)

* Serial number of ballot papers need not be given

Date

Signature of Presiding Officer

PART — II
Result of initial counting

1. Total number of ballot papers found in the ballot box(es) used at the polling station

2. Discrepancy, if any between the total number as shown against item -1 in this part and the total number of ballot papers to be found in the ballot box(es) shown in item 6 of Part-I
.....

Date.....

Signature of Counting Officer

Date

Signature of *Panchayat* Returning Officer

* Appropriate particulars of the election to be inserted here.

** Strike off the inappropriate alternative.

ANNEXURE XII
(CHAPTER XXVIII, PARA I)

PRESIDING OFFICER'S DIARY

1. Name of the constituency (in Block Letters):
2. Date of Poll:
3. Number of Polling Station
whether located in --
 - (i) Government or Quasi-Government building ;
 - (ii) Private building ;
 - (iii) Temporary structure;
4. Number of Polling Officers recruited locally, if any :
5. Appointment of Polling Officer made in the absence of duly appointed Polling Officer, if any and the reasons for such appointment:
6. Number of Ballot Boxes used :
7. Number of paper seals used :
8. Number of polling agents and the number who arrived late :
9. Number of candidates who had appointed polling agents at the polling stations :
10. (i) Total No. of voters assigned to the polling station :
(ii) Number of ballot papers issued according to marked copy of the electoral roll:
11. Number of electors who voted —
Men
Women
Total
12. Challenged vote —
Number allowed
Number rejected
Amount forfeited Rs

13. Number of electors who voted with the help of companions :
14. Number of tendered votes :
15. Number of electors—
 - (a) From whom declarations as to their age obtained
 - (b) Who refused to give such declaration
16. Whether it was necessary to adjourn the poll and if, the reasons for such adjournment:
17. Number of votes cast —
 - From 7 a.m. to 9 a.m.
 - From 9 a.m. to 11 a.m.
 - From 11 a.m. to 1 p.m.
 - From 1 p.m. to 3 p.m.
 - From 3 p.m. to 5 p.m.
18. Number of slips issued at the closing hour of the poll:
19. Electoral offences with details : Number of cases of _____
 - (a) canvassing within one hundred metres of the polling station :
 - (b) impersonation of voters :
 - (c) fraudulent defacing, destroying or removal of the list of notice or other document at the polling station .
 - (d) bribing of voters :
 - (e) intimidation of voters and other persons :
 - (f) booth capturing :
20. Was the poll interrupted or obstructed by _____
 - (1) Riot:
 - (2) Open violence :
 - (3) Natural calamity:
 - (4) Booth capturing :
 - (5) Failure of voting machine :
 - (6) Any other cause :

Please give details of the above.

21. Was the poll vitiated by any ballot paper used at the polling station having been--
(a) Unlawfully taken out of the custody of the Presiding Officer :-
(b) Accidentally or intentionally lost or destroyed :
(c) Damaged or tampered with :
Please give details
22. Serious complaints, if any, made by the candidate / agents :
23. Number of cases of breach of law and order :
24. Report of mistakes and irregularities committed, if any, at the polling station:
25. Whether the declarations have been made before the commencement of the poll and if necessary during the course of poll when a new ballot box used and at the end of poll as necessary :

Place :

Date:

Presiding Officer

This diary should be forwarded to the Panchayat Returning Officer along with the ballot boxes and other sealed papers.