FOREWORD

The law relating to conduct of elections to Rural Local Bodies (Gram Panchayats, Mandal Praja Parishads and Zilla Praja Parishads), both direct and indirect, is dispersed in various provisions contained in the Andhra Pradesh Panchayat Raj Act, 1994 and various sets of Rules issued thereunder. Apart from that, there are also certain orders issued by the State Election Commission under Article 243K of the Constitution of India governing the conduct of elections Rural Loal Bodies.

Experience in the ordinary elections held so far has shown that for the convenience of the officers and staff involved in the elections to Rural Local Bodies, all these provisions of law should be brought at one place in the shape of a Manual. Further, the Andhra Pradesh Panchayat Raj Act, 1994 has been amended from time to time and following these amendments, the rules relating to the conduct of direct and indirect elections have also been revised and reissued. These changes in the law made it all the more necessary to prepare and publish this Manual of Election Law (Panchayat Raj) by the State Election Commission.

I hope that this Manual of Election Law will become a ready reckoner for the officers and staff involved in the elections to Rural Local Bodies and contribute in discharge of their duties and responsibilities in an efficient manner.

DR. N. RAMESH KUMAR
STATE ELECTION COMMISSIONER
ANDHRA PRADESH
PART-I
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(G.O.Ms.No.142, P.R. & R.D. Dept., dated 3.5.2006)

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**THE ANDHRA PRADESH PANCHAYAT RAJ (ELECTION TRIBUNALS IN RESPECT OF GRAM PANCHAYATS, MANDAL PRAJA PARISHADS AND ZILLA PRAJA PARISHADS) RULES, 1995**

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PART-IV OF THE CONSTITUTION OF INDIA

Article 40. Organisation of Village Panchayats:- The State shall take steps to organise village Panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government.

PART-VI OF THE CONSTITUTION OF INDIA

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

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

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

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

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

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

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

(c) if he is an undischarged insolvent;

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

(e) if he is so disqualified by or under any law made by Parliament.

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

(2) A person shall be disqualified for being a member of the Legislative Assembly or Legislative Council of a State if he is so disqualified under the Tenth Schedule.
PART-IX OF THE CONSTITUTION OF INDIA
THE PANCHAYATS

Article 243. Definitions: - In this Part, unless the context otherwise requires:-

(a) “District” means a district in a State;
(b) “Gram Sabha” means a body consisting of persons registered in the electoral rolls relating to a village comprised within the area of Panchayat at the village level;
(c) ‘Intermediate level’ means a level between the village and district levels specified by the Governor of a State by public notification to be the intermediate level for the purposes of this Part;
(d) “Panchayat” means an institution (by whatever name called) of self-government constituted under Article 243B, for the rural areas;
(e) “Panchayat area” means the territorial area of a Panchayat;
(f) “Population” means the population as ascertained at the last preceding census of which the relevant figures have been published;
(g) “Village” means a village specified by the Governor by public notification to be a village for the purposes of this Part and includes a group of villages so specified.

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

Article 243B. Constitution of Panchayats: - (1) There shall be constituted in every State, Panchayats at the (1) village, (2) intermediate and (3) district levels in accordance with the provision of this Part.

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

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

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

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

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

(a) of the Chairpersons of the Panchayats at the village level, in the Panchayats at the intermediate level or, in the case of a State not having Panchayats at the intermediate level, in the Panchayats at the district level;
(b) of the Chairpersons of the Panchayats at the intermediate level, in the Panchayats at the district level;
(c) of the members of the House of the People and the members of the Legislative Assembly of the State representing constituencies which comprise wholly or partly a Panchayat area at a level other than the village level, in such Panchayat;
(d) of the members of the Council of States and the members of the Legislative Council of the State, where they are registered as electors within –

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

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

(5) The Chairperson of –

(a) a Panchayat at the village level shall be (a) elected in such manner as the Legislature of a State may, by law, provide; and
(b) a Panchayat at the intermediate level or district level shall be elected by, and from amongst, the elected members thereof.

Article 243D. Reservation of Seats: - (1) Seats shall be reserved for –

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

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

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

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

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

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

Provided also that the number of offices reserved under this clause shall be allotted by rotation to different Panchayats at each level.
(5) The reservation of seats under clauses (1) and (2) and the reservation of offices of Chairpersons (other than the reservation for women) under clause (4) shall cease to have effect on the expiration of the period specified in article 334.

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

**Article 243E. Duration of Panchayats etc.:** (1) Every Panchayat, unless sooner dissolved under any law for the time being in force, shall continue for five years from the date appointed for its first meeting and no longer.

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

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

(a) before the expiry of its duration specified in clause (1);

(b) before the expiration of a period of six months from the date of its dissolution:

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

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

**Article 243F. Disqualifications for membership:** (1) A person shall be disqualified for being chosen as, and for being, a member of a Panchayat—

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

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

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

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

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

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

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

(a) authorise a Panchayat to levy, collect and appropriate such taxes, duties, tolls and fees in accordance with such procedure and subject to such limits;
(b) assign to a Panchayat such taxes, duties, tolls and fees levied and collected by the State Government for such purposes and subject to such conditions and limits;
(c) provide for making such grants-in-aid to the Panchayats from the Consolidated Fund of the State; and
(d) provide for constitution of such Funds for crediting all moneys received, respectively, by or on behalf of the Panchayats and also for the withdrawal of such moneys therefrom, as may be specified in the law.

**Article 243-I. Constitution of Finance Commission to review financial position:**

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

(a) the principles which should govern—
   (i) the distribution between the State and the Panchayats of the net proceeds of the taxes, duties, tolls and fees leviable by the State, which may be divided between them under this Part and the allocation between the Panchayats at all levels of their respective shares of such proceeds;
   (ii) the determination of the taxes, duties, tolls and fees which may be assigned to, or appropriated by, the Panchayats;
   (iii) the grants-in-aid to the Panchayats from the Consolidated Fund of the State;

(b) the measures needed to improve the financial position of the Panchayats;
(c) any other matter referred to the Finance Commission by the Governor in the interests of sound finance of the Panchayats.

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

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

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

**Article 243J. Audit of accounts of Panchayats:** The Legislature of a State may, by law, make provisions with respect to the maintenance of accounts by the Panchayats and the auditing of such accounts.
**Article 243K. Elections of the Panchayats:**— (1) The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the Panchayats shall be vested in a State Election Commission consisting of a State Election Commissioner to be appointed by the Governor.

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

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

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

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

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

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

**Article 243M. Part not to apply to certain areas:**— (1) Nothing in this part shall apply to the Scheduled Areas referred to in clause (1), and the tribal areas referred to in clause (2) of Article 244.

(2) Nothing in this part shall apply to

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

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

(3) Nothing in this Part—

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

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

(4) Notwithstanding anything in this Constitution—

(a) the Legislature of a State referred to in sub-clause (a) of clause (2) may by law extend this part to the state except the areas if any referred to in clause (1) if the Legislative Assembly of that State passes a resolution to that effect by a majority
of the total membership of that House and by a majority of not less than two thirds of the members of that House present and voting;
(b) Parliament may by law extend the provisions of this part to the Scheduled Areas and the tribal areas referred to in clause (1) subject to such exceptions and modifications as may be specified in such law and no such law shall be deemed to be an amendment of this Constitution for the purposes of Article 368.

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

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

Article 243-O. Bar to interference by Courts in electoral matters:- Notwithstanding anything in this Constitution,

(a) the validity of any law relating to the delimitation of constituencies or the allotment of seats to such constituencies made or purporting to be made under Article 243K, shall not be called in question in any court;
(b) no election to any Panchayat shall be called in question except by an election petition presented to such authority and in such manner as is provided for by or under any law made by the Legislature of a State;

Eleventh Schedule to the Constitution (Article 243G)

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PART XV OF THE CONSTITUTION OF INDIA

Article 324. Superintendence, direction and control of elections to be vested in an Election Commission:- (1) The superintendence, direction and control of the preparation of the electoral rolls for, and the conduct of, all elections to Parliament and to the Legislature of every State and of elections to the offices of President and Vice-President held under this Constitution shall be vested in a Commission (referred to in this Constitution as the Election Commission).

(2) The Election Commission shall consist of the Chief Election Commissioner and such number of other Election Commissioners, if any, as the President may from time to time fix and the appointment of the Chief Election Commissioner and other Election Commissioners shall, subject to the provisions of any law made in that behalf by Parliament, be made by the President.

(3) When any other Election Commissioner is so appointed the Chief Election Commissioner shall act as the Chairman of the Election Commission.

(4) Before each general election to the House of the People and to the Legislative Assembly of each State, and before the first general election and thereafter before each biennial election to the Legislative Council of each State having such Council, the President may also appoint after consultation with the Election Commission such Regional Commissioners as he may consider necessary to assist the Election Commission in the performance of the functions conferred on the Commission by clause (1).

(5) Subject to the provisions of any law made by Parliament, the conditions of service and tenure of office of the Election Commissioners and the Regional Commissioners shall be such as the President may by rule determine:

Provided that the Chief Election Commissioner shall not be removed from his office except in like manner and on the like grounds as a Judge of the Supreme Court and the conditions of service of the Chief Election Commissioner shall not be varied to his disadvantage after his appointment: Provided further that any other Election Commissioner or a Regional Commissioner shall not be removed from office except on the recommendation of the Chief Election Commissioner.

(6) The President, or the Governor of a State, shall, when so requested by the Election Commission, make available to the Election Commission or to a Regional Commissioner such staff as may be necessary for the discharge of the functions conferred on the Election Commission by clause (1).
PROVISIONS OF THE PANCHAYATS (EXTENSION TO THE SCHEDULED AREAS) ACT, 1996 (CENTRAL ACT 40 OF 1996)

1. Short title: This Act may be called the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996.

2. Definition: In this Act, unless the context otherwise requires. “Scheduled Areas” means the Scheduled Areas as referred to in clause (1) of Article 244 of the Constitution.

3. Extension of Part IX of the Constitution: The provisions of Part IX of the Constitution relating to Panchayats are hereby extended to the Scheduled Areas subject to such exceptions and modifications as are provided in Section 4.

4. Exceptions and modifications to Part IX of the Constitution: Notwithstanding anything contained under Part IX of the Constitution, the Legislature of a State shall not make any law under that Part which is inconsistent with any of the following features, namely:-

   (a) a State legislation on the Panchayats that may be made shall be in consonance with the customary, law, social and religious practices and traditional management practices of community resources;
   (b) a village shall ordinarily consist of a habitation or a group of habitations or a hamlet or a group of hamlets thereof comprising a community and managing its affairs in accordance with traditions and customs;
   (c) every village shall have a Gram Sabha consisting of persons, whose names are included in the electoral rolls for the Panchayat at the village level;
   (d) every Gram Sabha shall be competent to safeguard and preserve the traditions and customs of the people, their cultural identity, community resources and the customary mode of dispute resolution;
   (e) every Gram Sabha shall –
      (i) approve plans, programmes and projects for social and economic development before such plans, programmes and projects are taken up for implementation by the Gram Panchayat, at the village level;
      (ii) be responsible for the identification or selection of persons as beneficiaries under poverty alleviation and other programmes;
   (f) every Panchayat at the village level shall be required to obtain from the Gram Sabha a certification of utilisation of funds by that Panchayat for the plans, programmes and projects referred to in clause (e);
   (g) the reservation of seats in the Scheduled Areas to every Panchayat shall be in proportion to the population of the communities in that Panchayat for whom reservation is sought to be given under Part IX of the Constitution:
      Provided that the reservation for the Scheduled Tribes shall not be less than one-half of the total number of seats:
      Provided further that all seats of Chairpersons of Panchayats at all levels shall be reserved for the Scheduled Tribes;
   (h) the State Government may nominate persons belonging to such Scheduled Tribes as have no representation in the Panchayat at the intermediate level or the Panchayat at the district level:
      Provided that such nomination shall not exceed one-tenth of the total members to be elected in that Panchayat;
(i) The Gram Sabha or the Panchayats at the appropriate level shall be consulted before making the acquisition of land in the Scheduled Areas for development projects and before re-settling or rehabilitating persons affected by such projects in the Scheduled Areas; the actual planning and implementation of the projects in the Scheduled Areas shall be coordinated at the State Level;

(j) planning and management of minor water bodies in the Scheduled Areas shall be entrusted to Panchayats at the appropriate level;

(k) the recommendations of the Gram Sabha or the Panchayats at the appropriate level shall be made mandatory prior to grant of prospecting license or mining lease for minor minerals in the Scheduled Areas;

(l) the prior recommendation of the Gram Sabha or the Panchayats at the appropriate level shall be made mandatory for grant of concession for the exploitation of minor minerals by auction;

(m) while endowing Panchayats in the Scheduled Areas with such powers and authority as may be necessary to enable them to function as institutions of self-government, a State Legislature shall ensure that the Panchayats as the appropriate level and the Gram Sabha are endowed specifically with –

(i) the powers to enforce of prohibition or to regulate or restrict of the sale and consumption of any intoxicant;
(ii) the ownership of minor forest produce;
(iii) the power to prevent alienation of land in the Scheduled Areas and to take appropriate action to restore of any unlawfully alienated land of a Scheduled Tribe;
(iv) the power to manage village markets by whatever name called;
(v) the power to exercise control over money lending to the Scheduled Tribes;
(vi) the power to exercise control over institutions and functionaries in all social sectors;
(vii) the power to control over local plans and resources for such plans including tribal sub-plans;

(n) the State Legislature that may endow Panchayats with powers and authority as may be necessary to enable them to function as institutions of self-government shall contain safeguards to ensure that Panchayats at the higher level do not assume the powers and authority of any Panchayat at the lower level or of the Gram Sabha;

(o) the State Legislature shall endeavour to follow the pattern of the Sixth Schedule to the Constitution while designing the administrative arrangements in the Panchayats at district levels in the Scheduled Areas.

5. Continuance of existing laws and Panchayats:- Notwithstanding anything in Part IX of the Constitution with exceptions and modifications made by this Act, any provision of any law relating to Panchayats in force in the Scheduled Areas immediately before the date on which this Act receives the assent of the President which is inconsistent with the provisions of Part IX with such exceptions and modifications shall continue to be in the force until amended or repealed by a competent Legislature or other competent authority or until the expiration of one year from the date on which this Act receives the assent of the President;

Provided that all the Panchayats existing immediately before such date shall continue till the expiration of their duration unless sooner dissolved by a resolution passed to that effect by the Legislative Assembly of that State or in the case of a State having Legislative Council by each House of the Legislature of that State.
Section 13A. **Chief Electoral Officers:** (1) There shall be for each State a chief electoral officer who shall be such officer of Government as the Election Commission may, in consultation with that Government, designate or nominate in this behalf.

(2) Subject to the superintendence, direction and control of the Election Commission, the chief electoral officer shall supervise the preparation, revision and correction of all electoral rolls in the State under this Act.

Section 13AA. **District Election Officers:** (1) For each district in a State, the Election Commission shall, in consultation with the Government of the State, designate or nominate a district election officer who shall be an officer of Government:

Provided that the Election Commission may designate or nominate more than one such officer for a district if the Election Commission is satisfied that the functions of the office cannot be performed satisfactorily by one officer.

(2) Where more than one district election officer are designated or nominated for a district under the proviso to sub-section (1), the Election Commission shall in the order designating or nominating the district election officers also specify the area in respect of which each such officer shall exercise jurisdiction.

(3) Subject to the superintendence, direction and control of the chief electoral officer, the district election officer shall coordinate and supervise all work in the district or in the area within his jurisdiction in connection with the preparation and revision of the electoral rolls for all parliamentary, assembly and council constituencies within the district.

(4) The district election officer shall also perform such other functions as may be entrusted to him by the Election Commission and the chief electoral officer.

Section 13B. **Electoral Registration Officers:** (1) The electoral roll for each parliamentary constituency in the State of Jammu and Kashmir or in a Union Territory not having a Legislative Assembly, each assembly constituency and each Council constituency shall be prepared and revised by an electoral registration officer who shall be such officer of Government or of a local authority as the Election Commission may, in consultation with the Government of the State in which the constituency is situated, designate or nominate in this behalf.

(2) An electoral registration officer may, subject to any prescribed restrictions, employ such persons as he thinks fit for the preparation and revision of the electoral roll for the constituency.

Section 13C. **Assistant Electoral Registration Officers:** (1) The Election Commission may appoint one or more persons as assistant electoral registration officers to assist any electoral registration officer in the performance of his functions.

(2) Every assistant electoral registration officer shall, subject to the control of the electoral registration officer, be competent to perform all or any of the functions of the electoral registration officer.
Section 21. Preparation and revision of electoral rolls:- (1) The electoral roll for each constituency shall be prepared in the prescribed manner by reference to the qualifying date and shall come into force immediately upon its final publication in accordance with the rules made under this Act.

(2) The said electoral roll – (a) shall, unless otherwise directed by the Election Commission for reasons to be recorded in writing, be revised in the prescribed manner by reference to the qualifying date –

(i) before each general election to the House of the People or to the Legislative Assembly of a State; and

(ii) before each bye-election to fill a casual vacancy in a seat allotted to the constituency; and

(b) shall be revised in any year in the prescribed manner by reference to the qualifying date if such revision has been directed by the Election Commission:

Provided that if the electoral roll is not revised as aforesaid, the validity or continued operation of the said electoral roll shall not thereby be affected.

(3) Notwithstanding anything contained in sub-section (2), the Election Commission may at any time, for reasons to be recorded, direct a special revision of the electoral roll for any constituency or part of a constituency in such manner as it may think fit:

Provided that subject to the other provisions of this Act, the electoral roll for the constituency, as in force at the time of the issue of any such direction, shall continue to be in force until the completion of the special revision so directed.

Section 22. Correction of entries in electoral rolls:- If the electoral registration officer for a constituency, on application made to him or on his own motion, is satisfied after such inquiry as he thinks fit, that any entry in the electoral roll of the constituency :

(a) is erroneous or defective in any particular,

(b) should be transposed to another place in the roll on the ground that the person concerned has changed his place of ordinary residence within the constituency, or

(c) should be deleted on the ground that the person concerned is dead or has ceased to be ordinarily resident in the constituency or is otherwise not entitled to be registered in that roll,

the electoral registration officer shall, subject to such general or special directions, if any, as may be given by the Election Commission in this behalf, amend, transpose or delete the entry after proper verification of facts in such manner as may be prescribed.

Provided that before taking any action on any ground under clause (a) or clause (b) or any action under clause (c) on the ground that the person concerned has ceased to be ordinarily resident in the constituency or that he is otherwise not entitled to be registered in the electoral roll of that constituency, the electoral registration officer shall give the person concerned a reasonable opportunity of being heard in respect of the action proposed to be taken in relation to him after proper verification of facts in such manner as may be prescribed.
Section 23. Inclusion of names in electoral rolls:- (1) Any person whose name is not included in the electoral roll of a constituency may apply to the electoral registration officer for the inclusion of his name in that roll.

(2) The electoral registration officer shall, if satisfied that the applicant is entitled to be registered in the electoral roll, direct his name to be included therein after proper verification of facts in such manner as may be prescribed:

Provided that if the applicant is registered in the electoral roll of any other constituency, the electoral registration officer shall inform the electoral registration officer of that other constituency and that officer shall, on receipt of the information, strike off the applicant's name from that roll after proper verification of facts in such manner as may be prescribed.

(3) No amendment, transposition or deletion of any entry shall be made under section 22 and no direction for the inclusion of a name in the electoral roll of a constituency shall be given under this section, after the last date for making nominations for an election in that constituency or in the parliamentary constituency within which that constituency is comprised and before the completion of that election.

Section 24. Appeals:- An appeal shall lie within such time and in such manner as may be prescribed –

(a) to the district magistrate or additional district magistrate or executive magistrate or district collector or an officer of equivalent rank from any order of the electoral registration officer under section 22 or section 23.

(b) to the chief electoral officer from any order of the district magistrate or additional district magistrate under clause (a).
Section 8. Disqualification on conviction for certain offences:— (1) A person convicted of an offence punishable under—

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

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

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

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

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

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

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

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

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

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

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

(l) the Commission of Sati (Prevention) Act, 1987 (3 of 1988); or
(m) the Prevention of Corruption Act, 1988 (49 of 1988); or

(n) the Prevention of Terrorism Act, 2002 (15 of 2002), shall be disqualified, where the convicted person is sentenced to—

(i) only fine, for a period of six years from the date of such conviction;

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

(2) A person convicted for the contravention of—

(a) any law providing for the prevention of hoarding or profiteering; or

(b) any law relating to the adulteration of food or drugs; or

(c) any provisions of the Dowry Prohibition Act, 1961 (28 of 1961); and not sentenced to imprisonment for not less than six months, shall be disqualified from the date of such conviction and shall continue to be disqualified for a further period of six years since his release.

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

Explanation: In this section,—

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

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

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

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

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

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

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

(d) "food" has the meaning assigned to it in the Prevention of Food Adulteration Act, 1954 (37 of 1954).
CHAPTER IX-A  OF INDIAN PENAL CODE, 1860

OFFENCES RELATING TO ELECTIONS

171A. ‘Candidate’, ‘Electoral right’ defined:– For the purposes of this Chapter –

(a) ‘candidate’ means a person who has been nominated as a candidate at any election;

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

171B. Bribery:– (1) Whoever, –

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

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

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

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

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

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

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

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

(b) induces or attempts to induce a candidate or voter to believe that he or any person in whom he is interested will become or will be rendered an object of Divine displeasure or of spiritual censure, shall be deemed to interfere with the free exercise of the electoral right of such candidate or voter, within the meaning of sub-section (1).

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

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

Provided that nothing in this section shall apply to a person who has been authorized to vote as proxy for an elector under any law for the time being in force in so far as he votes as a proxy for such elector.
171E. Punishment for bribery:— Whoever commits the offence of bribery shall be punished with imprisonment of either description for a term which may extend to one year, or with fine or with both:

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

Explanation:— “Treating” means that form of bribery where the gratification consists in food, drink, entertainment or provision.

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

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

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

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

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

OTHER RELEVANT PROVISIONS OF INDIAN PENAL CODE, 1860:

144. Joining unlawful assembly armed with deadly weapon:— Whoever, being armed with any deadly weapon, or with anything which, used as a weapon of offence, is likely to cause death, is a member of an unlawful assembly, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

177. Furnishing false information:— Whoever, being legally bound to furnish information on any subject to any public servant, as such, furnishes, as true, information on the subject which he knows or has reason to believe to be false shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both; or, if the information which he is legally bound to give respects the commission of an offence, or is required for the purpose of preventing the commission of an offence, or in order to the apprehension of an offender, with imprisonment of either description for a term which may extend to two years, or with fine, or with both.
Illustrations: (a) A, a landholder, knowing of the commission of a murder within the limits of his estate, wilfully misinforms the Magistrate of the district that the death has occurred by accident in consequence of the bite of a snake. A is guilty of the offence defined in this section.

(b) A, a village watchman, knowing that a considerable body of strangers has passed through his village in order to commit a dacoity in the house of Z, a wealthy merchant residing in a neighbouring place, and being bound under clause 5, section VII, 1Regulation III, 1821, of the Bengal Code, to give early and punctual information of the above fact to the officer of the nearest police-station, wilfully misinforms the police officer that a body of suspicious characters passed through the village with a view to commit dacoity in a certain distant place in a different direction. Here A is guilty of the offence defined in the latter part of this section.

Explanation:– In section 176 and in this section the word “offence” includes any act committed at any place out of 3 [India], which, if committed in 3 [India], would be punishable under any of the following sections, namely, 302, 304, 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 457, 458, 459 and 460; and the word “offender” includes any person who is alleged to have been guilty of any such act.

178. Refusing oath or affirmation when duly required by public servant to make it:– Whoever refuses to bind himself by an oath or affirmation to state the truth, when required so to bind himself by a public servant legally competent to require that he shall so bind himself, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

179. Refusing to answer public servant authorized to question:– Whoever, being legally bound to state the truth on any subject to any public servant, refuses to answer any question demanded of him touching that subject by such public servant in the exercise of the legal powers of such public servant, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

180. Refusing to sign statement:– Whoever refuses to sign any statement made by him, when required to sign that statement by a public servant legally competent to require that he shall sign that statement, shall be punished with simple imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

181. False statement on oath or affirmation to public servant or person authorized to administer an oath or affirmation:– Whoever, being legally bound by an oath or affirmation to state the truth on any subject to any public servant or other person authorized by law to administer such oath or affirmation, makes, to such public servant or other person as aforesaid, touching the subject, any statement which is false, and which he either knows or believes to be false or does not believe to be true, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

182. False information with intent to cause public servant to use his lawful power to the injury of another person:– Whoever gives to any public servant any information which he knows or believes to be false, intending thereby to cause, or knowing it to be likely that he will thereby cause, such public servant – (a) to do or omit anything which such public servant ought not to do or omit if the true state of facts respecting which such information is given were known by him, or (b) to use the lawful power of such public servant to the injury or annoyance of any person, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.
186. **Obstructing public servant in discharge of public functions:** Whoever voluntarily obstructs any public servant in the discharge of his public functions, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

187. **Omission to assist public servant when bound by law to give assistance:** Whoever, being bound by law to render or furnish assistance to any public servant in the execution of his public duty, intentionally omits to give such assistance, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both; and if such assistance be demanded of him by a public servant legally competent to make such demand for the purposes of executing any process lawfully issued by a Court of Justice, or of preventing the commission of an offence, or suppressing a riot, or affray, or of apprehending a person charged with or guilty of an offence, or of having escaped from lawful custody, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

188. **Disobedience to order duly promulgated by public servant:** Whoever, knowing that, by an order promulgated by a public servant lawfully empowered to promulgate such order, he is directed to abstain from a certain act, or to take certain order with certain property in his possession or under his management, disobeys such direction, shall, if such disobedience causes or tends to cause obstruction, annoyance or injury, or risk of obstruction, annoyance or injury, to any persons lawfully employed, be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to two hundred rupees, or with both; and if such disobedience causes or tends to cause danger to human life, health or safety, or causes or tends to cause a riot or affray, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

**Explanation:** It is not necessary that the offender should intend to produce harm, or contemplate his disobedience as likely to produce harm. It is sufficient that he knows of the order which he disobeys, and that his disobedience produces, or is likely to produce, harm. Illustration An order is promulgated by a public servant lawfully empowered to promulgate such order, directing that a religious procession shall not pass down a certain street. A knowingly disobeys the order, and thereby causes danger of riot. A has committed the offence defined in this section.

189. **Threat of injury to public servant:** Whoever holds out any threat of injury to any public servant, or to any person in whom he believes that public servant to be interested, for the purpose of inducing that public servant to do any act, or to forbear or delay to do any act, connected with the exercise of the public functions of such public servant, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

190. **Threat of injury to induce person to refrain from applying for protection to public servant:** Whoever holds out any threat of injury to any person for the purpose of inducing that person to refrain or desist from making a legal application for protection against any injury to any public servant legally empowered as such to give such protection, or to cause such protection to be given, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.
332. Voluntarily causing hurt to deter public servant from his duty:— Whoever voluntarily causes hurt to any person being a public servant in the discharge of his duty as such public servant, or with intent to prevent or deter that person or any other public servant from discharging his duty as such public servant, or in consequence of anything done or attempted to be done by that person in the lawful discharge of his duty as such public servant, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

333. Voluntarily causing grievous hurt to deter public servant from his duty:— Whoever voluntarily causes grievous hurt to any person being a public servant in the discharge of his duty as such public servant, or with intent to prevent or deter that person or any other public servant from discharging his duty as such public servant, or in consequence of anything done or attempted to be done by that person in the lawful discharge of his duty as such public servant, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

353. Assault or criminal force to deter public servant from discharge of his duty:— Whoever assaults or uses criminal force to any person being a public servant in the execution of his duty as such public servant, or with intent to prevent or deter that person from discharging his duty as such public servant, or in consequence of anything done or attempted to be done by such person in the lawful discharge of his duty as such public servant, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

505. Statements conducing to public mischief:— (1) Whoever makes, publishes or circulates any statement, rumour or report, —

(a) with intent to cause, or which is likely to cause, any officer, soldier, sailor or airman in the Army, Navy or Air Force of India to mutiny or otherwise disregard or fail in his duty as such; or
(b) with intent to cause, or which is likely to cause, fear or alarm to the public, or to any section of the public whereby any person may be induced to commit an offence against the State or against the public tranquility; or
(c) with intent to incite, or which is likely to incite, any class or community of persons to commit any offence against any other class or community, shall be punished with imprisonment which may extend to 6 [three years], or with fine, or with both.

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

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

Exception:— It does not amount to an offence, within the meaning of this section, when the person making, publishing or circulating any such statement, rumour or report, has reasonable grounds for believing that such statement, rumour or report is true and makes, publishes or circulates it 2 [in good faith and] without any such intent as aforesaid.
195. Prosecution for contempt of lawful authority of public servants, for offences against public justice and for offences relating to documents given in evidence:—

(1) No Court shall take cognizance—

(a) (i) of any offence punishable under sections 172 to 188 (both inclusive) of the Indian Penal Code (45 of 1860), or

(ii) of any abetment of, attempt to commit, such offence, or

(iii) of any criminal conspiracy to commit, such offence, except on the complaint in writing of the public servant concerned or of some other public servant to whom he is administratively subordinate;

(b) (i) of any offence punishable under any of the following sections of the Indian Penal Code (45 of 1860), namely, sections 193 to 196 (both inclusive), 199, 200, 205 to 211 (both inclusive) and 228, when such offence is alleged to have been committed in, or in relation to, any proceeding in any Court, or

(ii) of any offence described in section 463, or punishable under section 471, section 475 or section 476, of the said Code, when such offence is alleged to have been committed in respect of a document produced or given in evidence in a proceeding in any Court, or

(iii) of any criminal conspiracy to commit, or attempt to commit, or the abetment of, any offence specified in sub-clause (i) or sub-clause (ii), except on the complaint in writing of that Court, or of some other Court to which that Court is subordinate

(2) Where a complaint has been made by a public servant under clause (a) of sub-section (1) any authority to which he is administratively subordinate may order the withdrawal of the complaint and send a copy of such order to the Court; and upon its receipt by the Court, no further proceedings shall be taken on the complaint:

Provided that no such withdrawal shall be ordered if the trial in the Court of first instance has been concluded

(3) In clause (b) of sub-section (1), the term "Court" means a Civil, Revenue or Criminal Court, and includes a tribunal constituted by or under a Central, provincial or State Act if declared by that Act to be a Court for the purposes of this section

(4) For the purposes of clause (b) of sub-section (1), a Court shall be deemed to be subordinate to the Court to which appeals ordinarily lie from appealable decrees or sentences of such former Court, or in the case of a civil Court from whose decrees no appeal ordinarily lies, to the principal Court having ordinary original civil jurisdiction within whose local jurisdiction such Civil Court is situate:

Provided that—

(a) where appeals lie to more than one Court, the Appellate Court of inferior jurisdiction shall be the Court to which such Court shall be deemed to be subordinate;

(b) where appeals lie to a civil and also to a Revenue Court, such Court shall be deemed to be subordinate to the civil or Revenue Court according to the nature of the case or proceeding in connection with which the offence is alleged to have been committed.
PROVISIONS RELATING TO ELECTIONS IN
THE ANDHRA PRADESH PANCHAYAT RAJ ACT, 1994
(Act 13 of 1994)

PART-I
PRELIMINARY

2. Definitions: In this Act unless the context otherwise requires, –

(1) "Andhra Area" means the territories of the State of Andhra Pradesh other than the Telangana area;

(2) "Backward Classes" means any Socially and Educationally Backward Classes of citizens recognised by the Government for purpose of clause (4) of Article 15 of the Constitution of India;

(4) "Casual Vacancy" means a vacancy occurring otherwise than by efflux of time, and "Casual Election" means an election held to fill a casual vacancy;

(5) "Chairperson" means the Chairperson of a Zilla Praja Parishad elected under Section 181;

(6) "Chief Executive Officer" means the Chief Executive Officer of the Zilla Praja Parishad appointed under Section 186;

(7) "Collector" means any officer in-charge of a Revenue Division and includes a Deputy Collector, a Sub-Collector and an Assistant Collector;

(8) "Commissioner" means any officer who is authorised by the Government to exercise any of the powers or discharge any of the duties of the Commissioner under this Act;

(10) "District Munsif" means the District Munsif appointed under the Andhra Pradesh Civil Courts Act, 1972 (Act 19 of 1972);

(11) "Election Authority" means such authority not being a member or office bearer of any local authority as may, by notification, be appointed by the State Election Commissioner;

(16) "Government" means the State Government;

(17) "Gram Panchayat" means the body constituted for the local administration of a village under this Act;

(22) "Mandal" means such area in a district as may be declared by the Government by notification to be a Mandal under Section 3 of the Andhra Pradesh District (Formation) Act, 1974 (Act 7 of 1974);

(23) "Mandal Praja Parishad" means, a Mandal Praja Parishad constituted or reconstituted under Section 148;

(24) "Mandal Parishad Development Officer" means, the Officer appointed by that designation under Section 168;
(25) "Notification" means a notification published in the Andhra Pradesh Gazette and the word "Notified" shall be construed accordingly;

(27) "Ordinary vacancy" means a vacancy occurring by efflux of time and "ordinary election" means an election held to fill an ordinary vacancy;

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

(30) "Prescribed" means prescribed by the Government by rules made under this Act;

(31) "President" means the President of a Mandal Praja Parishad elected under Section 153;

(34) "Qualifying date" in relation to the preparation and publication of every electoral roll under this Act, means the first day of January of the year in which it is so prepared and published;

(34-a) "Recognised Political Party" and "Registered Political Party" shall have the meanings respectively assigned to them in the Election Symbols (Reservation and Allotment) Order, 1968, issued by the Election Commission of India under Article 324 of the Constitution of India and in the Registration of Political Parties and Allotment of Symbols Order, 2001, issued by the State Election Commission under Article 243K of the Constitution of India."

(35) "Registered voter in the Mandal Praja Parishad" or "registered voter in the District" means a person whose name appears in the electoral roll prepared and published under Section 11 for any Gram Panchayat or Gram Panchayats comprised in the Mandal or, as the case may be, in the District;

(36) "Residence", "reside" – A person is deemed to have his "residence" or to "reside" in any house if he sometimes uses any portion thereof as a sleeping apartment, and a person is not deemed to cease to reside in any such house merely because he is absent from it or has elsewhere another dwelling in which he resides, if he is at liberty to return to such house at any time and has not abandoned his intention of returning;

(37) "Sarpanch" means the Sarpanch of a Gram Panchayat elected under Section 14;

(38) "Scheduled Castes" and "Scheduled Tribes" shall have the meaning respectively assigned to them in clause (24) and clause (25) of Article 366 of the Constitution of India;

(39) "State Election Commission" means the State Election Commission constituted under Section 200;

(40) "State Election Commissioner" means a State Election Commissioner appointed by the Governor under sub-section (2) of Section 200;

(42) "Village" means any local area which is declared to be a village under this Act;

(44) "Year" means the financial year;

(45) "Zilla Praja Parishad" means a Zilla Praja Parishad constituted under Section 117.
3. Declaration of a village for the purposes of this Act:- (1) The Government may, by notification, and in accordance with the rules made in this behalf; declare any revenue village or hamlet thereof or any part of a mandal to be a village for the purposes of this Act and specify the name of the village.

Explanation:- For the purposes of this sub-section the expressions “mandal” and “revenue village” shall mean respectively any local area which is recognised as a mandal or village in the revenue accounts of Government after excluding there from the area, if any, included in –

(a) a Municipal Corporation governed by the relevant law relating to Municipal Corporations for the time being in force in the State;
(b) a Municipality governed by the law relating to Municipalities for the time being in force in the State;
(c) a Mining Settlement governed by the Andhra Pradesh (Telangana Area) Mining Settlements Act, 1956 (Act XLIV of 1956);
(d) a Cantonment governed by the Cantonments Act, 1924 (Central Act 2 of 1924).

(2) The Government may, by notification and in accordance with such rules as may be prescribed in this behalf –

(a) from a new village by separation of local area from any village or by uniting two or more villages or parts of villages or by uniting any local area to a part of any village;
(b) increase the local area of any village;

“Provided that the Government shall take into consideration the financial viability of the Gram Panchayat, to be newly created before bifurcation of the said Gram Panchayat, for the purpose of providing a Panchayat Secretary .”;

(c) diminish the local area of any village;
(d) alter the boundaries of any village;
(e) alter the name of any village;
(f) cancel a notification issued under sub-section (1);

(3) The Government may pass such orders as he may deem fit –

(a) as to the disposal of the property vested in a Gram Panchayat which has ceased to exist, and the discharge of its liabilities; and
(b) as to the disposal of any part of the property vested in a Gram Panchayat which has ceased to exercise jurisdiction over any local area, and the discharge of the liabilities of the Gram Panchayat relating to such property or arising from such local area.

An order made under this sub-section may contain such supplemental, incidental and consequential provisions as the Commissioner may deem necessary, and in particular may direct-

(i) that any tax, fee or other sum due to the Gram Panchayat or where a Gram Panchayat has ceased to exercise jurisdiction over any local area, such tax, fee, or other sum due to the Gram Panchayat as relates to that area, shall be payable to such authorities as may be specified in the order; and
that appeals, petitions, or other applications with reference to any such tax, fee or sum which are pending on the date on which the Gram Panchayat ceased to exist or, as the case may be, on the date on which the Gram Panchayat ceased to exercise jurisdiction over the local area, shall be disposed of by such authorities as may be specified in the order.

4. Constitution of Gram Panchayats for villages and their incorporation:- (1) A Gram Panchayat shall be deemed to have been constituted for a village on the date of publication of the notification under Section 3 in respect of that village and the Special Officer appointed under sub-section (1) of Section 143 shall make arrangements for the election of the members and of the Sarpanch of the Gram Panchayat as provided in that section.

(2) Subject to the provisions of this Act, the administration of the village shall vest in the Gram Panchayat, but the Gram Panchayat shall not be entitled to exercise functions expressly assigned by or under this Act or any other law to its Sarpanch or Executive Authority, or to any other local authority or other authority.

(3) Every Gram Panchayat shall be a body corporate by the name of the village specified in the notification issued under Section 3, shall have perpetual succession and a common seal, and subject to any restriction or qualification imposed by or under this Act or any other law, shall be vested with the capacity of suing or being sued in its corporate name, of acquiring, holding and transferring property, of entering into contracts, and of doing all things necessary, proper or expedient for the purposes for which it is constituted.

7. Total strength of a Gram Panchayat:- (1) A Gram Panchayat shall consist of such number of elected members inclusive of its Sarpanch as may be notified from time to time, by the Commissioner in accordance with the following Table:-

<table>
<thead>
<tr>
<th>Gram Panchayat with a population at the last census</th>
<th>Number of Members</th>
</tr>
</thead>
<tbody>
<tr>
<td>Upto 300</td>
<td>5</td>
</tr>
<tr>
<td>Exceeding 300 but not exceeding 500</td>
<td>7</td>
</tr>
<tr>
<td>Exceeding 500 but not exceeding 1,500</td>
<td>9</td>
</tr>
<tr>
<td>Exceeding 1,500 but not exceeding 3,000</td>
<td>11</td>
</tr>
<tr>
<td>Exceeding 3,000 but not exceeding 5,000</td>
<td>13</td>
</tr>
<tr>
<td>Exceeding 5,000 but not exceeding 10,000</td>
<td>15</td>
</tr>
<tr>
<td>Exceeding 10,000 but not exceeding 15,000</td>
<td>17</td>
</tr>
<tr>
<td>Exceeding 15,000</td>
<td>Between 19 and 21</td>
</tr>
</tbody>
</table>

(2) The member of the Mandal Parishad Territorial Constituency shall be a permanent invitee to the meetings of Gram Panchayats and he shall have the right to speak in and otherwise to take part in the proceedings of any meeting of the Gram Panchayat or Gram Panchayats functioning within the local limits of the respective jurisdiction, but shall not, by virtue of this section be entitled to vote at any such meeting.

(3) One representative from each category of Self Help Group / Functional Group to be elected in a meeting of the Self Help Group / Functional Group, which shall be presided over by the Sarpanch for co-option in the manner prescribed. They shall have the right to speak in and otherwise to take part in proceedings of any meeting but they shall not be entitled to vote at any such meeting.
8. Election of Members:- All members of the Gram Panchayat shall be elected by the registered voters in the Ward by the method of secret ballot and in accordance with such rules as may be made in this behalf.

9. Reservation of seats of members of Gram Panchayat:- (1) In every Gram Panchayat, out of the total strength of elected members determined under Section 7, the Commissioner shall, subject to such rules as may be prescribed, by notification, reserve –

(a) such number of seats to the Scheduled Castes and Scheduled Tribes as may be determined by him, subject to the condition that the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election to the Gram Panchayat, as the population of the Scheduled Castes, or as the case may be, Scheduled Tribes in that village bears to the total population of that village; and such seats may be allotted by rotation to different wards in a Gram Panchayat;

(b) not less than one-third of the total number of seats reserved under [Clause(a) and sub-section (1A) for women belonging to the Scheduled Castes, Scheduled Tribes or as the case may be, the Backward Classes;

(d) not less than one third (including the number of seats reserved for women belonging to the Scheduled Castes, Scheduled Tribes and Backward Classes) of the total number of seats to be filled by direct election to every Gram Panchayat shall be reserved for women and such seats may be allotted by rotation to different wards in a Gram Panchayat.

(1-A) In addition to the reservation of seats under sub-section (1), there shall be reserved for the Backward Classes such a number of seats as may be allocated to them in each Gram Panchayat in the manner prescribed; so however that the number of offices of members of Gram Panchayats in the State reserved for Backward Classes shall not be less than thirty-four percent of the total number of offices of the members of Gram Panchayats in the State. The number of seats allocated to each Gram Panchayat shall be allotted by rotation to different wards in the Gram Panchayat:

Provided that it shall be competent for the Government to make special provision with regard to the manner and quantum of seats to be reserved for Backward Classes in the Gram Panchayats situated in the Scheduled Areas, by rules made in this behalf.

(2) Nothing in sub-sections (1) and (1-A) shall be deemed to prevent women and members of the Scheduled Castes, Scheduled Tribes or Backward Classes from standing for election to the non-reserved seats in the Gram Panchayat.

10. Division of Wards:- For the purpose of electing members to a Gram Panchayat, the Commissioner shall, subject to such rules as may be prescribed, divide the village into as many wards as there are seats, determined under Section 7, on a territorial basis in such a manner that all wards shall have, as far as practicable, equal number of voters and allot not more than one seat for each ward.

11. Preparation and publication of electoral roll for a Gram Panchayat:- (1) The electoral roll for Gram Panchayat shall be prepared by the person authorised by the State Election Commissioner in such manner by reference to such qualifying date as may be prescribed and the electoral roll for the Gram Panchayat shall come into force immediately upon its publication in accordance with the rules made by the Government in this behalf. The electoral roll for the Gram Panchayat shall consist of such part of the electoral roll for the Assembly Constituency published under the Representation of the People Act, 1950 (Central Act 43 of 1950) as revised or amended under the said Act, upto the qualifying date, as relates to the village or any portion thereof.
Provided that any amendment, transposition or deletion of any entries in the electoral roll, or any inclusion of names in the electoral roll of the Assembly Constituencies concerned, made by the Electoral Registration Officer under Section 22 or Section 23, as the case may be, of the Representation of the People Act, 1950, up to the date of election notification, for any election held under this Act, shall be carried out in the electoral roll of the Gram Panchayat and any such names included shall be added to the part relating to the last ward.

Explanation: Where in the case of any Assembly Constituency there is no distinct part of the electoral roll relating to the village, all persons whose names are entered in such roll under the registration area comprising the village and whose addresses as entered are situated in the village shall be entitled to be included in the electoral roll for the Gram Panchayat prepared for the purposes of this Act.

(2) The electoral roll for a Gram Panchayat –

(a) shall be prepared and published in the prescribed manner by reference to the qualifying date –
   (i) before each ordinary election; and
   (ii) before each casual election to fill a casual vacancy in the office of the Sarpanch and Member of Gram Panchayat; and

(b) shall be prepared and published, in any year, in the prescribed manner, by reference to the qualifying date, if so directed by the State Election Commission;

Provided that if the electoral roll is not prepared and published as aforesaid, the validity, or continued operation of the said electoral roll, shall not thereby be affected.

(3) The electoral roll published under sub-section (1) shall be the electoral roll for the Gram Panchayat and it shall remain in force till a fresh electoral roll for the Gram Panchayat is published under this section.

(4) The electoral roll for the Gram Panchayat shall be divided into as many parts as there are wards so that each part consists of the voters residing in the concerned ward and for this purpose the electoral roll may be rearranged if such rearrangement is found necessary.

(5) Every person whose name appears in that part of the electoral roll relating to a ward shall subject to the other provisions of this Act, be entitled to vote at any election which takes place in that ward while the electoral roll remains in force and no person, whose name does not appear in such part of the electoral roll, shall vote at any such election.

(6) No person shall vote at an election under this Act in more than one ward or more than once in the same ward and if he does so, all his votes shall be invalid.

Explanation: In this section, the expression “Assembly Constituency” shall mean a constituency provided by law for the purpose of elections to the Andhra Pradesh Legislative Assembly.

12. Rearrangement and republication of electoral rolls:— Where, after the electoral roll for the Gram Panchayat has been published under sub-section (1) of Section 11, the village is divided into wards for the first time or the division of the village into ward is altered or the limits of the village are varied, the person authorised by the State Election Commissioner in this behalf shall in order to give effect to the division of the village into wards or to the alteration of the Wards or to the variation of the limits, as the case may be, authorise a re-arrangement and republication of the electoral roll for the Gram Panchayat or any part of such roll in such manner, as the State Election Commissioner may direct.
13. Term of office of Members: (1) Save as otherwise provided in this Act the term of office of members elected at ordinary elections shall be five years from the date appointed by the Commissioner for the first meeting of the Gram Panchayat after the ordinary elections.

(2) Ordinary vacancies in the office of elected members shall be filled at ordinary elections which shall be fixed by the State Election Commission to take place on such day or days within three months before the occurrence of the vacancies, as he thinks fit;

Provided that the State Election Commissioner may, for sufficient reasons to be recorded in writing, direct from time to time, the postponement or alteration of the date of an ordinary election or any stage thereof within the period of three months aforesaid and the State Election Commission shall give effect to such direction.

(3) (a) Every casual vacancy in the office of an elected member of a Gram Panchayat shall be reported by the Executive Authority to the State Election Commission within fifteen days from the date of occurrence of such vacancy and shall be filled within four months from that date.

(b) A member elected in a casual vacancy shall enter upon office forthwith but shall hold office only so long as the member in whose place he is elected would have been entitled to hold office if the vacancy had not occurred.

(c) No casual election shall be held to a Gram Panchayat within six months before the date on which the term of office of its members expires by efflux of time.

14. Election and term of office of Sarpanch: (1) There shall be a Sarpanch for every Gram Panchayat, who shall be elected in the prescribed manner by the persons whose names appear in the electoral roll for the Gram Panchayat, from among themselves. A person shall not be qualified to stand for election as Sarpanch, unless he is not less than twenty-one years of age:

Provided that a Member of the Legislative Assembly of the State or of either House of Parliament who is elected to the office of Sarpanch or Upa-Sarpanch shall cease to hold such office unless within one month from the date of election to such office he ceases to be a Member of the Legislative Assembly of the State or of either House of Parliament by resignation or otherwise.

(2) The election of the Sarpanch may be held at the same time and in the same place as the ordinary elections of the members of the Gram Panchayat.

(3) Save as otherwise expressly provided in, or prescribed under this Act, the term of office of the Sarpanch who is elected at an ordinary election shall be five years from the date appointed by the Election Authority for the first meeting of the Gram Panchayat after the ordinary election.

(4) Subject to the provisions of sub-section (5) any casual vacancy in the office of the Sarpanch shall be filled within one hundred and twenty days from the date of occurrence of such vacancy, by a fresh election under sub-section (1); and a person elected as Sarpanch in any such vacancy shall hold office only so long as the person in whose place he is elected would have been entitled to hold office if the vacancy had not occurred.

(5) Unless the Commissioner otherwise directs, no casual vacancy in the office of the Sarpanch shall be filled within six months before the date on which the ordinary election of the Sarpanch under sub-section (1) is due.
The provisions of Sections 18 to 22 shall apply in relation to the office of the Sarpanch as they apply in relation to the office of an elected member of the Gram Panchayat.

The Sarpanch shall be an ex-officio member of the Gram Panchayat and shall be entitled to vote at meetings of the Gram Panchayat.

A person shall be disqualified for election as Sarpanch if he is in arrears of any dues, otherwise than in a fiduciary capacity to a Mandal Praja Parishad, or if he is interested in a subsisting contract made with or any work being done for, the Mandal Praja Parishad within whose jurisdiction the Gram Panchayat is situated or any other Gram Panchayat within the jurisdiction of that Mandal Praja Parishad;

Provided that person shall not be deemed to have any interest in such contract or work by reason only of his having a share or interest in, --

(i) a company as a mere shareholder but not as a director; or
(ii) any lease, sale or purchase of immovable property or any agreement for the same; or
(iii) any agreement for the loan of money or any security for the payment of money only; or
(iv) any newspaper in which any advertisement relating to the affairs of any of the aforesaid Gram Panchayat is inserted.

Explanation: For the removal of doubts, it is hereby declared that where a contract is fully performed it shall not be deemed to be subsisting merely on the ground that the Mandal Praja Parishad has not performed its part of the contractual obligation.

For every Gram Panchayat, one of the members shall be elected to be Upa-Sarpanch by the Gram Panchayat, in the prescribed manner. If at an election held for the purpose, no Upa-Sarpanch is elected, fresh election shall be held:

Provided that before an election of Upa-Sarpanch is held, every casual vacancy in the office of an elected member of a Gram Panchayat shall be filled.

A special meeting for the election of the Upa-Sarpanch shall be called on the same date on which the results of the ordinary elections to the Gram Panchayat have been published. The notice of the meeting for election of Upa-Sarpanch shall be given to the members so elected by affixation of the same on the notice board at the office of the Gram Panchayat, immediately after such publication:

Provided that if, for any reason, the election of the Upa-Sarpanch is not held on the date aforesaid the special meeting for the election of the Upa-Sarpanch shall be held on the next day, whether or not it is a holiday observed by the Gram Panchayat:

Provided further that the State Election Commission may, from time to time, for reasons to be recorded in writing direct or permit the holding of the election of the Upa-Sarpanch on any other day.

15. Reservation of office of Sarpanch:- (1) Out of total number of offices of Sarpanch in the State, the Commissioner shall, subject to such rules as may be prescribed, by notification reserve, --
(a) such number of offices to the Scheduled Castes and Scheduled Tribes as may be determined by him, subject to the conditions that the number of offices so reserved shall bear, as nearly as may be, the same proportion to the total number of offices to be filled in the State as the population of the Scheduled Castes or as the case may be Scheduled Tribes in the State bears to the total population of the State; and such seats may be allotted by rotation to different Gram Panchayats in the State;

(b) [Omitted by Act No. 5 of 1995]

(c) not less than one-third of the total number of offices reserved under Clause (a) and sub-section (2) for women belonging to the Scheduled Castes, Scheduled Tribes, or as the case may be, Backward Classes; and

(d) not less than one-third (including the number of offices reserved for women belonging to the Scheduled Castes, Scheduled Tribes and the Backward Classes) of the total number of offices to be filled in the State; for women; and such offices may be allotted by rotation to different Gram Panchayats in the State.

(2) In addition to the reservation of offices of Sarpanch under sub-section (1), there shall be reserved for the Backward Classes such number of Offices of Sarpanch as may be allocated to them in each mandal in the manner prescribed; so however, that the number of Offices of Sarpanch in the State reserved for Backward Classes shall not be less than thirty-four percent of the total number of offices of Sarpanch of Gram Panchayats in the State. The number of offices of Sarpanch allocated for reservation to each Mandal shall be allotted by rotation to different Gram Panchayats in the Mandal:

Provided that it shall be competent for the Government to make special provision with regard to the manner and quantum of seats to be reserved for Backward Classes in the Gram Panchayats situated in the Scheduled areas, by rules made in this behalf.

16. Fresh elections in certain cases:-(1) If at an ordinary or casual election, no person is elected to fill a vacancy, a fresh election shall be held on such day as the officer or authority authorised by the State Election Commissioner in this behalf, may fix.

(2) The term of office of a member of a Gram Panchayat elected under this section shall expire at the time at which it would have expired if he had been elected at the ordinary or casual election, as the case may be.

17. Qualification of candidates:- No person shall be qualified for election as a member of a Gram Panchayat unless his name appears on its electoral roll and he is not less than twenty-one years of age.

18. Disqualification of certain office holders etc:- (1) No village servant and no officer or servant of the Government of India or any State Government or of a local authority or an employee of any institution receiving aid from the funds of the Government and no office-bearer of any body constituted under a law made by the Legislature of the State or of Parliament shall be qualified for being chosen as or for being a member of a Gram Panchayat.

Explanation: For the purpose of this section the expression “Village Servant” means in relation to,-

(i) the Andhra Area, any person who holds any of the village offices of nearaganti, neeradi, vetti, kawalkar toti, talayar, tandalagar, sathsindhi or any such village office by whatever designation it may be locally known;

(ii) the Telangana Area, any person who holds any of the village offices of neeradi, kawalkar, sathsindhi or any such village office by whatever designation it may be locally known.
(2) A person who having held an office under the Government of India or under the Government of any State or under any local authority has been dismissed for corruption or for disloyalty to the State or to the local authority shall be disqualified for a period of five years from the date of such dismissal.

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

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

(4) [Omitted by Act 37 of 2001].

(5) Apart from the disqualifications specified in sub-sections (1) and (2) of this section and Sections 19 and 20, a person shall be disqualified for being chosen as and for being, a member of a Gram Panchayat, if he is otherwise disqualified by or under any law for the time being in force for the purposes of elections to the Legislature of the State:

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

Provided further that where a person is convicted for an offence specified under sub-section (1) or sub-section (2) of section 8 of the Representation of Peoples Act, 1951 (43 of 1951), or under Section 19 of this Act, while he is a member or office bearer of a Gram Panchayat, Mandal Praja Parishad or Zilla Praja Parishad, the disqualification arising out of such conviction shall not take effect until the expiry of the time for filing an appeal against such conviction and where an appeal is filed until the disposal of the appeal;

Provided also that a person convicted for an offence under sub-section (1) of Section 8 of the Representation of People Act, 1951 (43 of 1951), shall be disqualified for being chosen as or for continuing as a member of a Gram Panchayat, Mandal Praja Parishad or a Zilla Praja Parishad for a period of six years from the date of conviction and a person convicted under sub-section (2) thereof shall be disqualified for a period of six years from the date of conviction and for a further period of five years from the date of release.

19. Disqualification of Candidates:- (1) A person who has been convicted by a Criminal Court, –
(a) for an offence under the Protection of Civil Rights Act, 1955 (22 of 1955); or
(b) for an offence involving moral delinquency; shall be disqualified for election as a Member for a period of five years from the date of conviction or where he is sentenced to imprisonment while undergoing sentence and after a period of five years from the date of expiration thereof.

(2) A person shall be disqualified for being chosen as a member if on the date fixed for scrutiny of nominations for election, or on the date of nomination under sub-section (2) of section 16 he is –
(a) of unsound mind and stands so declared by a competent court;
(b) a deaf-mute;
(c) an applicant to be adjudicated an insolvent or an undischarged insolvent;
(d) interested in a subsisting contract made with, or any work being done for, the Gram Panchayat, Mandal Praja Parishad, Zilla Praja Parishad or any State or Central Government;

Provided that a person shall not be deemed to have any interest in such contract or work by reason only of his having a share or interest in –

(i) a company as a mere shareholder but not as a director;
(ii) any lease, sale or purchase of immovable property or any agreement for the same; or
(iii) any agreement for the loan of money or any security for the payment of money only; or
(iv) any newspaper in which any advertisement relating to the affairs of the Gram Panchayat is inserted.

Explanation:- For the removal of doubts, it is hereby declared that where a contract is fully performed it shall not be deemed to be subsisting merely on the ground that the Gram Panchayat, Mandal Praja Parishad, Zilla Praja Parishad, the State or Central Government has not performed its part of the contractual obligations;

(dd) already a member of a Nagar Panchayat or a Municipality constituted under the Andhra Pradesh Municipalities Act, 1965 or a member of a Municipal Corporation constituted under any law relating to Municipal Corporations for the time being in force in the State of Andhra Pradesh;
(e) employed as paid legal practitioner on behalf of the Gram Panchayat or as legal practitioner against the Gram Panchayat;
(f) employed as a manager or secretary of any Company or Corporation (Other than a Co-operative Society) in which not less than twenty-five per cent of the paid up share capital is held by the State Government;
(g) an honorary Magistrate under the Code of Criminal Procedure, 1973, (2 of 1974) with jurisdiction over any part of the village;
(h) already a member of the Gram Panchayat whose term of office will not expire before his fresh election can take effect or has already been elected as a member of the Gram Panchayat whose term of office has not yet commenced;
(i) in arrears of any dues including the sums surcharged otherwise than in a fiduciary capacity, to the Gram Panchayat upto and inclusive of the previous year, in respect of which a bill or notice has been duly served upon him and the time, if any, specified therein for payment has expired:

Provided that where any person has paid such dues into the Government treasury or into a bank approved by the Government to the credit of the Gram Panchayat Fund and obtained a challan or receipt therefore in token of such payment, he shall not be disqualified to become a member of the Gram Panchayat on and from the date of such payment.

(3) A person having more than two children shall be disqualified for election or for continuing as member:

Provided that the birth within one year from the date of commencement of the Andhra Pradesh Panchayat Raj Act, 1994 hereinafter in this section referred to as the date of such commencement, of an additional child shall not be taken into consideration for the purposes of this section:

Provided further that a person having more than two children (excluding the child if any born within one year from the date of such commencement) shall not be disqualified under this section for so long as the number on such commencement does not increase;

Provided also that the Government may direct that the disqualification in this section shall not apply in respect of a person for reasons to be recorded in writing.

19A. Disqualification on ground of corrupt practice or election offences:- Any person who is convicted of any offence punishable under Chapter IX A of the Indian Penal Code, 1860, and any person against whom a finding of having indulged in any corrupt practice is recorded in the verdict in an election petition filed in accordance with section 233, or any person convicted of an offence punishable under Chapter II of Part V of this Act, shall be disqualified for contesting in any election held under this Act, for a period of six years from the date of such conviction or verdict, as the case may be.

19B. Disqualification for failure to lodge account of election expenses:- If the State Election Commission is satisfied that a person,
(a) has failed to lodge an account of election expenses within the time, in the manner required by or under this Act; and
(b) has no good reason or justification for the failure, the State Election Commission shall, after following the procedure prescribed, by order published in the Andhra Pradesh Gazette, declare him;
(i) to be ineligible for a period of three years from the date of the said order to contest any election held for any office under this Act” and
(ii) to have ceased to hold office; in case he is elected.

20. Disqualification of members:- Subject to the provisions of Section 22, a member shall cease to hold office as such if he –

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

(aa) is elected as a member to a ward/office reserved for Scheduled Castes or Scheduled Tribes or Backward Classes on the basis of a community certificate and subsequently the said community certificate is cancelled under section 5 of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of issue of Community Certificates Act, 1993.

(b) absents himself from the meetings of the Gram Panchayat for a period of ninety days, reckoned from the date of the commencement of his term of office, or of the last meeting which he attended, or of his restoration to office as member under sub-section (1) of Section 21, as the case may be, or if within the said period, less than three ordinary meetings have been held, absents himself from three consecutive ordinary meetings held after the said date:

Provided that in the case of a woman member, a period of not more than four months at a time shall be excluded in reckoning the period of absence aforesaid, if for reasons of physical disability due to advanced stage of pregnancy and delivery, such member absents herself from meetings after giving a written intimation to the Executive Authority of the date from which she would be absent:

Provided further that no meeting from which a member absented himself shall be counted against him under this clause if –

(i) due notice of that meeting was not given to him in the prescribed manner; or
(ii) the meeting was held on a requisition of members.

Explanation: For the purpose of this clause,
(i) “Ordinary meeting” shall mean a meeting held after giving a notice of at least three days before the day of the meeting;
(ii) Where a meeting other than an ordinary meeting intervenes between one ordinary meeting and another ordinary meeting, those two ordinary meetings shall be regarded as being consecutive to each other.
20A. Disqualification of Sarpanch or Upa-Sarpanch for failure to convene the meeting of Gram Sabha:- (1) Subject to the provisions of section 22, a Sarpanch or as the case may be, a Upa Sarpanch shall cease to hold office as such, if he fails to convene the meetings of the Gram Sabha as required under sub-section (5) of section 6 and further even on or before a date specified in a show cause notice issued on him after the expiry of ten days, requiring him to convene the meetings of the Gram Sabha and cease to exercise the powers and perform the functions of the sarpanch or Upa-Sarpanch as the case may be unless such cessation has otherwise occurred before that date and for a period of one year from such date, he shall not be eligible to be elected as Sarpanch or Upa-Sarpanch as the case may be.

(2) Every such cessation as is referred to in sub-section (1) shall be intimated by the Divisional Panchayat Officer in writing to the Sarpanch or the Upa-Sarpanch, as the case may be.

20B. Disqualification of Sarpanch or Upa-Sarpanch for failure to close audit of the accounts:- A sarpanch or, as the case may be, a Upa-Sarpanch shall cease to hold office as such, if he fails to get the accounts of the Gram Panchayat audited within the period as required under the proviso to sub-section (3) of section 266.

21. Restoration of members to office:- (1) Where a person ceased to be a member under Section 18 or Clause (a) of Section 20 read with Section 19, he shall be restored to office for such portion of the period for which he was elected as may remain unexpired at the date of such restoration, if and when the conviction or the sentence is annulled on appeal or revision or the disqualification caused by the sentence is removed by an order of the Government; and any person elected to fill the vacancy in the interim shall, on such restoration, vacate office.

(2) Where a person incurs the disqualification specified under Clause (b) of Section 20, the Executive Authority shall forthwith send a report in that regard to the District Panchayat Officer concerned, who shall, on satisfying himself after due verification, that the person has ex-facie ceased to be a member, intimate that fact by registered post to the member concerned and report the same to the Gram Panchayat forthwith. If such member applies for restoration of his membership to the Gram Panchayat within thirty days of the receipt by him of such intimation, he shall be deemed to have been restored to his membership and the executive authority shall report the fact of such restoration to the Gram Panchayat at its next meeting:

Provided that a member who is so restored to his membership again incurs the disqualification under the said clause (b), the Gram Panchayat may, on his application for restoration filed within a period of thirty days of the receipt by him of the intimation from the District Panchayat Officer regarding the disqualification restore him to his membership.

22. Authority to decide questions of disqualification of members:- (1) Where an allegation is made that any person who is elected as a member of a Gram Panchayat is not qualified or has become disqualified under Section 17, Section 18, Section 19 or Section 20 by any voter or authority to the Executive Authority in writing and the Executive Authority has given intimation of such allegation to the member through the District Panchayat Officer and such member disputes the correctness of the allegation so made, or where any member himself entertains any doubt whether or not he has become disqualified under any of those sections, such member or any other member may, and the Executive Authority, at the direction of the Gram Panchayat or the Commissioner shall, within a period of two months from the date on which such intimation is given or doubt is entertained, as the case may be, apply to the District Court having jurisdiction over the area in which the office of the Gram Panchayat is situated for decision.
(2) Pending such decision, the member shall be entitled to act as if he is qualified or were not disqualified.

(3) Where a person ceases to be the Sarpanch or Upa-Sarpanch of a Gram Panchayat as a consequence of his ceasing to be a member of the Gram Panchayat under Clause (b) of Section 20 and is restored later to his membership of the Gram Panchayat under sub-section (2) of Section 21, he shall, with effect from the date of such restoration, be deemed to have been restored also to the office of Sarpanch or Upa-Sarpanch, as the case may be.

23. Resignation of Members, Upa-Sarpanch, Sarpanch:- (1) The Sarpanch, Upa-Sarpanch or any member may resign his office in the manner prescribed.

(2) (a) Notwithstanding that the resignation of a person from the office of Sarpanch has taken effect under sub-section (1), the Commissioner may by notification record a finding, with reasons therefore, that such a person is guilty of willful omission or refusal to carry out, or disobedience of, the provisions of the Act or any rules, bye-laws, regulations or lawful orders made thereunder or abuse of the powers vested in him, while he held the office of Sarpanch:

Provided that the Commissioner shall, before issuing such notification, give the person concerned an opportunity for explanation:

Provided further that no action under this clause shall be taken after the expiration of one year from the date on which the resignation has taken effect.

(b) A person aggrieved by the notification issued under Clause (a) may, within thirty days from the date of publication of such notification, prefer an appeal to the Government and the Government shall, in case the appeal is allowed, cancel such notification.

(c) A person in respect of whom a notification was issued under Clause (a) shall, unless the notification is cancelled under Clause (b), be ineligible for election as Sarpanch for a period of three years from the date of publication of such notification.

24. Cessation of Upa-Sarpanch: The Upa-Sarpanch shall cease to hold the office as such on the expiry of his term of office as a member of the Gram Panchayat or on his otherwise ceasing to be such member.
PART-III
CONSTITUTION AND INCORPORATION, COMPOSITION, POWERS, FUNCTIONS, ETC., OF MANDAL PRAJA PARISHADS

148. Constitution and incorporation of Mandal Praja Parishads:-

(1) There shall be constituted by the Government by notification from time to time, and with effect on and from such date, as may be specified therein constitute a Mandal Praja Parishad for each Mandal.

(2) Where under sub-section (2) of Section 3 of the Andhra Pradesh Districts (Formation) Act, 1974 (Act 7 of 1974), a Mandal is redelimited or a new Mandal is formed, the Government may, by notification, reconstitute the Mandal Praja Parishad for the redelimited Mandal or constitute a new Mandal Praja Parishad for the new Mandal. On such reconstitution or constitution the Mandal Praja Parishad or Mandal Praja Parishads concerned functioning immediately before such reconstitution or constitution, shall stand abolished:

Provided that in reconstituting the Mandal Praja Parishad, the Government may direct that the President, the Vice-President or an elected member of the Mandal Praja Parishad which was functioning immediately before such redelimitation and who is otherwise qualified to hold such office in the reconstituted Mandal Praja Parishad shall be the President, Vice-President or elected Member of the reconstituted Mandal Praja Parishad as if he was elected to such office in the reconstituted Mandal Praja Parishad.

(3) Where after a Mandal Praja Parishad is constituted for a Mandal, a part of such Mandal is included in a neighbouring Municipality or Municipal Corporation, and,

(i) in case the residuary part of the Mandal is viable for the constitution of a separate Mandal Praja Parishad such residuary part shall be redelimited into a separate Mandal under the Andhra Pradesh Districts (Formation) Act, 1974 (Act 7 of 1974) and a Mandal Praja Parishad shall be constituted for such newly formed Mandal and that portion of the Mandal prior to its redelimitation which is included in the neighbouring Municipality or Municipal Corporation shall be included in an adjoining Mandal which forms part of such Municipality or Municipal Corporation; or

(ii) in case the residuary portion of the Mandal is not viable to be constituted into a separate Mandal Praja Parishad, it shall be competent for the Government,--

(a) to include such residuary portion of the Mandal in the adjoining Mandal or Mandals and abolish the Mandal Praja Parishad constituted for such Mandal; or

(b) to form a new Mandal by adding to such residuary portion, areas from the adjoining Mandal or Mandals and constitute a Mandal Praja Parishad for such new Mandal:

Provided that where a Mandal Praja Parishad is constituted under clause (i) or sub-clause (b) of clause (ii), the Government may direct that the President, Vice-President or an elected member of the abolished Mandal Praja Parishad who is otherwise qualified to hold such office in the newly constituted Mandal Praja Parishad shall be the President. Vice-President or elected member of the newly constituted Mandal Praja Parishad as if he was elected to such office in the newly constituted Mandal Praja Parishad.

Explanation: For the removal of doubts, it is hereby declared, that, --

(i) the President, Vice-President or an elected Member of the newly constituted Mandal Praja Parishad continued under this sub-section shall hold office only for the residue of the term of the President, Vice-President or an elected Member of the abolished Mandal Praja Parishad:
Provided further that where a Mandal Praja Parishad is abolished under clause (a), the President, Vice-President or an elected member holding office immediately before such abolition shall unless he is continued under the foregoing proviso cease to hold their respective offices.

(4) Every Mandal Praja Parishad shall, by the name of the Mandal for which it is constituted or reconstituted, be a body corporate having perpetual succession and a common seal with power to acquire, hold and dispose of property and to enter into contracts and may by its corporate name sue and be sued.

(5) The notification under sub-section (2) may contain such supplemental, incidental and consequential provisions as the Government may deem necessary and the Government may, from time to time, amend any such notification.

149. Composition of Mandal Praja Parishad:- (1) Every Mandal Praja Parishad shall consist of the following members, namely, –

(i) persons elected under Section 151;
(ii) the Member of the Legislative Assembly of the State representing a constituency which comprises either wholly or partly the Mandal concerned;
(iia) any Member of the Legislative Council of the State who is a registered voter in the Mandal concerned;
(iii) the Member of the House of the People representing a constituency which comprises either wholly or partly the Mandal concerned;
(iv) any Member of the Council of States who is a registered voter in the Mandal concerned.
(v) one person belonging to minorities to be co-opted in the prescribed manner by the members specified in clause (i) from among persons who are registered voters in the Mandal and who are not less than 21 years of age.

(2) No person shall be a member in more than one of the categories specified in sub-section (1). A person who is or becomes a Member of a Mandal Praja Parishad in more than one such category shall, by notice in writing signed by him and delivered to the Mandal Parishad Development Officer, within fifteen days from the date of the first meeting referred to in sub-section (3) of Section 153, intimate in which one of the said categories he wishes to serve, and thereupon he shall cease to be the member in the other category or categories. In default of such intimation within the aforesaid period, his membership in the Mandal Praja Parishad in the category acquired earlier shall, and his membership acquired later in the other shall not, cease at the expiration of such period. The intimation given under this sub-section shall be final and irrevocable:

150. Division of Mandal into constituencies:- For the purpose of electing the members specified in clause (i) of sub-section (1) of Section 149, the Commissioner shall, subject to such rules as may be made in this behalf, divide each Mandal Praja Parishad area into as many territorial constituencies as he may, by notification specify, in such manner that, as far as practicable, they shall consist of a population ranging between three thousand and four thousand; and that the ratio between the population of each constituency and the number of seats allotted to it shall, as far as practicable, be the same throughout the Mandal Praja Parishad area:

Provided that the ratio between the population of the territorial area of a Mandal Praja Parishad and the number of seats in such Parishad to be filled by election shall, as far as practicable, be the same throughout the State:
151. Election of members from territorial constituencies:- (1) One member shall be elected to the Mandal Praja Parishad from each territorial constituency specified in Section 150 by the method of secret ballot by the persons who are registered voters in the territorial Constituency concerned:

Provided that a registered voter in the Mandal Praja Parishad shall be entitled to contest from any territorial constituency of the Mandal Praja Parishad.

(2) For purposes of preparation and publication of the electoral roll for the elections to the office of member under this section, the provisions of Sections 11 and 12 shall, mutatis mutandis apply, subject to such rules as may be made in this behalf.

152. Reservation of seats of Members of Mandal Praja Parishad:- (1) In every Mandal Praja Parishad out of the total strength of elected members determined under Section 150, the Commissioner shall, subject to such rules as may be prescribed, by notification, reserve, -

(a) such number of seats to the members belonging to Scheduled Castes and Scheduled Tribes as may be determined by him, subject to the condition that the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election to the Mandal Praja Parishad as the population of Schedule Castes or as the case may be, the Scheduled Tribes in that Mandal bears to the total population of that Mandal and such seats may be allotted by rotation to different constituencies in a Mandal Praja Parishad in the manner prescribed.

(b) [Omitted by Act No. 5 of 1995].

(c) not less than one-third of the total number of seats reserved under clause (a) and sub-section (1-A), for women belonging to the Scheduled Castes, Scheduled Tribes or as the case may be, the backward classes;

(d) not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes, Scheduled Tribes and Backward Classes) of the total number of seats to be filled by direct election to every Mandal Praja Parishad shall be reserved for women and such may be allotted by rotation to different constituencies in a Mandal Praja Parishad in the manner prescribed.

(1-A) In addition to the reservation of seats under sub-section (1), there shall be reserved for the Backward Classes such number of seats as may be allocated to them in each Mandal Praja Parishad in the manner prescribed; so however that the number of offices of members of Mandal Praja Parishads in the State reserved for Backward Classes shall not be less than thirty-four per cent of the total number of offices of the members of Mandal Praja Parishads in the State. The number of seats allocated to each Mandal Praja Parishad shall be allotted by rotation to different territorial constituencies in the Mandal Praja Parishad:

Provided that it shall be competent for the Government to make special provisions with regard to the manner and quantum of seats to be reserved for Backward Classes in the Mandal Praja Parishad situated either wholly or partly in the Scheduled Areas, by rules made in this behalf.

(2) Nothing in [sub-sections (1) and (1-A) shall be deemed to prevent women and members of the Scheduled Castes, Scheduled Tribes or Backward Classes from standing for election to the non-reserved seats in the Mandal Praja Parishad.
153. Election, reservation and term of office of President and Vice-President:- (1) For every Mandal Praja Parishad there shall be one President and one Vice-President who shall be elected by and from among the elected members specified in clause (i) of sub-section (1) of Section 149 by show of hands duly obeying the party whip given by such functionary of the recognised political party as may be prescribed. If at an election held for the purpose no President or Vice-President is elected, fresh election shall be held the names of the President or Vice-President so elected shall be published in the prescribed manner:

Provided that if a Member of the Legislative Assembly of the State or of either House of Parliament is elected to either of the said offices, he shall cease to hold such office unless within fifteen days from the date of election to such office, he ceases to be member of the Legislative Assembly of the State or of either House of Parliament by resignation or otherwise.

Provided further that a member voting under this sub-section in disobedience of the party whip shall cease to hold office in the manner prescribed and the vacancy caused by such cessation shall be filled as a casual vacancy.

(2) Out of the total number of offices of President in the State, the Commissioner shall, subject to such rules as may be prescribed, by notification reserve, –

(a) such number of offices to the members belonging to Scheduled Castes and Scheduled Tribes as may be determined by him, subject to the condition that the number of offices so reserved shall bear, as nearly as may be, the same proportion to the total number of offices to be filled in the State as the population of the Scheduled Castes or as the case may be, the Scheduled Tribes in the State bears to the total population of the State and such offices may be allotted by rotation to different Mandal Praja Parishads in the State in the manner prescribed;

(b) [Omitted by Act No. 5 of 1995].

(c) not less than one-third of the total number of offices reserved under Clause (a) and sub-section (2-A) for women belonging to the Scheduled Castes, Scheduled Tribes, or as the case may be, the Backward Classes; and

(d) not less than one-third (including the number of offices reserved for women belonging to the Scheduled Castes, Scheduled Tribes and the Backward Classes) of the total number of offices to be filled in the State for women and such offices may be allotted by rotation to different Mandal Praja Parishads in the State in the manner prescribed.

(2-A) In addition to the reservation of offices of President under sub-section (1), there shall be reserved for the Backward Classes such number of offices of President as may be allocated to them in each district in the manner prescribed; so however, that the number of offices of Presidents in the State reserved for Backward Classes shall not be less than thirty-four percent of the total number of offices of Presidents of Mandal Praja Parishads in the State. The number of offices of President allocated for reservation to each district shall be allotted by rotation to different Mandal Praja Parishads in the district.

(3) The first meeting of the Mandal Praja Parishad to elect a President and Vice-President shall be called as soon as may be, after the results of the ordinary elections of the office of elected members of the Mandal Praja Parishad have been published. The notice of the date and time of the meeting for the election of President and Vice-President shall be given to the elected members in the prescribed manner.

Provided that if, for any reason, the election of the President or Vice-President is not held on the date fixed as aforesaid, the meeting for the election of the President and Vice-President shall be held on the next day, whether or not it is a holiday observed by the Mandal Praja Parishad.
(4) Every President or Vice-President shall cease to hold office on the expiration of his term of office as a member.

(5) Save as otherwise expressly provided in, or prescribed under this Act, the term of office of the President or Vice-President who is elected at an ordinary elections shall be five years from the date appointed by the State Election Commissioner for the first meeting of the Mandal Praja Parishad after the ordinary election.

(6) Any casual vacancy in the office of the President or Vice-President shall be filled within a period of six months from the date of occurrence of the vacancy by a fresh election under sub-section (3) and a person elected as President or Vice-President in any such vacancy shall hold office only so long as the person in whose place he is elected would have been entitled to hold office if the vacancy had not occurred.

153A. Resolution of disputes relating to cessation for disobedience of party whip:— Where a member against whom a proceeding that he ceased to hold office as a consequence of the disobedience of the party whip is issued in pursuance of the second proviso to sub-section (1) of section 153 and the affected member disputes the correctness of the proceedings, he may apply to the District Court having jurisdiction over the area in which the office of the Mandal Praja Parishad is situated, for a decision.

154. Term of office of the Member of Mandal Praja Parishad:— Save as otherwise provided in this Act,—

(i) an ex-officio member of the Mandal Praja Parishad shall hold office so long as he continues to hold office by virtue of which he became such ex-officio member;

(ii) a member elected at an ordinary election or a co-opted member shall hold office for a term of five years from the date appointed by the State Election Commissioner for the first meeting of the Mandal Praja Parishad after the said ordinary election.

155. Qualification of candidates for election:— No person shall be eligible for election as member of a Mandal Praja Parishad unless his name appears in the electoral roll of the Mandal Praja Parishads concerned and he has completed the age of twenty-one years.

156. Disqualifications:— (1) A member of the Mandal Praja Parishad shall be disqualified for election as President or Vice-President if he is in arrears of any dues, otherwise than in fiduciary capacity to a Gram Panchayat, a Mandal Praja Parishad or the Zilla Praja Parishad or if he is interested in a subsisting contract made with, or any work being done, for, any Gram Panchayat in the Mandal or the Mandal Praja Parishad or the Zilla Praja Parishad within whose jurisdiction the Mandal Praja Parishad is situated or any other Mandal Praja Parishad within the jurisdiction of that Zilla Praja Parishad:

Provided that a person shall not be deemed to have any interest in such contract or work by reason only of his having a share or interest in,—

(i) a company as a mere shareholder but not as a director;

(ii) any lease, sale or purchase of immovable property or any agreement for the same; or

(iii) any agreement for the loan of money or any security for the payment of money only; or

(iv) any newspaper in which any advertisement relating to the affairs of any of aforesaid Mandal Praja Parishad is inserted.
(2) The provisions of Sections 18, 19, 19A, 19B, 20, 21 and 22 shall apply to a member of the Mandal Praja Parishad as they apply to a member or the Gram Panchayat subject to the variations that for the expressions, “Gram Panchayat”, “Executive Authority”, “Sarpanch”, “Upa-Sarpanch” and “District Panchayat Officer”, the expressions “Mandal Praja Parishad”, “Mandal Parishad Development Officer”, “President”, “Vice-President” and “Chief Executive Officer”, shall respectively be substituted:

Provided that nothing in Clause (b) of Section 20 shall apply to member of the Mandal Praja Parishad specified in Clause (ii), Clause (iii) and Clause (iv) of sub-section (1) of Section 149.

157. Resignation of President, Vice-President or Member:– The President, the Vice-President, elected member or co-opted member may resign his office in such manner as may be prescribed.

158. Permanent invitees to the meetings of the Mandal Praja Parishad:– The Collector the Sarpanches of all the Gram Panchayats within the jurisdiction of the Mandal Praja Parishad [the member of the Zilla Praja Parishad specified in Clause (i) of sub-section (3) of Section 177 elected from the Mandal concerned, the Chairperson, Zilla Praja Parishad, and the President of Agricultural Marketing Committee] shall be permanent invitees to the meetings of the Mandal Praja Parishad and they shall have the right to speak in and otherwise to take part in the proceedings of any meeting of a Mandal Praja Parishad functioning within the local limits of their respective jurisdictions but shall not, by virtue of this section be entitled to vote at any such meeting.

173. Election expenses to be borne by the Government:– The cost of the election expenses including the conduct of elections to the Mandal Praja Parishad and the cost of maintenance of election establishment employed in connection therewith shall be borne by the Government.
PART-IV
CONSTITUTION AND INCORPORATION, COMPOSITION, POWERS, FUNCTIONS, ETC., OF ZILLA PRAJA PARISHADS

177. Constitution, Incorporation and Composition of Zilla Praja Parishad:-(1) There shall be constituted by the Government by notification a Zilla Praja Parishad for a District with effect from such date as may be specified therein.

(2) Every Zilla Praja Parishad shall, by the name of the District for which it is constituted, be a body corporate having perpetual succession and a common seal with power to acquire, hold and dispose of property and to enter into contracts and may by its corporate name, sue and be sued.

(3) Every Zilla Praja Parishad shall consist of the following members, namely,-

(i) persons elected under Section 179;
(ii) the Member of the Legislative Assembly of the State representing the Constituency which comprises either wholly or partly the district concerned;

Provided that such Member of the Legislative Assembly shall have the right to speak in and otherwise to take part in the proceedings of a meeting of any Standing Committee of the Zilla Praja Parishad but he shall not be entitled to vote at a meeting of such Standing Committee, unless he is also a member of that Standing Committee:

Provided further that no Member of the Legislative Assembly representing a Constituency the whole of which forms part of the local area within the jurisdiction of any of the Municipal Corporations or any of the Municipalities in the State shall be the member of the Zilla Praja Parishad of the concerned district;

(iia) the Member of the Legislative Council of the State who is a member of the Mandal Praja Parishad;

Provided that such Member of the Legislative Council of the State shall have the right to speak in, and otherwise to take part in the proceedings of a meeting of any standing committee of the Zilla Praja Parishad, but he shall not be entitled to vote at a meeting of that standing committee, unless he is also a member of that standing committee.

(iii) The Member of the House of the People representing a Constituency which comprises either wholly or partly the district concerned;

Provided that no Member of the House of the People representing a constituency the whole of which forms part of the local area within the jurisdiction of any of the Municipal Corporation in the State shall be the Member of the Zilla Praja Parishad;

Provided further that a member of the House of the People representing the constituency which comprises more than one district including a portion of any district, shall be a member of the Zilla Praja Parishad of all such district with the right to speak in, and otherwise to take part in the proceedings of their meetings with voting rights; he shall also have the right to speak in and otherwise to take part in the meetings of any Standing Committee of the Zilla Praja Parishad but he shall not be entitled to vote at a meeting of any Standing Committee unless he is also a member of that Standing Committee.
(iv) the Member of the Council of States who is a registered voter in the district;

Provided that such Member of the Council of States shall have the right to speak in, and otherwise to take part in the proceedings of a meeting of any Standing Committee of the Zilla Praja Parishad, but he shall not be entitled to vote at a meeting of that Standing Committee, unless he is also a member of that Standing Committee;

(v) two persons belonging to minorities to be co-opted in the prescribed manner by the members specified in Clause (i) from among persons who are registered voters in the District and who are not less than 21 years of age.

(4) No person shall be a Member in more than one of the categories specified in sub-section (3). A person who is or becomes a Member of a Zilla Praja Parishad in more than one such category, shall, by notice in writing signed by him and delivered to the Chief Executive Officer, within fifteen days from the date of the first meeting of the Zilla Praja Parishad referred to in sub-section (4) of Section 181, intimate in which one of the said categories he wishes to serve, and thereupon, he shall cease to be the member in the other category or categories. In default of such intimation within the aforesaid period, his membership in the Zilla Praja Parishad in the category acquired earlier shall, and his membership acquired later in the other category shall not, cease at the expiration of such period. The intimation given under this sub-section shall be final and irrevocable.

(5) No person other than a Member of the House of the People, shall be entitled to be a member of more than one Zilla Praja Parishad at a time.

178. Mandals to be Territorial Constituencies:- For purposes of electing the members specified in Clause (i) of sub-section (3) of Section 177 every Mandal in the District shall be a Territorial Constituency and the State Election Commissioner shall allot not more than one seat for each such Territorial Constituency.

179. Election of members from Territorial Constituencies:- (1) One member shall be elected to the Zilla Praja Parishad from each Territorial Constituency specified in Section 178 by the method of secret ballot by the registered voters in the Territorial Constituency concerned.

Provided that a registered voter in the district shall be entitled to contest from any Territorial Constituency of the Zilla Praja Parishad.

(2) For purposes of preparation and publication of the electoral roll for the elections to the office of member under this section, the provisions of Sections 11 and 12 shall, mutatis-mutandis apply subject to such rules as may be made in this behalf.

180. Reservation of seats of members of Zilla Praja Parishad:- (1) In every Zilla Praja Parishad, out of the total strength of elected members determined under Section 179, the Commissioner shall, subject to such rules as may be prescribed, by notification reserve –

(a) such number of seats to the Scheduled Castes and Scheduled Tribes as may be determined by him, subject to the condition that the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election to the Zilla Praja Parishad as the population of the Scheduled Castes or as the case may be Scheduled Tribes in the District bears to the total population of that District and such seats may be allotted by rotation to different constituencies in a District in the manner prescribed;

(b) [Omitted by Act No. 5 of 1995].
(c) not less than one-third of the total number of seats reserved under Clause (a) and sub-section (1-A) for women belonging to the Scheduled Castes, Scheduled Tribes or as the case may be, the Backward Classes;

(d) not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes, Scheduled Tribes and Backward Classes) of the total number of seats to be filled by direct election to the Zilla Praja Parishad for women and such seats may be allotted by rotation to different constituencies in the district in the manner prescribed.

(1-A) In addition to the reservation of seats under sub-section (1), there shall be reserved for the Backward Classes such a number of seats as may be allocated to them in each Zilla Praja Parishad in the manner prescribed; so however that the number of offices of members of Zilla Praja Parishad in the State reserved for Backward Classes shall not be less than thirty-four percent of the total number of offices of the members of Zilla Praja Parishad in the State. The number of seats allocated to each Zilla Praja Parishad shall be allotted by rotation to different territorial constituencies in the Zilla Praja Parishad.

(2) Nothing in (sub-sections (1) and (1-A) shall be deemed to prevent women and members of the Scheduled Castes, Scheduled Tribes or Backward Classes from standing for election to the non-reserved seats in the Zilla Praja Parishad.

181. Election of Chairperson and Vice-Chairperson:-(1) For every Zilla Praja Parishad there shall be one Chairperson and one Vice-Chairperson who shall be elected by and from among the elected members specified in Clause (i) of sub-section (3) of Section 177 by show of hands duly obeying the party whip given by such functionary of the recognised political party as may be prescribed. If at an election held for the purpose no Chairperson or Vice-Chairperson is elected, fresh election shall be held. The names of the Chairperson and the Vice-Chairperson so elected shall be published in the prescribed manner:

Provided that if a member of the Legislative Assembly of the State or of either House of Parliament is elected to either of the said offices, he shall cease to hold such office unless within fifteen days from the date of election to such office he ceases to be Member of the Legislative Assembly of the State or of either House of Parliament by resignation or otherwise.

Provided further that a member voting under this sub-section in dis-obedience of the party whip shall cease to hold office in the manner prescribed and the vacancy caused by such cessation shall be filled as a casual vacancy

(2) Out of the total number of offices of Chairperson in the State, the Commissioner shall, subject to such rules as may be prescribed, by notification reserve,—

(a) such number of offices to the members belonging to Scheduled Castes and Scheduled Tribes as may be determined by him, subject to the condition that the number of offices so reserved shall bear, as nearly as may be, the same proportion to the total number of offices to be filled in the State as the population of the Scheduled Castes or as the case may be, the Scheduled Tribes in the State bears to the total population of the State and such offices may be allotted by rotation to different Zilla Praja Parishads in the State in the manner prescribed.

(b) thirty four percent of the total number of such offices of Chairperson in the State for Backward Classes; and such offices may be allotted by rotation to different Zilla Praja Parishads in the State in the manner prescribed;
(c) not less than one-third of the total number of offices reserved under Clauses (a) and (b) for women belonging to the Scheduled Castes, Scheduled Tribes, or as the case may be, the Backward Classes; and
(d) not less than one-third (including the number of offices reserved for women belonging to Scheduled Castes, Scheduled Tribes and the Backward Classes) of the total number of offices to be filled in the State for women and such offices may be allotted by rotation to different Zilla Praja Parishads in the State in the manner prescribed].

(3) [***]

(4) The first meeting of the Zilla Praja Parishad to elect a Chairperson and Vice-Chairperson shall be called as soon as may be, after the results of the ordinary elections to the office of elected members of the Zilla Praja Parishad have been published. The notice of the date and time of the meeting for the election of Chairperson and Vice-Chairperson shall be given to the elected members in the prescribed manner:

Provided that if, for any reason, the election of the Chairperson or Vice-Chairperson is not held on the date fixed as aforesaid, the meeting for the election of the Chairperson and Vice-Chairperson shall be held on the next day, whether or not it is holiday observed by the Zilla Parishad.

(5) Every Chairperson or Vice-Chairperson shall cease to hold office on cessation as an elected member.

(6) Save as otherwise expressly provided in, or prescribed under this Act, the term of office of the Chairperson or Vice-Chairperson who is elected at an ordinary election shall be five years from the date appointed by the State Election Commissioner for the first meeting of the Zilla Praja Parishad after the ordinary election.

(7) Any casual vacancy in the office of the Chairperson or Vice-Chairperson shall be filled within a period of six months from the date of occurrence of the vacancy by a fresh election under sub-section (4) and a person elected as Chairperson or Vice-Chairperson in any such vacancy shall hold office only so long as the person in whose place he is elected would have been entitled to hold office if the vacancy had not occurred.

181A. Resolution of disputes relating to cessation for disobedience of party whip:- Where a member against whom a proceeding that he ceased to hold office as a consequence of the disobedience of the party whip is issued in pursuance of the second proviso to sub-section (1) of Section 181 and the affected member disputes the correctness of the proceedings, he may apply to the District Court having jurisdiction over the area in which the office of the Zilla Praja Parishad is situated, for a decision.

182. Term of Office of a member of a Zilla Praja Parishad:- Save as otherwise provided in this Act,–

(i) an ex-officio member of the Zilla Praja Parishad shall hold office so long as he continues to hold the office by virtue of which he became such ex-officio member,
(ii) a member elected at an ordinary election or a co-opted member shall hold office for a term of five years from the date appointed by the State Election Commission for the first meeting of the Zilla Praja Parishad after the said ordinary election.
183. **Qualification of candidates for election:** No person shall be eligible for election as member of a Zilla Praja Parishad unless his name appears in the electoral rolls of the Zilla Praja Parishad concerned and he has completed the age of twenty one years.

184. **Disqualifications:** (1) A member of the Zilla Praja Parishad shall be disqualified for election as Chairperson or Vice-Chairperson if he is in arrears of any duties, otherwise than in a fiduciary capacity to any Mandal Praja Parishad in the District or the Zilla Praja Parishad or if he is interested in a subsisting contract made with or any work being done for any Mandal Praja Parishad in the District or the Zilla Praja Parishad.

   Provided that a person shall not be deemed to have any interest in such contract or work by reason only of his having a share or interest in,–

   (i) a company as a mere shareholder but not as a director; or
   (ii) any lease, sale or purchase of immovable property or any agreement for the same; or
   (iii) any agreement for the loan of money or any security for the payment of money only; or
   (iv) any newspaper in which any advertisement relating to the affairs of any of the aforesaid Mandal Praja Parishad or Zilla Praja Parishad is inserted.

(2) The provisions of Sections 18, 19, 19A, 19B, 20, 21 and 22 shall apply to a member of the Zilla Praja Parishad as they apply to a member of the Gram Panchayat subject to the variations that the expressions, “Gram Panchayat”, “Executive Authority”, “Sarpanch”, “Upa-Sarpanch” and “District Panchayat Officer”, the expressions “Zilla Praja Parishad”, “Chief Executive Officer”, “Chairperson”, “Vice-Chairperson” and “Chief Executive Officer” shall respectively be substituted:

   Provided that nothing in Clause (b) of Section 20 shall apply to a member of the Zilla Praja Parishad specified in Clauses (ii) to (iv) of sub-section (3) of Section 177.

188. **Permanent invitees to Zilla Praja Parishad:** (1) The following shall be the permanent invitees to the meetings of the Zilla Praja Parishad:

   (i) the Chairperson, District Co-operative Marketing Society;
   (ii) the Chairperson, Zilla Grandhalaya Samstha;
   (iii) the Chairperson, District Co-operative Central Bank;
   (iv) the District Collector.
   (v) all Presidents of Mandal Praja Parishads in the District.

(2) The permanent invitees shall be entitled to participate in the meetings of the Zilla Praja Parishad without right to vote.
PART-V
CONSTITUTION OF STATE ELECTION COMMISSION, CONDUCT OF ELECTION AND ELECTION OFFICERS

CHAPTER-I
ELECTION COMMISSION AND CONDUCT OF ELECTIONS

200. Constitution of State Election Commission:-(1) There shall be constituted a State Election Commission for the superintendence, direction and control of the preparation of electoral rolls for, and the conduct of elections to, all the Panchayat Raj Institutions governed by this Act.

(2) The said Election Commission shall consist of a State Election Commissioner. The Governor on the recommendation of the Government shall appoint a person who is holding or who has held an office not less in rank than that of a Principal Secretary to Government as State Election Commissioner.

(3) The conditions of service and tenure of office of the State Election Commissioner shall be such as the Governor may by rule determine:

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

201. Powers and functions of the State Election Commissioner:- (1) All elections to the Panchayat Raj Institutions shall be held under the supervision and control of the State Election Commission and for this purpose it shall have power to give such directions as it may deem necessary to the Commissioner, District Collector or any officer or servant of the Government and the Panchayat Raj Institutions so as to ensure efficient conduct of the elections under this Act.

(2) The preparation of electoral rolls for the conduct of all elections under the Act shall be done under the supervision and control of the State Election Commission.

(3) For the purposes of this section the Government shall provide the State Election Commission with such staff as may be necessary.

(4) On the request of the State Election Commission, the State Government shall place at the disposal of the Commission such staff of the State Government, Gram Panchayats, Mandal Praja Parishads and Zilla Praja Parishads for the purpose of conduct of elections under this Act.

(5) The State Election Commissioner may, subject to control and revision, delegate his powers to such officers as he may deem necessary.

201A. Voting Machines at elections:- Notwithstanding anything contained in this Act or the rules made thereunder, the giving and recording of votes by voting machines in such manner as may be prescribed, may be adopted in such Ward or Wards or Constituency or Constituencies as the State Election Commission may, having regard to the circumstances of each case, specify.

Explanation:- For the purpose of this section, “Voting Machines”, means any machine or apparatus whether operated electronically or otherwise used for giving or recording of votes and any reference to a ballot box or ballot paper in this Act or the rules made thereunder shall, save as otherwise provided, be construed as including a reference to such voting machine wherever such voting machine is used at any election.
202. Symbols for elections under the Act:- The State Election Commission shall, by notification, specify the symbols that may be chosen by candidates contesting any election under this Act and the restrictions to which their choice shall be subject:

Provided that the State Election Commission shall not in the case of elections to Gram Panchayats allot to any contesting candidate any symbol reserved for a recognised political party or a registered political party but in the case of elections to Mandal Praja Parishads and Zilla Praja Parishads, the State Election Commission shall allot symbols including the symbols reserved for a recognised political party or, as the case may be symbols if any, reserved for a registered political party where any candidate is set up by such political party.

202 A. Reservations to Backward Classes:- For the purpose of reserving the offices of Sarpanch, President and Chairperson and members of the Gram Panchayats, Mandal Praja Parishads and Zilla Praja Parishads to the members belonging to the Backward Classes under this Act, the population figures of the Backward Classes, gathered in the Socio-Economic Survey conducted by the Andhra Pradesh Backward Classes Co-operative Finance Corporation Limited, Hyderabad, shall be taken as the basis.

202 B. Voter Identity Cards:- With a view to preventing personation of electors, provision may be made by rules made under this Act, for the production before the Presiding Officer of a polling station by every such elector, 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 Registration of the Electors Rules, 1960 made under the Representation of the People Act, 1950 electors of the Legislative Assembly Constituency or Constituencies in which the Gram Panchayat, Mandal Parishad Territorial Constituency or Zilla Parishad Territorial Constituency, as the case may be, is situated, have been supplied with identity cards with or without their respective photographs attached thereto.

203. Reservation of offices to cease on the expiration of the period specified in Article 334 of Constitution of India:- The provisions of this Act relating to reservation of office of Sarpanch, President and Chairperson and members of the Gram Panchayats, Mandal Praja Parishads and Zilla Praja Parishads for the Scheduled Castes and Scheduled Tribes shall cease to have effect on the expiration of the period specified in Article 334 of the Constitution of India.

204. Injunctions not to be granted in election proceedings:- Notwithstanding anything in the Code of Civil Procedure, 1908 (Central Act 5 of 1908), or in any other law for the time being in force, no court shall grant any permanent or temporary injunction or make any interim order restraining any proceeding, which is being or about to be taken under this Act, for the preparation or publication of any electoral roll or for the conduct of any election.

205. Requisitioning of premises for election purposes:- (1) If it appears to the State Election Commissioner that in connection with any election held under this Act, –

(a) any premises are needed for or likely to be needed for the purpose of being used as a polling station or for the storage of ballot boxes after a poll has been taken, or

(b) any vehicle is needed or is likely to be needed for the purpose of transport of personnel or ballot boxes to or from any polling station, or transport of members of the police force for maintaining order during the conduct of such election, or transport of any officer or other person for performance of any duties in connection with such election, the State Election Commissioner may, by order in writing, requisition such premises or such vehicle, as the case may be, and may make such further orders as may appear to him to be necessary or expedient, in connection with requisitioning:
Provided that no vehicle, which is being lawfully used by a candidate or his agent for any purpose connected with election of such candidate, shall be requisitioned under this sub-section until the completion of the poll at such election.

(2) The requisition shall be effected by an order in writing addressed to the person deemed by the State Election Commissioner to be the owner of person in possession, of the property and such order shall be served in the prescribed manner on the person to whom it is addressed.

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

Explanation: For purposes of this section ‘premises’ means by any land, building or part of a building and includes a hut, shed or other structure or any part thereof and ‘vehicle’ means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise.

206. Payment of compensation:-(1) Whenever in pursuance of Section 205, the State Election Commissioner requisitions any premises, there shall be paid to the person interested compensation the amount of which shall be determined by taking into consideration the following, namely:-

(i) the rent payable, in respect of the premises or if no rent is so payable, the rent payable for similar premises in the locality;

(ii) if in consequence of the requisition of the premises the person interested is compelled to change his residence or place of business, the reasonable expenses if any incidental to such change:

Provided that where any person interested being aggrieved by the amount of compensation so determined makes an application within the prescribed time to the State Election Commissioner for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the State Election Commissioner may determine;

Provided further that where there is any dispute as to the title to receive the compensation or as to the apportionment of the amount of compensation, it shall be referred by the State Election Commissioner to an arbitrator appointed in this behalf by the said Commissioner for determination, and shall be determined in accordance with the decision of such arbitrator.

Explanation: In this sub-section, the expression “person interested” means the person who was in actual possession of the premises requisitioned under Section 205 immediately before the requisition or where no person was in such actual possession, the owner of such premises.

(2) Whenever in pursuance of Section 205, the State Election Commissioner requisitions any vehicle, there shall be paid to the owner thereof compensation the amount of which shall be determined by the State Election Commissioner on the basis of the fares or rates prevailing in the locality for the hire of such vehicle:

Provided that where the owner of such vehicle, being aggrieved by the amount of compensation so determined, makes an application within the prescribed time to the State Election Commissioner for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the State Election Commissioner may determine;
Provided further that where immediately before requisitioning, the vehicle was by
virtue of a hire purchase agreement, in the possession of a person, other than the owner,
the amount determined under this sub-section as the total compensation payable in respect
of the requisition shall be apportioned between that person and the owner in such manner
as they may agree upon, and in default of agreement, in such manner as the arbitrator
appointed by the State Election Commissioner in this behalf may decide.

207. Power to obtain information:- The State Election Commissioner may with a view to
requisitioning any property under Section 205 or determining the compensation payable
under Section 206 by order, require any person to furnish to such authority as may be
specified in the order, such information in his possession relating to such property as may be
specified.

208. Eviction from requisitioned premises:- (1) Any person remaining in possession of
any requisitioned premises in contravention of any order made under Section 205 may
summarily be evicted from the premises, by an officer empowered by the State Election
Commissioner in this behalf.

(2) Any officer so empowered may, after giving to any woman not appearing in public,
reasonable warning and facility to withdraw, remove or open any lock or bolt or break open
any door of any building or do any other act necessary for effecting such eviction.

209. Penalty for contravention of any order regarding requisitioning:- If any person
contravenes any order made under Section 205 or Section 207 he shall
be punishable with
imprisonment for a term which may extend to one year or with fine or with both.

210. Electoral officers and staff etc., deemed to be on deputation:- (1) Any officer
or staff employed in connection with the preparation, revision and correction of the electoral
rolls for, and the conduct of all elections shall be deemed to be on deputation to the State
Election Commission for the period during which they are so employed and such officers and
staff shall during that period, be subject to the control, superintendence and discipline of the
State Election Commission.

(2) The Returning Officer, Assistant Returning Officer, Presiding Officer, Polling officer
and any other officer appointed under this Act, and any police officer designated for the time
being by the State Government for the conduct of any elections shall be deemed to be on
deputation to the State Election Commission for the period commencing on and from the
date of notification calling for such elections and ending with the date of declaration of the
results of such elections and such officer shall, during that period, be subject to the control,
superintendence and discipline of the State Election Commission.
CHAPTER-II
ELECTION OFFENCES

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

(1) Bribery, that is to say,

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

(a) a person to stand or not to stand as or to withdraw or not to withdraw from being a candidate at an election, or
(b) an elector to vote or refrain from voting at an election, or as a reward to –

i) a person for having so stood or not stood, or for having withdrawn or not having withdrawn his candidature; or
ii) an elector for having voted or refrained from voting;

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

(a) by a person for standing or not standing as or for withdrawing or not withdrawing from being a candidate, or
(b) by any person whomsoever for himself or any other person for voting or refraining from voting or inducing or attempting to induce any elector to vote or refrain from voting, or any candidate to withdraw or not to withdraw his candidature.

Explanation: For the purposes of this clause the term 'gratification' is not restricted to pecuniary gratification or gratifications estimable in money and it includes all forms of entertainment and all forms of employment for reward but it does not include the payment of any expenses bonafide incurred at, or for the purpose of any election and duly entered in the account of election expenses.

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

Provided that –

(a) without prejudice to the generality of the provisions of this clause any such person as is referred to thereon, who –

(i) threatens any candidate or any elector or any person in whom a candidate, or an elector is interested, with injury of any kind including social ostracism and excommunication or expulsion from any caste or community; or
(ii) induces or attempts to induce a candidate or an elector to believe that he, or any person in whom he is interested will become or will be rendered an object of divine displeasure or spiritual censure, shall be deemed to interfere with the free exercise of the electoral right of such candidate or elector within the meaning of this clause;
(b) a declaration of public policy, or a promise of public action, or the mere exercise of a legal right without intent to interfere with an electoral right, shall not be deemed to be interference within the meaning of this clause.

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

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

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

(4A) The propagation of the practice or the commission of sati or its glorification by a candidate or his agent or any other person with the consent of the candidate or his election agent for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate.

Explanation: For the purpose of this clause, "sati" and "glorification" in relation of sati shall have the meanings respectively assigned to them in the Commission of Sati (Prevention) Act, 1987.

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

(6) The hiring or procuring whether, on payment or otherwise of any vehicle or vessel by a candidate or his agent or by any other person with the consent of a candidate or his election agent, or the use of such vehicle or vessel for the free conveyance of any elector other than that the candidate himself the members of his family or his agent to or from any polling station:

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

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

Explanation: In this clause the expression "vehicle" means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise and whether used for drawing other vehicles or otherwise.
(6A) The incurring or authorizing of expenses in contravention of Section 230-A.

(7) The obtaining or procuring or abetting or attempting to obtain or procure by a candidate or his agent, or by any other person with the consent of a candidate or his election agent, any assistance (other than the giving of vote) for the furtherance of the prospects of that candidate's election, from any person in the service of the State, Central Government, Local Authority or a Corporation owned or controlled by the State or Central Government:

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

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

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

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

(3) For the purposes of Clause (7), notwithstanding anything contained in any other law, the publication in the Andhra Pradesh Gazette of the appointment, resignation, termination of service, dismissal or removal from service of a person in the service of the Government shall be conclusive proof-

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

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

(4) For the purposes of sub-section (8), booth capturing shall have the same meaning as in Section 224.

212. Penalty for illegal hiring or procuring of conveyance at elections: - If any person is guilty of any such corrupt practices as is specified in sub-section (7) of section 211 at or in connection with an election, he shall be punishable with imprisonment which may extend to three months and with fine.

213. Promoting enmity between classes in connection with election: - Any person who in connection with an election under this Act promotes or attempts to promote on grounds of religion, race, caste, community or language, feelings or enmity or hatred, between different classes of the citizens of India shall be punishable with imprisonment for a term which may extend to three years and with fine which may extend to three thousand rupees.
214. Prohibition of public meetings before the date of poll:- (1) No person shall:—

(a) convene, hold or attend join or address any public meeting or procession in connection with an election; or
(b) display to the public any election matter by means of cinematography, television or other similar apparatus; or
(c) propagate any election matter to the public by holding, or by arranging the holding of, any musical concert or any theatrical performance or any other entertainment or amusement with a view to attracting the members of the public thereto, in any polling area during the period of forty eight hours prior to the hour fixed for the conclusion of the poll in the case of Mandal Praja Parishads and Zilla Parishads and forty four hours prior to the hour fixed for the conclusion of the poll in the case of Gram Panchayats.

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

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

215. Disturbance at election meetings:- (1) Any person who at a public meeting to which this section applies acts or incites others to act in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called together, shall he punishable with imprisonment which may extend to six months or with fine which may extend to two thousand rupees.

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

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

(3) If any police officer reasonably suspects any person of committing an offence under sub-section (1) he may, if requested to do by the Chairperson of the meeting require that person to declare to him immediately his name and address and, if that person refuses or fails so to declare his name and address or if the police officer reasonably suspects him of giving a false name or address, the police officer may arrest him without warrant.

216. Restrictions on the printing of pamphlets, posters etc.:— (1) No person shall print or publish or cause to be printed or published, any election pamphlet or poster which does not bear on its face the names and addresses of the printer and the publisher thereof.

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

(a) unless a declaration as to the identity of the publisher thereof, signed by him and attested by two persons to whom he is personally known, is delivered by him to the printer in duplicate; and
(b) unless, within a reasonable time after the printing of the document, one copy of the declaration is sent by the printer, together with one copy of the document—
(i) where it is printed in the capital of the State, to the Election Commissioner, and
(ii) in any other case, to the District Magistrate of the district in which it is printed.
For the purpose of this section,—

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

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

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

217. 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 authorised by or under any law) communicate to any person any information calculated to violate such secrecy.

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

218. Officers etc., at elections not to act for candidates or to influence voting:- (1) No person who is a District Election Officer or a returning officer or an assistant returning officer, or a presiding officer or polling officer at an election, or an officer or clerk appointed by the returning officer or the presiding officer to perform any duty in connection with an election shall in the conduct or the management of the election do any act other than the giving of vote for the furtherance of the prospects of the election of a candidate.

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

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

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

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

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

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

(a) canvassing for votes; or

(b) soliciting the vote of any elector; or

(c) persuading any elector not to vote for any particular candidate; or

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

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

(2) Any person who contravenes the provisions of sub-section (1) shall be punished with fine which may extend to two hundred and fifty rupees.
220. Penalty for disorderly conduct in or near polling stations:— (1) No person shall, on the date or dates on which a poll is taken at any polling station,—

(a) use or operate within or at the entrance of the polling station, or in any public or private place in the neighbourhood thereof, any apparatus for amplifying or reproducing the human voice, such as a megaphone or a loudspeaker, or
(b) shout, or otherwise act in a disorderly manner within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof, so as to cause annoyance to any person visiting the polling station for the poll, or so as to interfere with the work of the officers and other persons on duty at the polling station.

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

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

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

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

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

(3) If any person who has been so removed from 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.

221A. Penalty for failure to observe procedure for voting:— If an elector to whom a ballot paper has been issued, refuses to observe the procedure prescribed for voting, the ballot paper issued to him shall be liable for cancellation.

221B. Prohibition of going armed to or near a polling station:— (1) No person other than a Police Officer and any other person appointed to maintain peace and order, at a polling station who is on duty at the polling station, shall, on a polling day, go armed with arms, as defined in the Arms Act, 1959, of any kind within the neighbourhood of a polling station.

(2) If any person 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) An offence punishable under sub-section (2) shall be cognizable.
222. Breaches of official duty in connection with elections:- (1) If any person to whom, this section applies is without reasonable cause guilty of any act or omission in breach of his official duty, he shall be punishable with fine, which any extend to five hundred rupees.

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

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

223. Penalty for Government Servants etc. for acting as election agent, polling agent or counting agent:- If any person in the service of the State or Central Government or a local Authority or a Corporation owned or controlled by the State or Central Government acts as an election agent or a polling agent or a counting agent of a candidate at an election he shall be punishable with imprisonment for a term which may extend to three months, or with fine or with both.

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

Explanation:- For the purposes of this sub-section and section 232A "Booth capturing" includes, among other things, all or any of the following activities, namely,-

(a) seizure of a polling station or a place fixed for the poll by any person or persons, making polling authorities surrender the ballot papers or voting machines and doing of any other act which affects to orderly conduct of elections;
(b) taking possession of a polling station or a place fixed for the poll by any person or persons and allowing only his or their own supporters to exercise their right to vote and prevent others from free exercise of their right to vote;
(c) coercing or intimidating or threatening directly or indirectly threatening any elector and preventing him from going to the polling station or a place fixed for the poll to cast his vote;
(d) seizure of a place for counting of votes by any person or person, making the counting authorities surrender the ballot papers or voting machines and the doing of anything which affects the orderly counting of votes;
(e) doing by any person in the service of Government of all or any of the aforesaid activities or aiding or conniving at any such activity in the furtherance of the prospects of the election of a candidate.

(2) An offence punishable under sub-section (1) shall be cognizable.
225. Removal of ballot papers or ballot boxes from polling stations to be an offence:-(1) Any person who at any election fraudulently takes or attempts to take a ballot paper or ballot box out of 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 five years and with fine which may extend up to five thousand rupees.

(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 such person may 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 on search shall be made over for safe custody to a police officer by the presiding officer or when the search is made by a police officer, shall be kept by such officer in safe custody.

225A. Liquor not to be sold given or distributed on polling day:- (1) No spirituous, fermented or intoxicating liquors or other substances of a like nature shall be sold, given or distributed at a hotel, eating house, tavern, shop or any other place, public or private, within a polling area during the period of forty-eight hours prior to the hour fixed for the conclusion of the poll in the case of Mandal Praja Parishads and Zilla Praja Parishads and forty-four hours prior to the conclusion of poll in the case of Gram Panchayats and also on the counting day.

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

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

225B. Adjournment of poll in emergencies:- (1) If at an election the proceedings at any polling station are interrupted or obstructed by any riot or open violence, or if at an election it is not possible to take the poll at any polling station or such place on account of any natural calamity, or any other sufficient cause, the Presiding officer for such polling station shall announce adjournment of the poll to a date to be notified later, and he shall forthwith inform the Returning Officer concerned.

(2) Whenever a poll is adjourned under sub-section (1), the Returning officer, shall immediately report the circumstances to the District Election Authority and the State Election Commission, and shall, as soon as may be, with the previous approval of the State Election Commission, appoint the day on which the poll shall recommence, and fix the hours during which, the poll will be taken, and shall not count the votes cast at such election until such adjourned poll shall have been completed.

(3) In every such case as aforesaid, the Returning officer shall notify in such manner as the State Election Commission may direct, the date and hours of polling fixed under sub-section (2).
225C. Fresh poll in the case of destruction etc., of ballot boxes:- (1) If at any election,–

(a) any ballot box used at a polling station is unlawfully taken out of the custody of the Presiding officer or the Returning officer, or is accidentally or intentionally destroyed or lost or is damaged or tampered with, to such an extent, that the result of the poll at that polling station cannot be ascertained: or
(b) any 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 Returning officer shall forthwith report the matter to the State Election Commission.

(2) Thereupon the State Election Commission shall, after taking all material circumstances into account, either-

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

(3) The provisions of this Act and of any rules or orders made thereunder shall apply to every such fresh poll as they apply to the original poll.

225D. Destruction, loss, etc., of ballot papers at the time of counting:- (1) If any time before the counting of votes is completed any ballot papers used at a polling station are unlawfully taken out of the custody of the Returning Officer or are accidentally or intentionally destroyed or lost or are damaged or tampered with, to such an extent that the result of the poll at the polling station cannot be ascertained, the Returning officer shall forthwith report the matter to the State Election Commission.

(2) Thereupon, the State Election Commission shall, after taking all material circumstances into account, either,

(a) direct that the counting of votes shall be stopped, declare the poll at the polling station to be void, appoint a day, and fix the hours, for taking a fresh poll at the polling station and notify the date so appointed and hours so fixed in such manner as it may deem fit; or
(b) if satisfied that the result of a fresh poll at that polling station will not, in any way, affect the result of the election or that the mechanical failure of the voting machine or the error or irregularity in procedure is not material, issue such directions to the Returning officer as it may deem proper for the resumption and completion of the counting and for the further conduct and completion of the election in relation to which the votes have been counted.

(3) The provisions of this Act and of any rules or orders made thereunder shall apply to every such fresh poll as they apply to the original poll.

226. Impersonation at election:- Whoever at an election applies for a ballot paper or votes in the name of any other person, whether living or dead or in a fictitious name, or who having voted once at such election applies at the same election for a ballot paper in his own name, and whoever abets, procures or attempts to procure the voting by any person in any such way shall be punished with imprisonment for a term which may extend to five years and with fine which may extend to five thousand rupees.
227. **Other offences and penalties thereunder:** (1) A person shall be guilty of an electoral offence, if at any election he,-

(a) fraudulently defaces or fraudulently destroys any nomination paper; or
(b) fraudulently defaces or destroys or removes any list, notice or other documents affixed by or under the authority of a returning officer, or
(c) fraudulently defaces or fraudulently destroys any ballot paper or the official mark or any ballot paper or any declaration of identity or official envelope used in connection with voting by postal ballot; or
(d) without due authority supplies any ballot paper to any person or receives any ballot paper from any person or is in possession of any ballot paper; or
(e) fraudulently puts into any ballot box anything other than the ballot paper which he is authorised by law to put in; or
(f) without due authority destroys; takes, opens or otherwise interferes with any ballot box or ballot papers then in use for the purposes of the election; or
(g) fraudulently or without due authority as the case may be, attempts to do any of the foregoing acts or willfully aids or abets the doing of any such acts.

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

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

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

228. **Penalty for offences not otherwise provided for:** Whoever does any act in contravention of any of the provisions of this Act, or of any rule, notification or order made, issued or passed, thereunder and not otherwise provided for in this Act shall, on conviction be punished with imprisonment which extend to two years and with fine which may extend to two thousand rupees.

229. **Offences by companies:**

(1) Where an offence under this Act, has been committed by a company, every person who at the time the offence was committed, was in charge of and was responsible to the company for the conduct of the business of the company as well as the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly;

Provided that nothing contained in this sub-section shall render any such person liable any punishment if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where any offence under this Act has been committed by a company and it is proved that offence has been committed with the consent or connivance or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company such director, manager, secretary or other official shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation:- For the purposes of this section-

(a) "company" means any body corporate and includes a firm or other association or individuals; and
(b) "director" in relation to a firm means a partner in the firm.
CHAPTER II-A
ELECTION EXPENSES

230. Application of Chapter:- This chapter shall apply to candidates of any election held under this Act.

230 A. Account of election expenses:- (1) Every candidate, at any election held under this Act shall, either by himself, or by his election agent, keep a separate and correct account of all expenditure incurred in connection with the election, between the date on which the candidate concerned has been nominated, and the date of declaration of the result of the election, both dates inclusive (hereinafter in this chapter referred to as 'election expenses').

Explanation-I: 'Election expenses' for purpose of this Act shall mean all expenses in connection with the election,-

(a) incurred, or authorized by the contesting candidate, or by his election agent;
(b) incurred by any association, or body of persons, or by any individual (other than the candidate or his election agent), aimed at promoting or procuring the election of the candidate concerned; and
(c) incurred by any political party, by which the candidate is set up, so as to promote or procure his election;

Provided that any expenses incurred by any political party as part of its general propaganda, (which is distinguishable from its election campaign, for the promotion or procuring the election of a particular candidate), by words, either written or spoken, or by signs or visible representations, or by audio-visual devises, or through print or electronic media or otherwise, shall not constitute 'election expenses' for purposes of this Act.

Explanation-II: (1) For the removal of doubts, it is hereby declared that any expenses incurred in respect of any arrangements made, facilities provided or any other act or thing done by any person in the service of the Government and belonging to any of the classes mentioned in clause (7) of section 211 in the discharge or purported discharge of his official duty as mentioned in the proviso to that clause shall not be deemed to be expenses in connection with the election incurred or authorized by a candidate or by his election agent for the purposes of this sub-section.

(2) The account of election expenses shall contain such particulars, as may by order, be specified by the State Election Commission.

(3) The total of the said expenses shall not exceed such amount, as may by order, be specified by the State Election Commission.

230 B. Lodging of account with the District Election Authority:- Every contesting candidate at an election shall, within forty five days from the date of declaration of the result of the election, lodge with the District Election Authority, an account of his election expenses, which shall be a true copy of the account kept by him, or by his election agent, under section 230 A.
CHAPTER-III
MISCELLANEOUS ELECTION MATTERS, VACATION OF SEATS AND OFFICES

231. Adjournment of poll or countermanding of election on the ground of booth capturing:- (1) If at any election,-
   (a) booth capturing has taken place at a polling station or in such number of polling stations as is likely to affect the result of such election or that the result of the poll at that polling station cannot be ascertained; or
   (b) booth capturing takes place in any place for counting of votes in such a manner that the result of the counting at that place cannot be ascertained, the returning officer shall forthwith report the matter to the State Election Commissioner.

(2) The State Election Commissioner shall on the receipt of a report from the returning 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 and notify the date so appointed and hours so fixed in such manner as he may deem fit, or—
   (b) if 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 effect result of the election, countermand the election in that constituency.

Explanation:- In this section “booth capturing” shall have the same meaning as in Section 224.

232. Power to delegate:- The State Election Commissioner may, subject to such conditions and restrictions as the Government may, by general or special order, impose, by order in writing delegate to any officer or authority subordinate to him, either generally or as respects any particular matter or class of matters any of his powers under this Act.

232 A. Appointment of Observers: (1) The State Election Commission may nominate an Observer who shall be an officer of government to watch the conduct of election or elections for such specified area or areas in the district and to perform such other functions as may be entrusted to him by the Commission in relation thereto.

(2) The Observer nominated under sub-section (1) shall have the power to director the Returning Officer for the or for any of the wards or constituencies for which he has been nominated, to stop the counting of votes at anytime before the declaration of the result, or not to declare the result, if in the opinion of the Observer, both capturing has taken place at a large number of polling stations or at counting centers or any ballot papers used at a polling station are unlawfully taken out of the custody of the Returning Officer or are accidentally or intentionally destroyed or lost or are damaged or tampered with, to such an extent that the result of the poll at that polling station cannot be ascertained.

(3) Where an Observer has directed the Returning Officer under this section to stop counting of votes or not to declare the result, the Observer shall forthwith report the matter to the Commission and thereupon the Commission shall, after taking all material circumstances into account, issue appropriate directions under section 225 D or section 231 in the matter of declaration of results.

(4) It shall be competent for the State Election Commission to appoint an Election Expenditure Observer for a group of wards or constituencies or for a Mandal or group of Mandals so as to ensure that the provisions of section 230 A and 230 B are strictly adhered to and in that behalf the Commission may issue such instructions as it deems fit, from time to time, to such Observers.
233. **Election petitions:** No election held under this Act shall be called in question except by an election petition presented to such authority and in accordance with such rules as may be made in this behalf.

234. **Prohibition of holding dual offices and vacation of seats:**

(1) No person shall be entitled to contest in the elections to the offices of member of the Gram Panchayat from more than one ward or to the office of member of the Mandal Praja Parishad or Zilla Praja Parishad from more than one territorial constituency.

(2) No person shall be a member of the Gram Panchayat, member of the Mandal Praja Parishad or Zilla Praja Parishad simultaneously and if he is so elected, he shall retain only one office and vacate the other office or offices in the manner prescribed.

(3) Where a person is elected to more than one office of member of the Gram Panchayat or Mandal Praja Parishad or Zilla Praja Parishad and Sarpanch or President or Chairperson he shall retain one office and vacate the other office or offices in the manner prescribed except when his continuance as member of the Mandal Praja Parishad or Zilla Praja Parishad is necessary to continue as President or as the case may be the Chairperson thereof.
PART VI-A

SPECIAL PROVISIONS RELATING TO THE PANCHAYATS, MANDAL PRAJA PARISHADS AND ZILLA PRAJA PARISHADS LOCATED IN THE SCHEDULED AREAS

242 A. Application of this part:-(1) The provisions of this Part shall apply to the Gram Panchayats, Mandal Praja Parishads and Zilla Praja Parishads constituted in the Scheduled Areas in the State.

(2) The provisions of this Part shall prevail over anything inconsistent therewith elsewhere in this Act.

242 B. Declaration of Village in Scheduled Area:- For the purposes of section 3, a village shall ordinarily consist of a habitation or a group of habitations or a hamlet or a group of hamlets thereof comprising a community or communities and managing their affairs in accordance with traditions and customs.

242 C. Functions of Gram Sabha:- (1) Every Gram Sabha shall be competent to safeguard and preserve the traditions and customs of the people, their cultural identity, community resources and without detriment to any law for the time being in force, the customary mode of dispute resolution.

(2) Every Gram Sabha shall, -

(i) approve plans, programmes and projects for social and economic development before such plans, programmes and projects are taken up for implementation by the Gram Panchayat, at the village level;

(ii) be responsible for the identification of selection of persons as beneficiaries under poverty alleviation and other programmes.

(3) Every Gram Panchayat shall obtain from the Gram Sabha a certification of utilisation of funds by that Panchayat for the plans, programmes and projects referred to in sub-section (2).

242 D. Reservation of seats of members of Gram Panchayat and Mandal Praja Parishad and Offices of Sarpanchas of Gram Panchayats and Presidents of Mandal Praja Parishads:- The reservation of seats in the Scheduled Areas to every Gram Panchayat and Mandal Praja Parishad shall be in proportion to the population to the population of the communities in that Gram Panchayat or the Mandal Praja Parishad as the case may be:

Provided that the reservation for the Scheduled Tribes shall not be less than one-half of the total number of seats:

Provided further that all seats of Sarpanchas of Gram Panchayats and Presidents of Mandal Praja Parishads shall be reserved for the Scheduled Tribes.

242E. Nomination of persons:- The Government may nominate persons belonging to such Scheduled Tribes who have no representation in Mandal Praja Parishads:

Provided that such nomination shall not exceed one tenth of the total members to be elected in that Mandal Praja Parishad.
242F. Acquisition of land in the Scheduled Areas:- The Mandal Praja Parishad shall be consulted before making the acquisition of land in the Scheduled Areas for development projects and before resettling or rehabilitating persons evicted by such projects in the Scheduled Areas, the actual planning and implementation of the projects in the Scheduled Areas shall be coordinated at the State Level.

242G. Management of minor water bodies in the Scheduled Areas:- Planning and management of minor water bodies in the Scheduled Areas shall be entrusted to Gram Panchayats, Mandal Praja Parishads or the Zilla Praja Parishads, as the case may be, in such manner as may be prescribed.

242H. Minor minerals in the Scheduled Areas:-(1) The recommendations of the Gram Panchayat, made in such manner as may be prescribed, shall be taken into consideration prior to grant of prospecting license or mining lease, for minor minerals in the Scheduled Areas.

(2) The prior recommendation of the Gram Panchayat, made in such manner as may be prescribed, shall be taken into consideration for grant of concession for the exploitation of minor minerals by auction.

242I. Powers and functions of Gram Panchayats & Mandal Praja Parishads: (1) The Gram Panchayat or as the case may be, the Gram Sabha shall exercise such powers and perform such functions in such manner and to such extent as may be prescribed in respect of the following matters, namely, –

(a) enforcement of prohibition or regulation or restriction of the sale and consumption of any intoxicant;
(b) the ownership of minor forest produce;
(c) prevention of alienation of land in the Scheduled Areas and restoration of any unlawfully alienated land of a Scheduled Tribe;
(d) Management of village markets by whatever name called; and
(e) Exercising control over money lending to the Scheduled Tribe.

(2) The Mandal Praja Parishad shall exercise such powers and perform such functions in such manner and to such extent as may be prescribed, in respect of the following matters, namely, -

(a) exercising control over institutions and functionaries in all social sectors; and
(b) control over local plans and resources for such plans including tribal sub-plans”.

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PART-VII
MISCELLANEOUS

252. Oath of allegiance:- (1) Every person who is elected to be the Sarpanch or member of a Gram Panchayat or the President or member of a Mandal Praja Parishad or the Chairperson or member of a Zilla Praja Parishad shall, before taking his seat make, at a special meeting or any other meeting of the Gram Panchayat, Mandal Praja Parishad or a Zilla Praja Parishad as the case may be, an oath or affirmation of his allegiance to the Constitution of India in the form prescribed.

(2) Any such Sarpanch, President or Chairperson or member who fails to make, within three months of the date on which his term of office commences, or at one of the first three meetings held after the said date, whichever is later, the oath of affirmation laid down in sub-section (1) shall cease to hold his office and his seat shall be deemed to have become vacant.

(3) No such Sarpanch, President or Chairperson or member shall take his seat at a meeting of the Gram Panchayat, Mandal Praja Parishad or do any act as such member unless he has made the oath of affirmation as laid down in this section.

(4) Where a person ceases to hold office under sub-section (2), the Executive Officer, the Mandal Parishad Development Officer, or, as the case may be, the Chief Executive Officer, shall report the same to the Gram Panchayat, Mandal Praja Parishad or a Zilla Praja Parishad at its next meeting and on application of such person made within thirty days of the date on which he has ceased to be Sarpanch, President or Chairperson or member under that sub-section the Gram Panchayat, Mandal Praja Parishad or the Zilla Praja Parishad may grant him further time which shall not be less than four months and not more than nine months for making the oath of affirmation and if he makes the oath of affirmation within the time so granted, he shall, notwithstanding anything in this Act, continue to hold his office.

(5) Where on an application made by a person who ceases to hold office under sub-section (2), the Government are satisfied that such person for reasons beyond his control, has not been able to make the oath or affirmation within the period specified in sub-section (2) or within further time, if any, granted to him under sub-section (4), they may by an order grant such further time as they deem fit to the person to make the oath or affirmation. If such person makes the oath or affirmation within the time granted he shall, notwithstanding anything in this Act, continue to hold his office.

258. Chairperson, President, Sarpanch etc., to be public servants:- The Chairperson, the Vice-Chairperson or a member of a Zilla Praja Parishad, the President, the Vice-President or a member of a Mandal Praja Parishad, the Sarpanch, Upa-Sarpanch or member of a Gram Panchayat, the Chief Executive Officer, the Mandal Parishad Development Officer, the Executive Officer, or any officer or servant of a Zilla Praja Parishad or a Mandal Praja Parishad or the Gram Panchayat shall be deemed to be a public servant, within the meaning of Section 21 of Indian Penal Code (Central Act 45 of 1860).

260. Delegation of powers etc.:- (1) The Government may, by notification, authorise any officer or person to exercise any of the powers vested in them by this Act except the power to make rules; and may in like manner withdraw such authority.

(2) The Commissioner or the District Collector may, by notification, authorise any officer or person to exercise any of the powers vested by or under this Act in the Commissioner or the District Collector, as the case may be, and may in like manner withdraw such authority.
(3) The exercise of any power delegated under sub-section (1) or sub-section (2) shall be subject to such restrictions and conditions as may be prescribed or as may be specified in the notification and also to control and revision by the delegating authority, or where such authority is the Government, by such persons as may be empowered by the Government in this behalf. The Government shall also have power to control and revise the acts or proceedings of any persons so empowered.

(4) The exercise of any power conferred on the Commissioner or the District Collector by any of the provisions of this Act, including sub-sections (2) and (3) of this section, shall whether such power is exercised by the Commissioner or the District Collector himself or by any person to whom it has been delegated under sub-section (2), be subject to such restrictions and conditions as may be prescribed and also to control by the Government or by such person as may be empowered by them in this behalf. The Government shall also have power to control the acts or proceedings of any persons so empowered.

(5) (a) The Andhra Pradesh Election Commissioner for Local Bodies, may by notification, authorise any officer or person to exercise in any local area in the revenue district in regard to any Gram Panchayat or all Gram Panchayats in that area, any of the powers vested in him by or under this Act, or in regard to any Mandal Parishad or Zilla Parishad in so far as it relates to the conduct of elections under this Act, and may, in like manner, withdraw such authority.

(b) The provisions of sub-sections (3) and (4) shall apply, as far as may be, in regard to the power delegated under this sub-section.

(c) The Andhra Pradesh Election Commissioner for Local Bodies may appoint such number of additional, joint, deputy or assistant election authorities, as it thinks fit to exercise such powers and perform such functions as are assigned by the Andhra Pradesh Election Commission for Local Bodies.

(6) A Mandal Parishad or a Zilla Parishad or any person exercising or performing any powers or functions by or under the provisions of this Act may delegate its or his powers or functions in writing to any person or authority, subject to such restrictions, limitations and conditions as may be prescribed and also to control and revision by the Government.

Provided that the President of a Mandal Parishad or the Chairperson of a Zilla Parishad shall not delegate his powers to any person or authority other than the Vice-President of the Mandal Parishad or the Vice-Chairperson of the Zilla Parishad, as the case may be, if he is in office.
268. Power of Government to make rules for the purpose of this Act:- (1) The Government shall, in addition to the rule making powers, conferred on them by any other provisions of this Act, have power to make rules generally to carry out all or any of the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, the Government may make rules—

(i) as to all matters under this Act, relating to electoral rolls or the conduct of elections, not expressly provided for in this Act, including deposits to be made by candidates standing for election and the conditions under which such deposits may be forfeited, and the conduct of inquiries and the decision of disputes relating to electoral rolls or elections;

Section 12:- Penalty for securing an appointment or election to political offices etc, on the basis of false community certificates:-(1) whoever not being a person belonging to any of the Scheduled Castes, Scheduled Tribes or Backward Classes secures an appointment in Government or other institutions referred to in section 11 against the posts reserved for the Scheduled Castes, Scheduled Tribes or Backward Classes or is elected to any of the elective offices of any local authority or co-operative society against the offices reserved for such Castes, Tribes or Classes on the basis of a false community certificate, shall on conviction be punishable with rigorous imprisonment for a term which shall not be less than six months but which may extend upto two years and with fine which shall not be less than one thousand rupees but which may extend upto five thousand rupees:

Provided that the Court may, for adequate and special reasons to be mentioned in the Judgement, impose a sentence of imprisonment for a lesser term or fine.

(2) Whoever not being a person belonging to a Scheduled Tribe secures any benefit or protection intended for a member of a Scheduled Tribe under a notification, direction or regulation made under the Fifth Schedule to the Constitution of India or under any other law in force in the Scheduled Areas on the basis of a false community certificate shall, on conviction be punishable with rigorous imprisonment for a term which shall not be six months but which may extend up to two years and with fine which shall not be less than one thousand rupees but which may extend upto five thousand rupees.
NOTIFICATION


RULES

1. **Short Title:**- These rules may be called the "Andhra Pradesh Panchayat Raj (Preparation and Publication of Electoral Rolls) Rules, 2000".

2. **Preparation of Gram Panchayat electoral roll:**- (1) The electoral roll of a Gram Panchayat, hereinafter referred to as "the electoral roll", shall be such part of the current electoral roll of the Andhra Pradesh Legislative Assembly Constituency, prepared and published under the Representation of the People Act, 1950 (Central Act 43 of 1950), as relates to the village, which shall be prepared by the District Panchayat Officer, taking into account the various amendments issued to the said electoral roll of the Assembly Constituency, from time to time, as they relate to the village, up to the date of election notification.

   (2) There shall be a separate electoral roll for each Gram Panchayat.

3. **Electoral roll for election to the office of Sarpanch:**- For the purpose of election of Member and Sarpanch of Gram Panchayat, the roll prepared under rule 2 shall be the electoral roll.

4. **Form and language of the roll:**- (1) The roll shall be prepared in the format specified by the State Election Commission, by order.

   (2) The roll shall be prepared in such language or languages in which the roll of the Andhra Pradesh Legislative Assembly Constituency, within which the Gram Panchayat is situated, is prepared.

5. **Publication of copies of rolls:** (1) As soon as the roll is prepared in accordance with these rules, the District Panchayat Officer shall, make arrangements to print or cyclostyle or write in manuscript as many copies of the roll as may be directed by the State Election Commission, from time to time. He shall publish the same for inspection by general public:

   (a) on the notice board kept in the office of the District Panchayat Officer.
   (b) on the notice board kept in the office of the Gram Panchayat; and
   (c) at three conspicuous places in the concerned village.
(2) The electoral roll published under sub-rule (1) shall indicate the ward division made under sub-section (4) of Section 11 or, as the case may be, under Section 12, of the Andhra Pradesh Panchayat Raj Act, 1994 (Act 13 of 1994), hereinafter in these rules referred to as “the Act”.

(3) Upon such publication under this rule, the roll shall be the electoral roll of the Gram Panchayat and shall remain in force till a fresh electoral roll is prepared and published.

6. **Procedure for lodging claims and objections:** All omissions of names in any part of the roll or objections to any entry in the roll, at any point of time after its publication under rule 5, shall be settled only after a suitable amendment to the relevant entry in the electoral roll of the Legislative Assembly Constituency, based on which the Gram Panchayat roll was prepared. Anybody wishing to prefer a claim for inclusion or deletion of any name in the roll or any objection in respect of any entry in the roll so published, shall submit a proper claim or objection under the provisions of the Registration of Electors Rules, 1960 made under the representation of the People Act, 1950 (Central Act 43 of 1950), to the Electoral Registration Officer of the concerned Legislative Assembly Constituency. Subject to the provisions of Section 11 of the Act, and based on the orders of the Electoral Registration Officer of the Assembly Constituency on such claims and objections, the District Panchayat Officer shall carry out consequential amendments in the Gram Panchayat electoral roll. In case of any clerical or printing error or both, or when the entries deviate from the particulars of the Assembly Electoral Roll, the District Panchayat Officer may cause such errors rectified, so as to bring it in conformity with the particulars of the Assembly Electoral roll concerned. However, the District Panchayat Officer shall not resort to suo motu revision of the rolls by way of deletions or additions or modifications.

7. **Electoral roll of a Mandal Praja Parishad:**

(1) For the purposes of preparation and publication of electoral roll for the election to the office of members of Mandal Praja Parishad the provisions of Sections 11 and 12 of the Andhra Pradesh Panchayat Raj Act, 1994 shall apply mutatis mutandis.

(2) The Electoral roll for the Gram Panchayat prepared and published under rule 2 shall be arranged Territorial Constituency-wise of the Mandal Praja Parishad by the Mandal Parishad Development Officer and it shall be divided into convenient parts which shall be numbered conveniently. The part of the electoral roll shall be arranged Gram Panchayat-wise in alphabetical order for each Mandal Parishad Territorial Constituency for the purpose of conducting elections of Mandal Parishad Territorial Constituency.

(3) A copy of such electoral roll in respect of each Territorial Constituency of Mandal Praja Parishad shall be kept open for inspection in the office of the Mandal Praja Parishad concerned.

8. **Electoral roll of a Zilla Praja Parishad:**

(1) For the purposes of preparation and publication of electoral roll for the election of member of Zilla Praja Parishad, the provisions of Sections 11 and 12 shall apply mutatis mutandis.

(2) The electoral roll for the Gram Panchayat prepared and published under rule 2 shall be arranged for each Mandal which is a Territorial Constituency of the Zilla Praja Parishad by the Chief Executive Officer, Zilla Praja Parishad concerned, and it shall be divided into convenient parts which shall be numbered conveniently. The part of the electoral roll shall be arranged Gram Panchayat-wise in alphabetical order for each Zilla Parishad Territorial Constituency, for the purpose of conducting elections of Zilla Parishad Territorial Constituency.
(3) A copy of such electoral roll in respect of each Territorial Constituency of Zilla Praja Parishad shall be kept open for inspection in the office of the Zilla Praja Parishad concerned.

9. **Transitional Provision:** Notwithstanding anything in these rules, the electoral rolls of Gram Panchayats prepared and finally published, with reference to 1st January, 2000 as the qualifying date, in pursuance of Notification No.738/SEC-B1/1999-2000, dtd.7th January, 2000 of the State Election Commission, shall continue to be in force, until fresh electoral rolls are prepared and published, subject to the condition that any additions or deletions made by the Electoral Registration Officer under the Representation of the People Act, 1950 (Central Act 43 of 1950) in the electoral roll of the Legislative Assembly Constituency, as relates to the concerned Gram Panchayat, between the date of the notification of the State Election Commission referred to above, and the date of Election notification, for any election held under this Act shall be added or deleted, as the case may be, in the electoral rolls already prepared as above. Any additions shall, however, be added to the last ward of the Gram Panchayat concerned.

**FORM-I**

**NOTICE OF PUBLICATION OF ELECTORAL ROLL**

(See rule 5)

Notice is, hereby, given that the electoral roll of the ......................... Gram Panchayat in .................................. Mandal has been prepared in accordance with the Andhra Pradesh Panchayat Raj (Preparation and Publication of Electoral Rolls) Rules, 2000 by adopting the existing entries in the relevant part of the Electoral Roll for Legislative Assembly Constituency prepared under the Representation of the People Act, 1950. The same is kept open for inspection at my office and at the office of the Gram Panchayat.

Any person who wishes to lodge any claim for including his/her name in the roll or any objection to the inclusion of a name or any objection to the particulars of any entry in the said roll, shall first get such claim or objection settled with reference to the corresponding entry in the Electoral Roll of the Assembly Constituencies by lodging suitable claim or objection under the provisions of the Representation of the People Act, 1950 (Central Act 43 of 1950) and the Registration of Electors Rules, 1960 made thereunder, before the Electoral Registration Officer of the said Assembly Constituency.

All orders of inclusion, deletion or corrections issued on the basis of these claims and objections by the said Electoral Registration Officer till the date of the notification issued by the State Election Commissioner under sub-rule (2) of rule 4 of the Andhra Pradesh Panchayat Raj (Conduct of Elections) Rules, 1994, will be duly incorporated in the electoral Roll of the Gram Panchayat.

**District Panchayat Officer**

..............................................District
NOTIFICATION

In exercise of the powers conferred by section 268 read with sections 8, 11, 12, 13, 14, 19-B, 151, 156, 179, 201A, 230A and 230B of the Andhra Pradesh Panchayat Raj Act, 1994 (Act No. 13 of 1994), and in supersession of the rules issued in G.O. Ms.No. 755, Panchayat Raj, Rural Development & Relief (Mdl.I) Department, dated 30-11-1994, as amended from time to time, the Governor of Andhra Pradesh, hereby, makes the following Rules relating to Conduct of Election of Members and Sarpanch of Gram Panchayat, Members of Mandal Praja Parishad and Members of Zilla Praja Parishad.

RULES
CHAPTER-I
PRELIMINARY

1. Short title and application: (1) These Rules may be called the “Andhra Pradesh Panchayat Raj (Conduct of Elections) Rules, 2006”.
   
   (2) These rules shall apply for filling ordinary and casual vacancies in the offices of Member and Sarpanch of Gram Panchayat, Member of Mandal Praja Parishad and Member of Zilla Praja Parishad.

2. Definitions: (1) In these rules, unless the context otherwise requires -

   (a) ‘Act’ means the Andhra Pradesh Panchayat Raj Act, 1994;

   (b) ‘ballot box’ includes any box, bag or other receptacle used for the insertion of ballot papers by voters;

   (c) ‘counterfoil’ means the counterfoil attached to a ballot paper printed under the provisions of these rules;

   (d) ‘election’ means an election to fill a vacancy in the office of Member or Sarpanch of Gram Panchayat or Member of Mandal Praja Parishad or Zilla Praja Parishad;

   (e) ‘elector’ in relation to an election to any Gram Panchayat or Mandal Praja Parishad or Zilla Praja Parishad means, any person entitled to vote at such election;

   (f) ‘electoral roll’ in relation to a Gram Panchayat or Mandal Praja Parishad or Zilla Praja Parishad means, the electoral roll published under section 11 of the Act;

   (g) ‘Electronic Voting Machine’ means the voting machine referred to in section 201A of the Act;

   (h) ‘Form’ means a form appended to these rules;

   (i) ‘marked copy of the electoral roll’ means the copy or copies of the electoral roll set apart for the purpose of marking the names of electors to whom ballot papers are issued at an election;
(j) 'polling station' in relation to any election held under these rules means, the place fixed for taking the poll at such election;

(k) 'Presiding Officer', includes any polling officer performing any of the functions of a Presiding Officer under these rules;

(l) 'Returning Officer' means any officer of the local authority or the Government authorised or appointed by the Collector and District Election Authority to do any act or perform any function in connection with the conduct of elections under these rules.

Explanation: The Collector and District Election Authority may appoint one or more persons who shall be an Officer or Officers of the local authority or the Government, as Assistant Returning Officer or Officers to assist the Returning Officer in the performance of his functions and every Assistant Returning Officer so appointed shall, subject to the control of the Returning Officer, be competent to perform all or any of the functions of the Returning Officer and the expression Returning Officer shall be deemed to include such Assistant Returning Officer also.

(m) 'Section' means a section of the Act;

(2) The words and expressions used but not defined in these rules shall have the same meaning assigned to them in the Act.

(3) For the purpose of these rules, a person who is unable to write his/her name shall, unless otherwise expressly provided in these rules, be deemed to have signed an instrument or other paper, if –

(a) he/she has placed a mark on such instrument or other paper in the presence of the Returning Officer or the Presiding Officer or such other Officer specified in these rules;

(b) such Officer on being satisfied as to his/her identity has attested the mark as being the mark of that person.

CHAPTER-II
GENERAL PROVISIONS

3. Administrative Machinery for the Conduct of Elections:- The Administrative Machinery for the purpose of conducting elections under these rules, shall be such as may be specified by the State Election Commission, by an order made under Article 243K of the Constitution of India.

4. Issue of election notification by the State Election Commission:- (1) For the purpose of holding elections to fill ordinary or casual vacancies, the State Election Commission shall, by notification published in the Andhra Pradesh Gazette, call upon, on such date or dates, as may be specified therein, the voters of the Gram Panchayat or Mandal Praja Parishad or Zilla Praja Parishad, as the case may be, to elect Sarpanch and members of the Gram Panchayat and/or Members of the Mandal Praja Parishad and/or Members of Zilla Praja Parishad, in accordance with the provisions of the Act, the rules and orders, if any, made thereunder.

(2) The notification shall specify the last date for making nominations, the date for scrutiny of nominations, the last date for withdrawal of the candidature, the date or dates on which and the time during which the poll shall, if necessary, be taken and the date and time of counting of votes.
(3) The dates appointed for the various stages of the election shall be subject to the following guidelines, namely-

(a) the last date for making nominations shall be not earlier than fourth day and not later than tenth day after the publication of the notification referred to in sub-rule (1) whether or not it is a public holiday;

(b) the date for the scrutiny of nominations shall be the day immediately following the last date for making nominations whether or not it is a public holiday;

(c) the last date and time for withdrawal of the candidatures shall not be later than 3-0’clock in the afternoon of the third day succeeding that appointed for scrutiny of the nominations, whether or not it is a public holiday;

(d) the date or dates on which a poll shall, if necessary, be taken, which or first of which shall be a date not earlier than the fifth day after the last date for withdrawal of the candidatures;

(e) counting of votes shall be taken up -

(i) for the offices of Ward Member and Sarpanch of the Gram Panchayat, after the completion of poll, on the same day; and

(ii) for the offices of Member, Mandal Praja Parishad and Member, Zilla Praja Parishad, on the date and time appointed by the State Election Commission.

5. Display of voters list:- The Returning Officer shall affix a notice on the notice board of the office of the Gram Panchayat or Mandal Praja Parishad or Zilla Praja Parishad showing the voters list thereof, or any ward or territorial constituency thereof, notified for elections on the day of publication of notice under rule 6.

6. Issue of election notice by the Returning Officer:- (1) The Returning Officer shall, on the basis of the election notification issued by the State Election Commission under rule 4, give public notice of the intended elections for Gram Panchayats in Form-I and for Mandal Praja Parishad and Zilla Praja Parishad in Form-II in Telugu language which shall be published in such manner as the Returning Officer thinks fit.

7. Special Election Programme:- Notwithstanding anything contained in these rules, where the election process is interrupted or the election programme has to be altered on account of the orders of any court of law or for other valid reasons to be recorded in writing, it shall be competent for the State Election Commission either generally or in respect of specified Gram Panchayat or Mandal Praja Parishad or Zilla Praja Parishad, as the case may be, to alter the election programme notified under sub-rule (2) of rule 4 and re-notify the election programme as it deems fit in the circumstances of the case without having regard to the guidelines mentioned in sub-rule (3) of rule 4 and the Returning Officer shall give effect to the same:

Provided that where the election programme is re-notified under this rule commencing from the making of nominations, the nominations already made shall be disregarded and the deposits, if any, made under rule 10 shall be refunded.

8. Nomination of Candidates:- (1) Any person may be nominated as a candidate for election to the office of Member or Sarpanch of a Gram Panchayat, Member of a Mandal Praja Parishad and Member of a Zilla Praja Parishad if he/she is qualified to be chosen to fill the seat under the provisions of the Act. Every nomination paper shall be in Form-III for Gram Panchayat and in Form-IV for Mandal Praja Parishad and Zilla Praja Parishad. This shall be presented by the candidate or by his proposer in person, between the hours specified, and signed by the candidate and by the proposer. The candidate shall sign the declaration on the nomination paper expressing his willingness to stand for the election.
(2) (a) A candidate for the office of Member and Sarpanch of Gram Panchayat, Member of Mandal Praja Parishad and Member of Zilla Praja Parishad shall be a person whose name is registered in the electoral roll for that Gram Panchayat or Mandal Praja Parishad or Zilla Praja Parishad, as the case may be.

(b) The proposer for member of a ward in the Gram Panchayat or for Member of Mandal Praja Parishad or Zilla Praja Parishad shall be a registered voter in the concerned ward or the territorial constituency. The proposer to the office of Sarpanch shall be a registered voter in any ward of the concerned Gram Panchayat.

(c) A candidate for the office of Member or Sarpanch in a Gram Panchayat or Member in Mandal Praja Parishad or Zilla Praja Parishad, which is reserved, to be filled by a person belonging to the Scheduled Tribes or Scheduled Castes or Women or Backward Classes, as the case may be, shall not be deemed to be qualified to be chosen to fill that seat unless his nomination paper contains a declaration by him specifying the particular tribe or caste or class of which he is a member and the area in relation to which that Tribe or Caste is a Scheduled Tribe or as the case may be, a Scheduled Caste or Backward Class of the State. This declaration shall be made before any Gazetted Officer of the Government or before any Officer of the Revenue Department not below the rank of a Mandal Revenue Officer.

(d) Each candidate shall be nominated on a separate nomination paper.

(e) A candidate may be nominated by more than one proposer separately for the same elective post in a separate nomination paper.

(3) A candidate may file nominations for more than one ward in a Gram Panchayat or territorial constituency of a Mandal Praja Parishad or Zilla Praja Parishad, as the case may be, but he shall withdraw his nominations to all but one ward or territorial constituency, as the case may be, of his choice, before the date and time fixed for withdrawal of candidature, failing which, all his nominations shall become invalid and he shall not be allowed to contest from any ward or territorial constituency, referred to above.

9. Presentation of Nomination Paper and Requirements of Valid Nominations:

(1) On receiving nomination paper, the Returning Officer shall forthwith number the nomination paper serially in the order in which it is presented and give a receipt as provided in Form-III for Gram Panchayats and in Form-IV for Mandal Praja Parishads and Zilla Praja Parishads. The Returning Officer or such other authorised person shall satisfy himself that the name and number of the candidate and his proposer, as entered in the nomination paper, are the same as those entered in the electoral roll. Where necessary, he shall direct that the nomination form be amended so as to be in accordance with the electoral roll.

(2) The Returning Officer may while interpreting an entry in the electoral roll overlook merely clerical or printing errors, but he shall record the interpretation adopted by him, together with the reasons therefor, while making the formal acceptance or rejection on scrutiny of a nomination.

(3) Every candidate shall, along with the nomination paper also file a declaration with regard to his criminal antecedents, assets and liabilities and educational qualifications as required by the State Election Commission and in the prescribed format attested by two witnesses.
10. Deposits:- (1) The State Election Commission may, before ordinary election, by notification, specify the amount of deposit, which each candidate has to make and different amounts may be specified for different offices and categories of candidates. At or before the time of presentation of his nomination paper each candidate shall remit or cause to be remitted the specified amount of deposit, in any Government Treasury or Bank or in cash with the Returning Officer. Where the deposit is made in cash a receipt therefor shall be given by the Returning Officer. No candidate shall be deemed to be duly nominated, unless the deposit as aforesaid has been made:

Provided that where a candidate has been nominated in more than one nomination paper, not more than one deposit shall be required to be made.

Explanation: The delivery to the Returning Officer of a receipt from Government Treasury or from the Bank in which the concerned local body has an account, evidencing the payment by or on behalf of a candidate to the credit of Gram Panchayat or Mandal Praja Parishad or Zilla Praja Parishad as the case may be of the amount required to be deposited under this sub-rule shall be deemed to be a deposit of such amount within the meaning of this sub-rule, made by or on behalf of such candidate at the time of such delivery;

(2) If no nomination paper is received within the time appointed in that behalf, in respect of any person by whom or on whose behalf the deposit referred to in sub-rule (1) has been made or if the nomination of any such person is rejected, or if he withdrawing his candidature in the manner and within the time specified in sub-rule (1) of rule 14, the deposit shall be returned immediately to the person by whom it was made, and if any candidate dies before commencement of the poll, any such deposit if made by him shall be returned to his legal representative, if not made by the candidate, shall be returned to the person by whom it was made.

(3) If a candidate by whom or on whose behalf the deposit referred to in sub-rule (1) has been made, is not elected and the number of valid votes polled by him does not exceed one eighth of the total number of valid votes polled by all the candidates, the deposit shall be forfeited, to the Government.

(4) The deposit made in respect of a candidate shall, if it is not forfeited under sub-rule (3) be returned to the candidate or to the person who has made the deposit on his behalf, as the case may be, within thirty days after publication of the result of election.

(5) A deposit required to be returned to any person under sub-rule (2) or sub-rule (4) shall, if such person is dead, be returned to his legal representative.

(6) Notwithstanding anything contained in this rule, immediately after publication of the result of election, the Returning Officer or the person authorised by the District Collector in this behalf, shall pass an order as to whether a deposit made under sub-rule (1) shall be refunded or forfeited. The executive authority concerned shall, within thirty days from the date of publication of the result, return the deposit to the person who made the deposit or to his legal representative when such deposit is refundable. In the case of forfeiture of deposit under sub-rule (3), the Returning Officer shall communicate an order to the person concerned who made the deposit citing the reason for such forfeiture.

(7) The amounts received towards election deposit, and credited to the Gram Panchayat/Mandal Praja Parishad/Zilla Praja Parishad fund shall be remitted to Government Account by the Executive Authority concerned after deducting any refunds made to the concerned for any reason provided under these rules.

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11. Publication of list of nominations received: - On the last day appointed for the receipt of nomination papers and immediately after the hour fixed for their receipt is past, the Returning Officer or such other authorised person shall publish at his office in Telugu language a list in Form-V of all the nominations received, with a notice that the nomination papers will be taken up by the Returning Officer for scrutiny at the specified place, and on the date and time appointed.

12. Scrutiny of Nomination Papers: - (1) On the date appointed for scrutiny of the nominations, the candidate, the proposer of each candidate and one other person duly authorised in writing by each candidate, may attend at such time and place specified. No other person shall be entitled to be present. The Returning Officer may, however, admit such other persons as he thinks fit to assist him. He shall give such persons all reasonable facilities to examine the nomination papers of all the candidates, which have been received as aforesaid.

(2) The Returning Officer shall then examine the nomination papers and shall decide on all objections which may be made at the time to any nomination and may either on such objection or on his own motion after such summary enquiry as he thinks necessary, reject any nomination on any of the following grounds, namely -

(i) that the candidate is ineligible for election as a Member or Sarpanch of Gram Panchayat, Member of Mandal Praja Parishad and Member of Zilla Praja Parishad under sections 17, 18, 19, 19A, 19B, 20A, 155, 156, 183 and 184 of the Act; or
(ii) that the name of the candidate is not registered in the electoral roll of the Gram Panchayat, Mandal Praja Parishad or Zilla Praja Parishad;
(iii) the name of the proposer is not registered in the electoral roll of the Gram Panchayat in the case of Sarpanch, in the electoral roll of the concerned ward in the case of Member, Gram Panchayat and in the electoral roll of the concerned territorial constituency in the case of Member, Mandal Praja Parishad and Member, Zilla Praja Parishad; or
(iv) that the candidate or his proposer has failed to comply with any of the provisions of rules 8, 9(3) and 10,
(v) that, in case the office is reserved for any community or women, the candidate does not belong to that community or is not a women, as the case may be; or
(vi) that the signature/thumb impression of the candidate or the proposer in the nomination paper is not genuine:

Provided that the nomination of a candidate shall not be rejected merely on the ground of any incorrect description of his name or of the name of his proposer, or of any other particulars relating to the candidate or his proposer as entered in the electoral roll, if the identity of the candidate or proposer, as the case may be, is otherwise established beyond reasonable doubt.

(3) The Returning Officer shall endorse on each nomination paper, his decision, accepting or rejecting the same and, if the nomination paper is rejected, he shall record in writing a brief statement of his reasons for such rejection. The scrutiny shall be completed on the date appointed in this behalf and no adjournment of the proceedings shall be allowed except where such proceedings are interrupted or obstructed by riot or open violence or for causes beyond the control of the Returning Officer:

Provided that in case an objection is made, the candidate concerned may be allowed time to rebut the same not later than the next day and the Returning Officer shall record his decision on the date to which the proceedings are adjourned.
(4) Immediately after all the nomination papers have been scrutinised and the decisions, accepting or rejecting the same have been recorded, the Returning Officer shall prepare a list of validly nominated candidates, and affix it on the notice board of his office in Form-VI. There shall be one entry only in respect of each validly nominated candidate in the list, although more nomination papers than one in respect of him may have been accepted as valid.

13. Appeal against rejection of nomination:- A person whose nomination paper is rejected may prefer an appeal against the decision of the Returning Officer before the concerned Revenue Divisional Officer in the case of election to Sarpanch and Member, Gram Panchayat and Member, Mandal Praja Parishad and before the District Collector in the case of election to Member, Zilla Praja Parishad on the day immediately following the date of scrutiny of nominations. The appeal shall be disposed off by the appellate authority the day immediately following the date of filing of appeal.

14. Withdrawal of candidature:- (1) Any candidate may withdraw his candidature by notice in writing in Form-VII signed by him and delivered to the Returning Officer by such candidate in person at any time after the presentation of his nomination paper and not later than 3.00' Clock in the afternoon of the third day succeeding that appointed for scrutiny of the nominations whether or not it is a public holiday. Where such notice is not delivered by such candidate in person, it shall be delivered by his proposer or election agent who has been authorised in writing by such candidate. The Returning Officer shall give a receipt for the same as provided in Form-VII on being satisfied as to the genuineness of the notice of withdrawal and the identity of the candidate.

(2) The Returning Officer on receiving a notice of withdrawal under sub-rule (1) shall, as soon as may be, cause a notice of the withdrawal to be published in Form-VIII.

(3) A candidate, who has withdrawn his candidature under sub-rule (1) shall not be allowed to cancel the withdrawal.

15. Publication of List of Contesting candidates: (1) On the expiry of the time allowed for withdrawal of candidature under rule 14, the Returning Officer shall prepare in Telugu language a list of Form-IX of persons whose nominations have not been rejected and who have not withdrawn their candidature and publish it on the notice board of his office forthwith whether or not it is a public holiday. The list shall contain the names of the candidates in alphabetical order in Telugu and shall describe them as in their nomination paper.

(2) In the election to Member, Mandal Praja Parishad and Member, Zilla Praja Parishad, for the purpose of listing, the names of the candidates shall be classified as follows namely:-

(i) candidates of recognized political parties;
(ii) candidates of registered political parties with a reserved symbol;
(iii) candidates of registered political parties without a reserved symbol;
(iv) Independent candidates.

(3) The arrangement of names of candidates shall be on the basis of first letter of his name irrespective of whether the name given is a proper name or surname. The initials, if any, prefixed to the name of the candidate shall be ignored for the aforesaid purpose. If two candidates in the same category have the same name but different initials, then the two names should be arranged inter se with reference to the first letter of the initial. Further, if two or more such candidates have the same name but different surnames, then their names should be arranged inter-se in alphabetical order with reference to the surnames.
(4) If two or more candidates falling under the same category bear the same name, they shall be distinguished by the addition of their occupation or residence or in some other manner. In the list of contesting candidates, the names of such candidates shall be arranged in the order in which their nominations were received by the Returning Officer.

There will also be no objection to the addition of any honorific, academic, hereditary, professional or any other title to the name of a candidate, but such title should on no account be taken into consideration, in the arrangement of names in alphabetical order.

(5) If the poll is found to be necessary, the Returning Officer shall assign to each contesting candidate a distinctive symbol subject to such directions as may be issued by the State Election Commission in that behalf.

Provided that the Returning Officer shall not allot to any contesting candidate any symbol reserved for a recognized political party and registered political party in the case of elections to the gram panchayats. However, he shall allot symbols including symbols reserved for a recognized or registered political party, where any candidate is set up by such political party in case of elections to the office of Member, Mandal Praja Parishad and Zilla Praja Parishad.

Provided further that in case of election to Member, Mandal Praja Parishad and Member, Zilla Praja Parishad, the Returning Officer shall assign to every contesting candidate a distinctive symbol as per the provisions of paragraph 6 of the Registration of Political Parties and Allotment of Symbols Order, 2001, and any other instructions issued by the State Election Commission in this behalf from time to time.

(6) In every case where a symbol has been assigned to a candidate under sub-rule (5) such candidate or his election agent shall forthwith be informed of the symbol so assigned and be supplied with a specimen thereof by the Returning Officer.

16. Declaration of Result of Uncontested Election: (1) If the number of contesting candidates is more than one, poll shall be taken.

(2) If there is only one validly nominated candidate, the Returning Officer shall forthwith declare such candidate is duly elected in Form-X and send the same to the State Election Commission, Election Authority and the District Election Authority.

17. Death of candidate before poll: (1) If a contesting candidate in respect of Gram Panchayat dies and a report of his death is received before commencement of the poll, the Returning Officer shall upon being satisfied of the fact of the death of the candidate, countermand the poll and election proceedings shall be started afresh in all respects as if for a new election:

Provided that no fresh nomination, shall be necessary in the case of a candidate who stood validly nominated at the time of countermanding of the poll.

(2) In respect of elections to the office of Member of Mandal Praja Parishad or the office of Member of Zilla Praja Parishad,-

(a) Where an independent candidate or a candidate of a Registered Political Party without a reserved symbol dies before the poll, it shall not be necessary to countermand the poll;

(b) If a candidate, set up by a recognised or registered political party with a reserved symbol, –
(i) dies at any time after 10.00 AM on the last date of making nominations and his nomination is found valid on scrutiny under rule 12;

(ii) whose nomination has been found valid on scrutiny under rule 12 and who has not withdrawn his candidature under rule 14 dies and in either case, a report of his death is received at any time before the publication of the list of contesting candidate under rule 15; or

(iii) dies as a contesting candidate and a report of his death is received before the commencement of the poll;

the Returning Officer shall, upon being satisfied about the fact of the death of the candidate, by order, announce an adjournment of the poll to a date to be notified later and report the same to the State Election Commission, Election Authority and to the District Election Authority:

Provided that no order adjourning a poll shall be made in a case referred to in clause (b) (i) except after the scrutiny of all the nominations including the nomination of the deceased candidate.

(c) The State Election Commission shall, on receipt of a report from the Returning Officer under clause (b), call upon the recognized or registered political party with a reserved symbol as the case may be, whose candidate has died, to nominate another candidate for the said poll within seven days of issue of such notice to such recognized or registered political party and the provisions of rules 4 to 15 shall, so far as may be, apply in relation to such nomination as they would apply to other nominations;

Provided that no person who has given a notice of withdrawal of his candidature under sub-rule (1) of rule 14 before the adjournment of the poll shall be ineligible for being nominated as a candidate for the election after such adjournment.

(d) where a list of contesting candidates had been published under sub-rule (1) of rule 15 before the adjournment of the poll, the Returning Officer shall again prepare and publish a fresh list of contesting candidates under the aforesaid rule so as to include the name of the candidate who has been validly nominated.

18. Appointment of Election Agent:- (1) A candidate at an election may appoint any one person other than himself to be his election agent. The notice of such appointment shall be given in Form-XI by forwarding the same in duplicate to the Returning Officer who shall return one copy thereof to the election agent after affixing therein his seal and signature in token of his approval of the appointment.

(2) An election agent may perform such functions in connection with the election as are authorised by or under these rules to be performed by an election agent.

(3) (i) Any revocation of the appointment of an election agent shall be signed by the candidate and shall operate from the date on which it is lodged with the Returning Officer;

(ii) In the event of such revocation or of the death of an election agent the candidate may appoint in like manner another person to be his election agent; and when such appointment is made, notice thereof shall be given in the manner laid down in sub-rule (1).
19. Appointment of Polling Agent:- (1) The number of polling agents that may be appointed by a contesting candidate or his election agent, shall, in respect of each polling station, be one agent and a relief agent.

(2) Every such appointment shall be made in Form XII and shall be made over to the polling agent for production at the polling station.

(3) No polling agent shall be admitted into the polling station unless he has delivered to the Presiding Officer the instrument of his appointment under sub-rule (2) after duly completing and signing before the Presiding Officer the declaration contained therein.

(4) A polling agent may perform such functions in connection with the poll as are authorised by or under these rules, to be performed by a polling agent.

(5) Any revocation of the appointment of a polling agent shall be signed by the candidate or his election agent, as the case may be. Such revocation shall operate from the date on which it is lodged with the Returning Officer. In the event of such a revocation or of the death of a polling agent before the close of the poll the candidate or his election agent may appoint another polling agent at any time before the poll is closed and shall forthwith give notice of such appointment as laid down in sub-rule (2).

20. Appointment of Counting Agent:- (1) Each candidate may appoint such number of counting agents at the place or places fixed for counting as may be specified by the District Election Authority.

(2) Every such appointment shall be made in Form-XIII in duplicate one copy of which shall be forwarded to the Returning Officer while the other copy shall be made over to the counting agent for production before the Returning Officer not later than one hour before the time fixed for counting.

(3) A counting agent may perform such functions in connection with the counting of votes as are authorised by or under these rules to be performed by a counting agent.

(4) Any revocation of the appointment of a counting agent shall be signed by the candidate or his election agent as the case may be. Such revocation shall operate from the date on which it is lodged with the Returning Officer. In the event of a revocation or of the death of a counting agent at any time before the counting of votes is commenced, the candidate or his election agent may appoint another person as the counting agent and when an appointment is made, a notice of such appointment in the manner prescribed above shall be given to the Returning Officer.

21. Rights of candidates and his election agent:- (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 any polling station.

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

22. Non-attendance of agents:- Where any act or thing is required or authorised by or under these rules to be done in the presence of the polling or counting agents, the non-attendance of any such agent or agents at the time and place appointed for the purpose shall not, if the act or thing is otherwise duly done, invalidate the act or thing done.
CHAPTER-III
POSTAL BALLOT

23. Voting by postal ballot:- At an election where a poll is taken, any member of the Armed Forces of the Union or a member of the Armed Police Forces of the State serving outside the State may give his vote by a postal ballot and such person shall not be entitled to give his vote in any other manner. The wife of any such person may also give her vote by postal ballot.

24. Electors under preventive detention:- (1) Subject to the other provisions of these rules, a voter of a Ward/Territorial Constituency may, if he is subject to preventive detention under any law for the time being in force, give his vote by postal ballot at any election in such Ward/Territorial Constituency where a poll is taken.

(2) As soon as possible, after a notice is published under rule 6, the Returning Officer shall ascertain in writing from the Collector of the District whether any voter is subject to preventive detention under any law for the time being in force. The Collector shall within five days from the date of receipt of such communication from the Returning Officer forward list of names of any such voters in that Ward/Territorial Constituency, if any, together with their addresses and the particulars about their place of detention to the Returning Officer.

(3) Any voter who is subject to preventive detention under any law for the time being in force or on his behalf any member of his family may within ten days from the date of publication of the notice apply to the Returning Officer of the Ward/Territorial Constituency for permission to give his vote by postal ballot at the election. Every such application shall specify the name of the voter, his address, his serial number in the electoral roll and the particulars regarding his place of detention.

(4) If the Returning Officer is satisfied that the person whose name has been forwarded under sub-rule (2) or who has made an application under sub-rule (3) is under preventive detention and is a voter in the Ward/Territorial Constituency to which the election relates and is entitled to vote at such election he shall permit such person to give his vote at the election by postal ballot.

(5) While granting any such permission, the Returning Officer shall, at the same time, put the letters ‘P.B.’ against his name in the marked copy of the electoral roll which means that a postal ballot has been issued.

25. Intimation by voters on election duty:- (1) A voter on election duty who wishes to vote by post at an election shall send an application in Form-XIV to the Returning Officer so as to reach him at least seven days or such shorter period as the Returning Officer may allow before the date of poll and if the Returning Officer is satisfied that the applicant is such public servant and voter on election duty, he shall issue a postal ballot paper to him. The Returning Officer shall mark ‘P.B.’ against his name in the marked copy of the electoral roll to indicate that a postal ballot paper has been issued to him.

(2) Where such voter, being a Presiding Officer, Polling Officer or other public servant on election duty in the Ward/Territorial Constituency of which he is an elector, wishes to vote in person at an election in a Ward/Territorial Constituency and not by post, he shall send an application in Form-XV to the Returning Officer so as to reach him at least four days, or such shorter period as the Returning Officer may allow, before the date of poll; and if the Returning Officer is satisfied that the applicant is such public servant and voter on election duty in the Ward/Territorial Constituency he shall—
(a) issue to the applicant an election duty certificate in **Form-XVI**;
(b) mark ‘EDC’ against his name in the marked copy of the electoral roll to indicate that an election duty certificate has been issued to him, and
(c) ensure that he is not allowed to vote at the polling station where he would otherwise have been entitled to vote.

### 26. Form of postal ballot paper:

Every postal ballot paper shall have a counterfoil attached thereto, and the said ballot paper and the counterfoil shall be in such form, and the particulars therein shall be in such language or languages as the State Election Commission may direct.

### 27. Issue of postal ballot paper:

(1) The Returning Officer shall, in case of every voter who is entitled to give his vote at the election by postal ballot, as soon as may be after the publication of list of contesting candidates at the election, send by post under certificate of posting to each such voter a ballot paper together with –

- a) a declaration in **Form-XVII**.
- b) a cover in **Form-XVIII**.
- c) a large cover addressed to the Returning Officer in **Form-XIX**.
- d) instructions for the guidance for the elector in **Form-XX**.

Provided that the Returning Officer may in case of voter on election duty deliver the ballot paper and forms or cause them to be delivered to such voter personally.

(2) The Returning Officer shall, at the same time –

- a) record on the counterfoil of the ballot paper, the number of the elector as entered in the marked copy of the electoral roll;
- b) mark the name of the elector in the marked coy of the electoral roll to indicate that a postal ballot paper has been issued to him without however recording therein the serial number of the ballot paper issued to that elector; and
- c) ensure that the elector is not allowed to vote at a polling station.

(3) Every officer under whose care or through whom a postal ballot paper is sent shall ensure its delivery to the addressee without delay.

(4) After all the ballot papers are issued under this rule, the Returning Officer shall seal in a separate packet, the counterfoils of the ballot papers issued to the voters entitled to vote under postal ballot and record on the packet a brief description of its contents and the date on which it was sealed.

(5) No election shall be invalid by the reason that a voter has not received his postal ballot paper.

### 28. Recording of vote:

(1) An elector who has received a postal ballot paper and desires to vote shall record his vote on the ballot paper in accordance with the directions contained in Part I of **Form-XX** and then enclose it in the cover in **Form-XVIII**.

(2) The elector shall sign the declaration in **Form-XVII** in the presence of, and have the signature attested by, a stipendiary magistrate or such other officer specified below, as may be appropriate, to whom he is personally known or to whose satisfaction he has been identified –

- a) in the case of a service voter, such officer as may be appointed in this behalf by the Commanding Officer of the unit, ship or establishment in which the voter or her husband, as the case may be, is employed;
- b) in the case of a voter on election duty, any gazetted officer or the Presiding Officer of the polling station at which he is on election duty.
(c) in the case of an elector under preventive detention, the Superintendent of the Jail or the Commandant of the detention camp in which the elector is under detention; and

(d) in any other case, such officer as may be notified by the State Election Commission.

29. Assistance to illiterate or infirm voters:- (1) If an elector is unable through illiteracy, blindness or other physical infirmity to record his vote on a postal ballot paper and sign the declaration, he shall take the ballot paper, together with declaration and the covers received by him to an officer competent to attest his signature under sub-rule (2) of rule 28 and request the officer to record his vote and sign his declaration on his behalf.

(2) Such officer shall thereupon mark the ballot paper in accordance with the wishes of the elector in his presence, sign the declaration on his behalf and complete the appropriate certificate contained in Form-XVII.

30. Re-issue of ballot paper:- (1) When a postal ballot paper and other papers sent under rule 27 are for any reason returned undelivered, the Returning Officer may re-issue them by post under certificate of posting or deliver them or cause them to be delivered to the elector personally on a request being made by him.

(2) If any elector has inadvertently dealt with the ballot paper or any of the other papers sent to him under rule 27 in such a manner that they cannot conveniently be used, a second set of papers shall be issued to him after he has returned the spoiled papers and satisfied the Returning Officer of the inadvertence.

(3) The Returning Officer shall cancel the spoiled papers so returned and keep them in a separate packet after noting thereon the particulars of the election and the serial numbers of the cancelled ballot papers.

31. Return of ballot paper:- (1) After an elector has recorded his vote and made his declaration under rule 28 or rule 29, he shall return the ballot paper and declaration to the Returning Officer in accordance with the instructions communicated to him in Part II of Form-XX so as to reach the Returning Officer before the hour fixed for the commencement of counting of votes.

(2) If any cover containing a postal ballot paper is received by the Returning Officer after the expiry of the time fixed in sub-rule (1), he shall note thereon the date and time of its receipt and shall keep all such covers together in a separate packet.

32. Safe Custody of postal ballots:- The Returning Officer shall keep in safe custody until the commencement of the counting of votes all covers containing postal ballot papers received by him.

CHAPTER – IV
VOTING BY BALLOT

33. Voting at Polling Station:- (1) If poll has to be taken, the Returning Officer shall appoint forthwith one Presiding Officer and one or more polling officers at each polling station and may pay the remuneration as fixed by the Government for their services:

Provided that if a polling officer is absent from the polling station, the Presiding Officer may appoint any person who is present at the polling station other than a person who has been employed by or on behalf of or has been otherwise working for a candidate in or about the election, to be the polling officer during the absence of the former officer and inform the Returning Officer accordingly.
(2) A polling officer shall, if so directed by the Presiding Officer perform all or any of the functions of a Presiding Officer under these rules or any rules or orders made thereunder.

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

34. Right to vote (Voting to be in person):- All electors voting at an election shall do so in person at the polling station provided for them under the rules.

35. Form of Ballot Paper:- Every Ballot paper shall have a counterfoil attached thereto and the said ballot paper and the counterfoil shall be in such form as the State Election Commission may, by order, direct.

35-A. None of the Above (NOTA) option on Ballot Papers:- (1) Notwithstanding anything contained in these Rules, in the Postal Ballot Papers and in the Ballot Papers used for conduct of poll at polling stations with Ballot Boxes or Electronic Voting Machines (EVMs), provision shall be made for ‘None of the Above’ (NOTA) option for the benefit of those electors who may wish to exercise their option of not voting to any of the candidates in the fray. The last panel of the ballot paper below the last candidate shall be earmarked for ‘None of the Above’ (NOTA) option.

(2) The State Election Commission may give such directions, as may be necessary, for effective implementation of ‘None of the Above’ (NOTA) option.

36. Arrangements at Polling Station:- (1) Outside each polling station there shall be displayed prominently,

(a) a notice specifying the polling area, the serial number of electors in the relevant electoral roll who are entitled to vote at the polling station; and

(b) a copy of the list of contesting candidates with the serial numbers and the symbols assigned to them.

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

(3) Where the elections for Gram Panchayats and Mandal Praja Parishads and Zilla Praja Parishads are held simultaneously there shall be two ballot boxes kept in the polling station, one for the Member and Sarpanch of Gram Panchayat and the other for the Member of Mandal Praja Parishad and Zilla Praja Parishad. Where the elections are held separately only one ballot-box either for Gram Panchayat or for Mandal Praja Parishad or for Zilla Praja Parishad, as the case may be, shall be kept.

(4) The names of the contesting candidates along with their symbols shall be displayed inside the polling station, above the ballot box to enable the voter to exercise his franchise without difficulty.

(5) The Returning Officer shall provide at each polling station sufficient number of ballot boxes, copies of the electoral roll or such part thereof as contains the names of the electors entitled to vote at the polling station, ballot papers, instruments for stamping the distinguishing mark on the ballot paper and articles necessary for electors to mark the ballot papers, stationery and such forms as may be necessary.
37. Admission to Polling Station:- (1) The Presiding Officer shall keep order at the polling station, shall see that the election is fairly conducted, shall regulate the number of electors to be admitted at any one time inside the polling station and shall exclude therefrom all persons other than, -

(a) his polling officers and such persons as the Presiding Officer may, from time to time, admit for the purpose of identifying electors;
(b) other public servants on duty in connection with the election;
(c) the candidates, their election agents, and one polling agent of each candidate at a time;
(d) a child in arms accompanying an elector;
(e) a person accompanying blind or infirm voters who cannot move without help; and
(f) persons authorised by the State Election Commission.

(2) (a) Where a woman elector cannot be identified by the identification officers appointed for the purpose by reason of her observing ‘purdah’ she may be required to be identified by any of her near relatives unless she otherwise satisfies the Presiding Officer of her identity.

(b) If any question arises as to whether a person is or is not a near relative within the meaning of clause (a) above, it shall be decided by the Presiding Officer and his decision shall be final.

38. Preparation of Ballot Boxes:- (1) Where a paper seal is used for securing a ballot box, the Presiding Officer shall affix his own signature on the paper seal and obtain thereon the signature of such of the polling agents present as are desirous of affixing the same.

(2) The Presiding Officer shall thereafter fix the paper seal so signed in the space meant therefor in the ballot box and shall then secure and seal the box in such manner that the slit for the insertion of ballot papers therein remains open.

(3) The seals used for securing a ballot box shall be affixed in such manner that after the box has been closed, it is not possible to open it without breaking the seals.

(4) Where it is not necessary to use paper seals or securing the ballot boxes, the Presiding Officer shall secure and seal the ballot box in such manner that the slit for the insertion of ballot papers remains open and shall allow the polling agents present to affix, if they so desire, their seals.

(5) Every ballot box used at a polling station shall bear label both inside and outside marked with:-

(a) the details of the Ward/Territorial Constituency;
(b) the serial number and name of the polling station;
(c) the serial number of the ballot box (to be filled in at the end of the poll on the label outside the ballot box only) and;
(d) the date of poll.

(6) Immediately before commencement of the poll the Presiding Officer shall demonstrate to the polling agents and other persons present, that the ballot box is empty and bears the labels referred to in sub-rule (5).
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(7) The ballot box shall then be closed, sealed, secured and placed in full view of the Presiding Officer and polling agents.

39. **Demonstration of the marked copy of the electoral roll:** Immediately before commencement of the poll, the Presiding Officer shall demonstrate to the polling agents and others present, the marked copy or, as the case may be, marked copies of the electoral roll to be used during the poll.

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

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

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

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

(3) Every elector shall produce identity card issued to him/her under the provisions of the Registration of Electors Rules, 1960 made under the Representation of the Peoples Act, 1950 or any such document as may be specified, by order, by the State Election Commission before the Presiding Officer or the polling officer authorized by him in this behalf, in order to establish his/her identity at the polling station.

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

42. **Facilities for public servants on election duty:** (1) The provisions of rule 41 shall not apply to any person who produces at the polling station an election duty certificate issued by Returning Officer and seeks permission to cast his vote at that polling station although the polling station is different from the one where he is entitled to vote.

(2) On production of such certificate the Presiding Officer shall –

(a) obtain thereon the signature of the person producing it;
(b) have the person's name and electoral roll number as mentioned in the certificate entered at the end of the marked copy of the electoral roll; and
(c) issue to him a ballot paper, and permit him to vote, in the same manner as for an elector entitled to vote at that polling station.

43. **Challenging of Identity:** (1) Any polling agent may challenge the identity of a person claiming to be a particular elector by first depositing a sum of five rupees in cash with the Presiding Officer for each such challenge.
(2) On such a deposit being made, the Presiding Officer shall:

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

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

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

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

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

44. **Safeguards against personation:**

(1) Every elector about whose identity the Presiding Officer or the Polling Officer, as the case may be, is satisfied shall allow –

(a) the inspection of his left fore-finger by the Polling Officer; and
(b) an indelible ink mark to be put on his left fore-finger.

(2) If any such elector –

(a) refuses to allow such inspection of his left fore-finger; or
(b) refuses to allow an indelible ink mark to be put on his left fore-finger; or
(c) does any act in order to remove any such mark after it has been put; or
(d) fails or refuses to produce his identity card or any other document specified by State Election Commission to establish his identity under rule 41 of these rules; or
(e) refuses to put his signature or thumb impression on the counter-foil;

he shall not be entitled to be supplied with any ballot paper or to record his vote at the election.

(3) A person who already has such a mark on his left fore-finger at the time he enters the polling station shall not be supplied with any ballot paper.

(4) Any reference in this rule to the left fore-finger of an elector shall, in the case where the elector has no left fore-finger be construed as a reference to another finger of his left hand and shall in the case whether there are no fingers on his left hand be construed as a reference to the fore finger or any other finger on his right hand and shall in the case where he has no finger on both the hands be construed as a reference to such extremity of his right or left arm as he possesses.
45. Distinguishing Mark:- Before a ballot paper is issued to an elector, the ballot paper and the counterfoil attached thereto, shall be stamped on the back with such distinguishing mark as the State Election Commission may direct and every ballot paper before it is issued shall be signed in full on its back by the Presiding Officer.

46. Issue of ballot paper:- (1) At the time of issuing a ballot paper to an elector, the polling officer shall,—

(a) record on its counterfoil the electoral roll number of the elector as entered in the marked copy of the electoral roll, and
(b) obtain the signature or thumb impression of that elector on the said counterfoil:
(c) mark the name of the elector in the marked 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 elector:

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

(2) No person in the polling station shall note down the serial numbers of the ballot papers issued to the electors.

47. Maintenance of secrecy of voting by electors and voting procedure:- (1) Every elector to whom a ballot paper has been issued under rule 46 or any other provisions of these rules shall maintain secrecy of voting within the polling station and for that purpose observe the voting procedure hereinafter laid down.

(2) The elector on receiving the ballot paper or papers, as the case may be, shall forthwith—

(a) proceed to one of the voting compartments,
(b) make a mark on the ballot paper or papers with the instrument supplied for the purpose on or near the symbol / symbols allotted to the candidate / candidates for whom he intends to vote,
(c) fold the ballot paper / papers vertically first and thereafter horizontally so as to conceal his vote,
(d) if required, show to the Presiding Officer the distinguishing mark on the ballot paper or papers,
(e) insert the folded ballot paper into the specified ballot box, and
(f) leave the polling station by the exit provided.

(3) Every elector shall vote without undue delay.

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

(5) If an elector to whom a ballot paper has been issued refuses, after warning given by the Presiding Officer to observe the procedure laid down in sub-rule (2), 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 word "cancelled: voting procedure violated" and put his signature below these words and all such ballot papers shall be kept in a separate cover which shall bear on its face the words "Ballot Papers - voting procedure violated".
(7) Without prejudice to any other penalty to which an elector, 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.

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

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

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

(2) The Presiding Officer shall keep a record of all cases under this rule in Form –XXIII.

49. Spoilt and returned ballot papers:- (1) An elector who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper, may, on returning it to the Presiding Officer and on satisfying him of the inadvertence, be given another ballot paper and the ballot paper so returned and the counterfoil of such ballot paper shall be marked as "Spoilt:Cancelled" by the Presiding Officer.

(2) If an elector 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 ballot papers cancelled under sub-rule (1) and sub-rule (2) shall be kept in a separate packet.

50. Tendered Votes:- (1) If a person representing himself to be a particular elector seeks to vote after another person has already voted as such elector, he shall, on, satisfactorily answering such questions relating to his identity as the Presiding Officer may ask, be entitled, subject to the following provisions of this rule, to mark a ballot paper (hereinafter in these rules referred to as a "Tendered Ballot Paper) in the same manner as any other elector.

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

(3) A tendered ballot paper shall be the same as the other ballot paper used at the polling except that it shall be –

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

(4) The elector, after marking a 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 specifically kept for the purpose.

**51. Closing of Poll and Sealing of Ballot Boxes and covers after poll:-**

(1) The Presiding Officer shall close the polling station at the hour appointed for closing and shall not thereafter admit any elector into the polling station:

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

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

(3) The Presiding Officer of each polling station, as soon as practicable, after the close of the poll, shall close the slit of the ballot box and where the box does not contain any mechanical device for closing the slit, he shall seal up the slit and also allow any polling agent present to affix his seal. The ballot box shall thereafter be sealed and secured.

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

(5) The Presiding Officer of each polling station, as soon as practicable, after the close of the poll, shall in the presence of any candidate or polling agents who may be present make up the following into separate packets and seal with his own seal and the seals of such candidates or agents as may desire to affix their seals:

(i) the tendered ballot papers;
(ii) the unused ballot papers;
(iii) the spoilt and returned ballot papers;
(iv) the marked copy of the electoral roll;
(v) the tendered votes list;
(vi) the list of challenged votes;
(vii) the counterfoils of used ballot papers;
(viii) the ballot papers cancelled for violation of voting procedure; and
(ix) any other papers directed by the State Election Commission to be kept in a sealed cover / packet.

(6) Each packet shall be numbered and shall bear a note as to its contents, description of the election and the polling stations. Where no vote has been recorded at any polling station, the Presiding Officer shall submit a 'nil' report.

**52. Account of ballot papers** - (1) The Presiding Officer shall at the close of the poll prepare a ballot paper account in Form-XXV and place it in a separate cover with the words "Ballot Paper Account" superscribed thereon.
The Presiding Officer shall furnish to every polling agent present at the close of the poll a true copy of the entries made in the ballot paper account after obtaining a receipt from the said polling agent therefor and shall also attest it as a true copy.

53. Delivery of ballot boxes to Returning Officer: -(1) The Presiding Officer shall then, as soon as may be, deliver the ballot boxes and all such packets and papers used at the polling station or cause them to be delivered to the Returning Officer at such places as he may direct.

(2) The Returning Officer shall make adequate arrangements for the safe transport of all ballot boxes, packets and other papers referred to in this rule from polling stations and for their safe custody until the commencement of this counting of votes.

54. Procedure on adjournment of poll:-(1) If the poll at any polling station is adjourned under section 225 B, the provisions of rules 51 to 53 shall, as far as practicable, apply as if the poll was closed at the hour fixed in that behalf.

(2) When an adjourned poll is recommended under sub-section (2) of section 225B, the electors who have already voted at the poll so adjourned shall not be allowed to vote again.

(3) The Returning Officer shall provide the Presiding Officer of the polling station at which such adjourned poll is held, with the sealed packet containing the marked copy of the electoral roll and a new ballot box.

(4) The Presiding Officer shall open the sealed packet in the presence of the polling agents present and use the marked copy of the electoral roll for marking the names of the electors to whom the ballot papers are issued at the adjourned poll, without however recording therein the serial number thereof.

(5) The provisions of rules 33 to 53 shall apply in relation to the conduct of an adjourned poll as they apply in relation to the poll before it was so adjourned.

55. Fresh Poll in case of destruction of ballot boxes:-- If at any election any ballot box used at a polling station is unlawfully taken out of custody of the Presiding Officer or Returning Officer or is accidentally or intentionally destroyed or lost or is damaged or is tampered with to such an extent that the result of the poll at that polling station cannot be ascertained or any such error or irregularity in procedure is likely to vitiate the poll is committed at the polling station, the procedure prescribed in section 225 C of the Act shall be followed.

56. Counting of votes:-(1) The counting of votes shall commence on the day and at the place and hour appointed in that behalf. Votes shall be counted by or under the supervision of the Returning Officer.

(2) The postal ballot papers shall be counted first.

(3) Each candidate, the election agent and the counting agent of each candidate shall have a right to be present at the time of counting. No other person shall be allowed to be present except such person as the Returning Officer may appoint to assist him in counting votes and no person shall be appointed to assist in counting votes who has been employed by or on behalf of any candidate for any purpose whatsoever connected with the election.
(4) The Returning Officer shall, before he commences to count the votes, read out the provisions of section 217 of the Act to such person as may be present and shall then count and check all the ballot boxes placed for the counting of votes and satisfy himself that all such ballot boxes contain the ballot papers which are to be counted at such place have been received and accounted for.

(5) The Returning Officer shall allow, the candidates and their election agents and counting agents present at the counting, reasonable opportunities to inspect the ballot boxes and their seals for satisfying themselves that they are in order.

(6) If any ballot box is found by the Returning Officer to have been tampered or interfered with or destroyed or lost, or if at any time, before counting of votes is completed any ballot papers used at a polling station or at a place fixed for the poll are unlawfully taken out of the custody of the Returning Officer or are accidentally or intentionally, destroyed or lost or are damaged or tampered with to such an extent that the result of the poll at that polling station or place cannot be ascertained, the Returning Officer shall follow the procedure laid down in section 225 D of the Act.

(7)(a) Subject to such general or special directions, if any, as may be given by the State Election Commission in this behalf the ballot papers shall be counted after mixing the votes ward-wise/ Gram Panchayat wise/ Territorial Constituency-wise, as the case may be.

(b) The Returning Officer shall open, or cause to be opened, simultaneously the ballot box or boxes used at more than one polling station and shall have the total number of ballot papers found in such box or boxes counted and recorded in Part II of ballot paper account in Form-XXV.

(c) Discrepancy, if any, between the total number of such ballot papers recorded as aforesaid and the total number of ballot papers issued to voters as shown in Item 3 of Part I of the said Form - XXV minus the number of ballot papers cancelled as shown in item 4 thereof and the number of papers as shown in item 5 thereof, shall also be recorded in Part II of Form-XXV.

(8) The Returning Officer shall, as far as practicable, proceed continuously with the counting of the votes and shall, during any necessary intervals during which the counting has to be suspended, place the ballot papers, packets and other documents relating to the election under his own seal and the seals of such candidates or agents as may desire to affix them and shall cause adequate precautions to be taken for their custody.

57. Counting of Postal Ballot Papers:- (1) The Returning Officer shall first deal with the postal ballot papers in the manner hereinafter provided.

(2) No cover in Form-XIX received by the Returning Officer after the expiry of the time fixed in that behalf shall be opened and no vote contained in any such cover shall be counted.

(3) The other covers shall be opened one after another and as each cover is opened, the Returning Officer shall first scrutinise the declaration in Form-XVII contained therein.

(4) If the said declaration is not found, or has not been duly signed and attested, or is otherwise substantially defective, or if the serial number of the ballot paper as entered in it differs from the serial number endorsed on the cover in Form-XVIII, that cover shall not be opened, and after making an appropriate endorsement thereon, the Returning Officer shall reject the ballot paper therein contained.
(5) Each cover so endorsed and the declaration received with it shall be replaced in the cover in Form-XIX and all such covers in Form-XIX shall be kept in separate packet which shall be sealed and on which shall be recorded the details of the ward/constituency, the date of counting and a brief description of its content.

(6) The Returning Officer shall then place all the declarations in Form-XVII which he has found to be in order in a separate packet which shall be sealed before any cover in Form-XVIII is opened and on which shall be recorded the particulars referred to in sub-rule (5).

(7) The covers in Form-XVIII not already dealt with under the foregoing provisions of this rule shall then be opened one after another and the Returning Officer shall scrutinise each ballot paper and decide the validity of the vote recorded thereon.

(8) A postal ballot paper shall be rejected –

(a) if it bears any mark (other than the mark to record the vote) or writing by which the elector can be identified; or
(b) if no vote is recorded thereon; or
(c) if the vote is given on it in favour of more candidates than one; or
(d) if it is a spurious ballot paper; or
(e) if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established; or
(f) if it is not returned in the cover sent along with it to the elector by the Returning Officer.

(9) A vote recorded on a postal ballot paper shall be rejected if the mark indicating the vote is placed on the ballot paper in such manner as to make it doubtful to which candidate the vote has been given.

(10) A vote recorded on a postal ballot paper shall not be rejected merely on the ground that the mark indicating the vote is indistinct or made more than once, if the intention that the vote shall be for a particular candidate clearly appears from the way the paper is marked.

(11) The Returning Officer shall count all the valid votes given by postal ballot in favour of each candidate, record the total thereof in the result sheet in Form-XXVI and announce the same.

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

58. Grounds for rejection of ballot papers:

(1) The Returning Officer shall reject a ballot paper, –

(a) if it bears any mark or writing by which the elector can be identified, or
(b) if it bears no mark at all to indicate the vote, it bears a mark elsewhere than on or near the symbol of one of the candidates on the face of the ballot paper or, it bears a mark made otherwise than with the instrument supplied for the purpose, or
(c) if votes are given on it in favour of more than one candidate, or
(d) if the mark indicating the vote thereon is placed in such manner as to make it
doubtful as to which candidate the vote has been given, or
(e) if it is a spurious ballot paper, or
(f) if it is so damaged or mutilated that its identity as a genuine ballot paper cannot
be established, or
(g) if it bears a serial number, or is of a design, different from the serial numbers, or,
as the case may be, design, of the ballot papers authorised for use at the
particular polling station, or
(h) if it does not bear both the distinguishing mark and the signature which it should
have borne under the provisions of rule 45.

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

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

(2) Before rejecting any ballot paper under sub-rule (1), the Returning Officer shall
allow candidates and their counting agents present a reasonable opportunity to inspect the
ballot paper but shall not allow them to handle it or any other ballot paper.

(3) The Returning Officer shall endorse on every ballot paper which he rejects the
word “rejected” and the grounds of rejection in abbreviated form either in his own hand or
by means of a rubber stamp and shall initial such endorsement.

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

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

59. Preparation of Results Sheet:- After counting of all ballot papers contained in all the
ballot boxes used in ward/gram panchayat/Territorial Constituency, as the case may be have
been completed, the Returning Officer shall make the entries in a result sheet in Form-
XXVI and announce the particulars.

60. Recount of Votes :- (1) After such announcement has been made under rule 59, a
candidate or, in his absence, his election agent or any of his counting agents may apply in
writing to the Returning Officer for recounting of the votes either wholly or in part stating
the grounds on which, he demands such recount.

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

(3) Every decision of the Returning Officer under sub--rule (2) shall be in writing and
contain the reasons therefor.

(4) If the Returning Officer decides under sub--rule (2) to allow a recount of the votes
either wholly or, in part he shall –

(a) do the recounting in accordance with rule 56.
(b) amend the result sheet in Form - XXVI to the extent necessary after such
recount; and
(c) announce the amendments so made by him.

(5) After the total number of votes polled by each candidate has been announced under sub-rule (4), the Returning Officer shall complete and sign the result sheet in Form-XXVI and no application for a further or second recount shall be entertained thereafter.

61. Equality of Votes:- If, after the counting of the votes is completed an equality of votes is found to exist between any candidates and the addition of one vote will lead to any of those candidates being declared elected, the Returning Officer shall forthwith decide between those candidates by lot, and proceed as if the candidate on whom the lot falls had received the additional vote.

62. Declaration of result of election and return of election:- (1) The Returning Officer shall subject to the provisions of rule 61 in so far as they apply to any particular case –

(a) declare in Form-XXVII the candidate to whom the largest number of valid votes have been given to be elected for the seat and send signed copies thereof to the State Election Commission, Election Authority and District Election Authority.

(b) complete and certify the return of election in Form-XXVIII and send copies thereof to the State Election Commission, Election Authority and District Election Authority.

(2) Any candidate or his agent shall, on application be permitted to take a copy of an extract of the return of election in Form-XXVIII.

63. Grant of Election Certificate:- As soon as may be after a candidate has been declared by the Returning Officer under rule 16 or, as the case may be, under rule 62 to have been elected, the Returning Officer shall grant such candidate a certificate of election in Form-XXIX and obtain from the candidate an acknowledgement of its receipt duly signed by him immediately.

64. Publication of Results: - The Returning Officer shall publish on the notice board in the Office of the Gram Panchayat/Mandal Praja Parishad/Zilla Praja Parishad concerned a notification signed by him, stating the names of the candidates duly elected.

65. Sealing of used ballot papers:- The valid ballot papers of each candidate and the rejected ballot papers shall thereafter be bundled separately and the several bundles made up into a separate packet which shall be sealed with the seals of the Returning Officer and of such of the candidates, their election agents or counting agents as may desire to affix their seals thereon, and on the packets to be sealed shall be recorded the following particulars, namely:-

(a) number of ward/name of the Gram Panchayat or Territorial Constituency of the Mandal Praja Parishad, or the Zilla Praja Parishad, as the case may be; and

(b) the date of counting.

66. Disposal of Ballot Papers:- (1) The Returning Officer shall, after declaring the results, forward a copy of the return to the Executive Authority concerned and shall handover to the Officer authorised by the District Election Authority the packets of ballot papers, whether counted, rejected or tendered. These packets shall not be opened and their contents shall not be inspected or produced except under the orders of an authority competent to decide election disputes.
(2) The Officer so authorised shall retain packets and the marked copies of the electoral roll for a year and shall then, unless otherwise directed by the orders of an authority competent to decide election disputes, cause them to be destroyed.

CHAPTER-V
VOTING BY ELECTRONIC VOTING MACHINES

67. Design of Voting Machine:: Every Electronic Voting Machine (hereinafter referred to as the voting machine) shall have a Control Unit and a Balloting Unit and shall be of such designs as may be approved by the State Election Commission.

68. Preparation of Voting Machine by the Returning Officer:: (1) The Balloting Unit of the voting machine shall contain such particulars in such language or languages as the State Election Commission may specify.

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

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

(4) Subject to the foregoing provisions of this rule, the Returning Officer shall;
(a) fix the label containing the names and symbols of the contesting candidates in the Balloting Unit and secure that unit with his seal and the seals of such of the contesting candidates or their election agents present as are desirous of affixing the same.
(b) set the number of contesting candidates and close the candidate set section in the Control Unit and secure it with his seal and the seals of such of the contesting candidates or their election agents present as are desirous of affixing the same.

69. Arrangements at the Polling Stations:: (1) Outside each polling station there shall be displayed prominently, –

(a) a notice specifying the polling area, the electors of which are entitled to vote at the polling station; and
(b) a copy of the list of contesting candidates.

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

(3) The Returning Officer shall provide at each polling station one or more voting machines and copies of relevant part of the electoral roll and such other election material as may be necessary for taking the poll.

70. Admission to Polling Station:: The provisions of rule 37 shall apply to regulate the entry of electors and other persons inside the polling station.

71. Preparation of voting machine for poll:: (1) The Control Unit and Balloting Unit of every voting machine used at a polling station shall bear a label marked with:
(a) the details of Territorial Constituency;
(b) the serial number and the name of the polling station;
(c) the serial number of the unit; and
(d) the date of poll.
(2) Immediately before the commencement of the poll, the Presiding Officer shall demonstrate to the polling agents and other persons present that no vote has been already recorded in the voting machine and it bears the label referred to in sub-rule(1).

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

(4) The Presiding Officer shall thereafter fix the paper seal so signed in the space meant therefor in the Control Unit of the voting machine and shall secure and seal the same.

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

(6) The Control Unit shall be closed and secured and placed in full view of the Presiding Officer and the polling agents and the Balloting Unit placed in the voting compartment.

72. Marked copy of electoral roll:- Immediately before the commencement of the poll, the Presiding Officer shall also demonstrate to the polling agents and others present, that the marked copy of the electoral roll to be used during the poll does not contain any entry other than that made with regard to issue of postal ballot papers and election duty certificates.

73. Facilities for Women electors:- With regard to facilities to women electors, the provisions of rule 40 shall apply.

74. Identification of electors:- For the purpose of identification of electors, rule 41 shall apply.

75. Facilities for public servants on election duty:- With regard to facilities for public servants on election duty provisions of rule 42 shall apply.

76. Challenging of Identity:- Where the identity of an elector is challenged, the provisions of rule 43 shall apply.

77. Safeguard against personation:- (1) Every elector about whose identity the Presiding Officer or the polling officer, as the case may be, is satisfied, shall allow his left forefinger to be inspected by the Presiding Officer or polling officer and an indelible ink mark to be put on it.

(2) If any elector; -
   (a) refuse to allow his left forefinger to be inspected or marked in accordance with sub-rule (1) or has already such a mark on his left forefinger or does any act with a view to removing the ink mark, or
   (b) fails or refuses to produce his identity card or such other document as specified by order of State Election Commission under sub-rule (3) of rule 41, he shall not be allowed to vote.

(3) Any reference in this rule to the left forefinger of an elector shall, in the case where the elector has his left forefinger missing, he construed as a reference to any other finger to his left hand, and shall, in the case where all the fingers of his left hand are missing, be construed as a reference to the forefinger or any other finger of both the hands are missing be construed as a reference to such extremity of his left or right arm as he possesses.
78. Procedure for voting by voting machines:-(1) Before permitting an elector, to vote the polling officer shall, –

(a) record the electoral roll number of the elector as entered in the marked copy of the electoral roll in a register of voters in Form-XXX
(b) obtain the signature or the thumb impression of the elector on the said register of voters; and
(c) mark the name of the elector in the marked copy of the electoral roll to indicate that he has been allowed to vote:

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

(2) It shall not be necessary for any Presiding Officer or polling officer or any other officer to attest the thumb impression of the elector on the register of voters.

79. Maintenance of secrecy of voting by electors within the polling station and voting procedure:-(1) Every elector who has been permitted to vote under rule 78 shall maintain secrecy of voting within the polling station and for that purpose observe the voting procedure hereinafter laid down.

(2) Immediately on being permitted to vote the elector shall proceed to the Presiding Officer or the polling officer in-charge of the Control Unit of the voting machine who shall, by pressing the appropriate button on the Control Unit, activate the Balloting Unit, for recording of elector’s vote.

(3) The elector shall thereafter forthwith, –

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

(4) Every elector shall vote without undue delay.

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

(6) If an elector who has been permitted to vote under rule 78 or rule 82 refuses after warning given by the Presiding Officer to observe the procedure laid down in sub-rule (3) of rule 79 or sub-rule (3) of rule 82, the Presiding Officer or a polling officer under the direction of the Presiding Officer shall not allow such elector to vote.

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

80. Recording of votes of blind or infirm electors:- (1) If the Presiding Officer is satisfied that owing to blindness or other physical infirmities an elector is unable to read the names or recognise the symbols on the Balloting Unit of the voting machine or unable to record his vote by pressing the appropriate button thereon without assistance, the Presiding Officer shall permit the elector to take with him a companion of not less than eighteen years of age to the voting compartment for recording the vote on his behalf and in accordance with his wishes:

Provided that no person shall be permitted to act as the companion of more than one elector at any polling station on the same day:
Provided further that before any person is permitted to act as the companion of an elector on any day under this rule that person shall be required to declare in Form-XXII that he will keep secret the vote recorded by him on behalf of the elector and that he has not already acted as the companion of any other elector at any other polling station on that day.

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

81. Elector deciding not to vote:- If an elector, after his electoral roll number has been entered in the register of voters in Form-XXX and has put his signature or thumb impression thereon decides not to record his vote, a remark to this effect shall be made against the said entry in Form-XXX by the Presiding Officer and the signature or thumb impression of the elector shall be obtained against such remark.

82. Tendered Votes:- (1) If a person representing himself to be a particular elector seeks to vote after another person has already voted as such elector, he shall, on satisfactorily answering such questions relating to his identity as the Presiding Officer may ask, be, instead of being allowed to vote through the Balloting Unit, supplied with a tendered ballot paper which shall be of such design and the particulars of which shall be in such language or languages as the State Election Commission may specify.

(2) Every such elector shall before being supplied with tendered ballot paper affix his signature or thumb impression against the entry relating to him in a list in Form-XXXI.

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

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

(4) If owing to blindness or physical infirmities, such elector is unable to record his vote without assistance the Presiding Officer shall permit him to take with him a companion, subject to the same conditions and after following the same procedure as laid down in rule 80 for recording the vote in accordance with his wishes.

83. Presiding Officer’s entry into the voting compartment during poll:- (1) The Presiding Officer may whenever he considers it necessary to do so, enter the voting compartment during poll and take such steps as may be necessary to ensure that the Balloting Unit is not tampered or interfered with in any way.

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

(3) Whenever the Presiding Officer enters the voting compartment under this rule, he shall permit the polling agents present to accompany him if they so desire.
84. **Closing of Poll**: (1) The Presiding Officer shall close a polling station at the hour fixed in that behalf:

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

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

85. **Account of votes recorded**: (1) The Presiding Officer shall at the close of the poll prepare an account of votes recorded in Form-XXXII and put it in a separate cover with the words “Account of Votes Recorded” superscribed thereon.

(2) The Presiding Officer shall furnish to every polling agent present at the close of the poll, a true copy of the entries made in Form-XXXII after obtaining a receipt from the said polling agent therefor and shall attest it as a true copy.

86. **Sealing of voting machine after poll**: (1) As soon as practicable after the closing of the poll, the Presiding Officer shall close the Control Unit to ensure that no further votes can be recorded and shall detach the Balloting Unit from Control Unit.

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

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

87. **Sealing of other packets**: (1) The Presiding Officer shall then make into separate packets, -

(a) the marked copy of the electoral roll;
(b) the register of voters in Form-XXX;
(c) the cover containing the tendered ballot papers and the list in Form-XXXI;
(d) the list of challenged votes; and
(e) any other papers directed by the State Election Commission to be kept in a sealed packet.

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

88. **Transmission of voting machines, etc., to the Returning Officer**: (1) The Presiding Officer shall then deliver or cause to be delivered to the Returning Officer at such place as the Returning Officer may direct –

(a) the voting machine;
(b) the account of votes recorded in Form-XXXII;
(c) the sealed packets referred to in rule 87; and
(d) all other papers used at the poll.
(2) The Returning Officer shall make adequate arrangements for the safe transport of the voting machine, packets and other papers for their safe custody until the commencement of the counting of votes.

89. Procedure on adjournment of poll:- (1) If the poll at any polling stations is adjourned under section 225B of the Act, the provisions of rules 85 to 88, shall, as far as practicable, apply as if the poll was closed at the hour fixed in that behalf.

(2) When an adjourned poll is recommended under sub-section (2) of section 225B of the Act, the electors who have already voted at the poll so adjourned shall not be allowed to vote again.

(3) The Returning Officer shall provide the Presiding Officer of the polling station at which such adjourned poll is held, with sealed packet containing the marked copy of the electoral roll, register of voters in Form-XXX and a new voting machine.

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

(5) The provisions of rules 67 to 87 shall apply in relation to the conduct of an adjourned poll before it was so adjourned.

90. Closing of voting machines in case of booth capturing:- Where the Presiding Officer is of opinion that booth capturing is taking place at a polling station or at a place fixed for the poll, he shall immediately close the Control Unit of voting machine to ensure that no further votes can be recorded and shall detach the Balloting Unit from the Control Unit and thereupon the provisions of section 231 of the Act, in so far as they relate to booth-capturing at a polling station shall apply.

91. Scrutiny and inspection of voting machines:- (1) The Returning Officer may have the Control Units of the voting machines used at more than one polling station taken up for scrutiny and inspection and votes recorded in such units counted simultaneously.

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

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

(4) If the Returning Officer is satisfied that any voting machine has in fact been tampered with, he shall not count the votes recorded in that machine and shall report the matter to the State Election Commission.

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

(2) As the votes polled by each candidate are displayed on the Control Unit, the Returning Officer shall have, –
(a) number of such votes recorded separately in respect of each candidate in Part II of Form-XXXII;
(b) Part II of Form-XXXII completed in other respects and signed by the counting supervisor and also by the candidates or their election agents or their counting agents present; and
(c) corresponding entries made in a result sheet in Form-XXVI and the particulars so entered in the result sheet announced.

93. Sealing of Machines:- (1) After the result of voting recorded in Control Unit has been ascertained candidate-wise, and entered in Form-XXXII in the form prescribed for this purpose, the Returning Officer shall reseal the unit with his seal and the seals of such of the candidates or their election agents present who may desire to affix their seals thereon, so however that the result of voting recorded in the unit is not obliterated and the unit retains the memory of such result.

(2) The Control Unit so sealed shall be kept in specially prepared boxes on which the Returning Officer shall record the following particulars, namely, –

(a) the details of the territorial constituency;
(b) the particulars of the polling station where the Control Unit has been used;
(c) serial number of the Control Unit;
(d) date of poll; and
(e) date of counting.

94. Custody of voting machines and papers relating to election:– (1) All voting machines used at an election shall be kept in the custody of the concerned Collector & District Election Authority or the Officer authorized by him.

(2) The Collector & District Election authority or the Officer authorized by him shall keep in the safe custody,

(a) the packets of marked copy of the electoral roll;
(b) the packets containing register of voters in Form-XXX;
(c) the packets containing the number of votes recorded in respect of each candidate in Form-XXXII;
(d) all other papers relating to election.

95. Production and Inspection of voting machines and election papers:–(1) While in the custody of the Collector & District Election Authority or the Officer authorized by him, –

(a) the packets of marked copy of electoral roll;
(b) the packets containing registers of voters in Form-XXX

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

(2) The Control Unit sealed as per the provisions of rule 93 and kept in the custody of the Collector & District Election Authority or the Officer authorized by him shall be stored in Government Treasury or sub-Treasury and shall not be opened and inspected by, or produced before any person or authority except under the order of the competent court.
96. Safe custody of voting machines and all other packets:- (1) The Voting machines kept in the custody of the Collector & District Election authority or the Officer authorized by him shall be retained in tact for such period as the State Election Commission may direct and shall not be used at any subsequent election without the previous approval of the State Election Commission.

(2) All other packets relating to elections where there is no election petition, shall be destroyed as per the provisions of these rules.

97. Power of the State Election Commission to issue directions:- Subject to the other provisions of these rules, the State Election Commission may issue such directions as it may consider necessary to facilitate the proper use and operation of the voting machines and also as occasion requires to facilitate the holding of elections under these rules.

CHAPTER-VI
MISCELLANEOUS

98. Filling up of Casual Vacancies:- Any casual vacancy of Member and Sarpanch of Gram Panchayat and Members of Mandal Praja Parishad/Zilla Praja Parishad shall be filled up within a period of one hundred and twenty days from the date of occurrence of such vacancy in accordance with the provisions of these rules and orders made there under.

99. Interpretation of rules:- (1) If any question arises on the interpretation of these Rules, otherwise than in connection with an enquiry held under the rules for the decision of disputes as to the validity of an election, the question shall be referred to the State Election Commission whose decision thereon shall be final:

Provided that the State Election Commission shall not entertain any petition relating to elections that may arise from the time of calling for nomination till the declaration of results. Such cases shall be decided by a court of competent jurisdiction.

(2) If any difficulty arises as to the holding of an election under these rules, the State Election Commission may by order, do anything not inconsistent with these rules, which appear to them necessary for the proper holding of elections.

100. Particulars of account of election expenses:- (1) The account of election expenses to be kept by a candidate or his election agent shall contain such particulars and shall be in such proforma as may be specified by the State Election Commission.

(2) The account of election expenses shall be submitted to the District Election Authority through the Mandal Parishad Development Officer within forty-five days of the declaration of the result of the election. The date of submitting the return in the office of the MPDO shall be deemed to be the date of filing the return under Section 230B of the Act. The MPDO shall forward all returns received by him to the District Election Authority immediately on the expiry of forty-five days from the date of declaration of the results of elections.

(3) The Mandal Parishad Development Officer shall also send a list of contesting candidates who have failed to submit the accounts of election expenditure within the time specified in sub-rule (2). He shall also forward any accounts of election expenditure submitted after the due date with his report.

101. Notice by District Election Authority for inspection of accounts:- The District Election Authority shall, within two days from the date on which account of election
expenses has been received by him under rule 100, cause a notice to be affixed on his notice board, specifying,—

(a) the date on which the account has been lodged before the Mandal Parishad Development Officer;
(b) the name of the candidate; and
(c) the time and place at which such account can be inspected by any intending person.

102. Inspection of account and the obtaining of copies thereof:- Any person shall on payment of a fee of one rupee, be entitled to inspect any such account and shall be entitled to obtain attested copies thereof on payment of cost of making copies thereof.

103. Report by District Election Authority as to the lodging of the account of election expenses and the decision of the State Election Commission thereon:- (1) As soon as may be, after the expiration of the time specified in section 230B for the lodging of the accounts of election expenses at any election, the District Election Authority shall, report to the State Election Commission,—

(a) the name of each contesting candidate;
(b) whether such candidate has lodged his account of election expenses, and if so, the date on which such account has been lodged; and
(c) whether in his opinion such account has been lodged within the time and in the manner required by the Act and these rules.

(2) Where the District Election Authority is of the opinion that the account of election expenses of any candidate has not been lodged within the due date or lodged but not in the manner required by the Act and these rules, he shall make a report to the State Election Commission and with every such report, forward the account of election expenses of that candidate and the vouchers lodged along with it, if any.

(3) Immediately after the submission of the report referred to in sub-rule (1) the District Election Authority shall publish a copy thereof affixing the same on his notice board.

(4) As soon as may be, after the receipt of the report referred to in sub-rule (1), the State Election Commission shall, consider the same and decide whether any contesting candidate has failed to lodge the account of election expenses within the time and in the manner required by the Act and these rules.

(5) Where the State Election Commission decides that a contesting candidate has failed to lodge his account of election expenses within the time and/or in the manner required by the Act and these rules, it shall by notice in writing call upon the candidate to show cause why he should not be disqualified, and declared to have ceased to hold office under section 19 B of the Act for the failure in case he is elected.

(6) Any contesting candidate who has been called upon to show cause under sub-rule (5) may, within twenty days of the receipt of such notice, submit in respect of the matter a representation in writing to the State Election Commission, and shall at the same time send to District Election Authority a copy of his representation together with a complete account of his election expenses if he had not already furnished such an account.

(7) The District Election Authority shall, within five days of the receipt thereof, forward to the State Election Commission, the copy of the representation and the account, if any, with such comments as he wishes to make thereon.
(8) If, after considering the representation submitted by the candidate and the comments made by the District Election Authority, and after such inquiry as it thinks fit, the State Election Commission is satisfied that the candidate has no good reason or justification for the failure to lodge his account, it shall declare him by an order made under section 19B of the Act to be ineligible for a period of three years, from the date of the said order, to contest any election held for any office under the Act and if he is an elected candidate declare him to have ceased to hold office with immediate effect and publish the order in the Official Gazette.

104. Maximum election expenses:- The total of the election expenses incurred or authorized to be incurred by each contesting candidate in connection with an election shall not exceed the amount specified for each office in the order made by the State Election Commission in this behalf.

M. Samuel
Principal Secretary to Government
NOTICE FOR THE ELECTION OF MEMBER / SARPANCH

(i) Name of the Gram Panchayat
(ii) Name of the Mandal Praja Parishad
(iii) Number of Members inclusive of Sarpanch
(iv) Number of the wards for which the Members are to be elected.
(v) Reservation particulars where the office of Sarpanch is reserved:
(vi) Reservation particulars of ward members

<table>
<thead>
<tr>
<th>CATEGORY</th>
<th>WARD NOS.</th>
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<tbody>
<tr>
<td>ST (W)</td>
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<td>ST (G)</td>
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<td>BC (G)</td>
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<tr>
<td>Women</td>
<td></td>
</tr>
</tbody>
</table>

(vii) Nomination papers shall be presented
(a) On (dates)
(b) Time (hours) from to
(c) Place
(d) To (Whom)

(viii) Scrutiny of nomination papers
(a) Place
(b) Date
(c) Time

(ix) Withdrawal of candidature
(a) Place
(b) Last Date
(c) Time

(x) Polling shall be held
(a) Place
(b) Date
(c) Time

(xi) Counting of votes
(a) Place
(b) Date
(c) Time

(xii) Declaration and publication of results
(a) Place
(b) Date
(c) Time

(xiii) Meeting for the election of Upa-Sarpanch
(a) Place
(b) Date
(c) Time

Returning Officer
NOTICE OF ELECTION FOR THE OFFICE OF MEMBERS, MANDAL PARISHAD / ZILLA PRAJA PARISHAD ..........................................................

Notice is hereby given that –

(1) An election is to be held for the office of the Members of Mandal Praja Parishad / Zilla Praja Parishad ..............................................

   (a) Total number of members of Territorial constituencies :

   (b) Reservation particulars :

<table>
<thead>
<tr>
<th>Reservation Category</th>
<th>Name of the territorial constituency</th>
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</thead>
<tbody>
<tr>
<td>ST (W)</td>
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<td>ST (G)</td>
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<tr>
<td>SC (W)</td>
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<td>SC (G)</td>
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<td>BC (W)</td>
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<td>BC (G)</td>
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<tr>
<td>Women</td>
<td></td>
</tr>
</tbody>
</table>

(2) Nomination papers may be delivered by a candidate or his proposer to the undersigned or to ....................... (person authorized) between 10.30 A.M. and 5.00 P.M. from ................. to .....................

(3) Forms of nomination papers may be obtained at the place and time aforesaid.

(4) The nomination papers will be taken up for scrutiny at ......................... on ......................... at .........................

(5) Notice of withdrawal of candidature may be delivered by a candidate or his proposer or by his election agent who has been authorised in writing to deliver it either of the officers specified in paragraph (2) above at his office before 3.00 P.M. on the ..........................................

(6) In the event of election being contested, the poll will be taken on................................. between the hours of ......................... and .........................

Place :

Date :

Returning Officer
FORM-III
[See Rule 8 (1)]

GRAM PANCHAYAT ..........................
(Scheduled Area / Non-Scheduled Area)

NOMINATION PAPER
Part-I

1. Name of the Office : Member / Sarpanch
2. Name or number of the ward : 
3. Whether the ward is reserved for :
   (a) SCs
   (b) STs
   (c) BCs
   (d) Women
4. Full name of the candidate :
5. Father's /Mother's/Husband's name :
6. Serial Number of candidate in the Electoral Roll :
7. Age :
8. Sex :
9. Occupation and Address :
10. Full name of the proposer :
11. Serial Number of proposer in the electoral roll :
12. Signature of the proposer :

Part-II
(Candidate’s Declaration)

I, the candidate mentioned in Part – I assent to this nomination and hereby declare.

(a) that I have completed ...................... years of age
(b) that the code of conduct prescribed by the State Election Commission has been read by me/ read over to me and I will abide by it.
(c) that my name and my father’s/mother’s/husband’s name have been correctly spelt out above in telugu language.
(d) that to the best of my knowledge and belief, I am qualified and not also disqualified for being chosen to fill the seat.

Signature of the candidate
Part-III
(Declaration in case of SC/ST/BC candidate)

I hereby declare that I am a member of the ........................................
..................................................................................Caste / Tribe which is a Scheduled Caste / Scheduled Tribe / Backward
Class in the State of Andhra Pradesh is relation to ......................... District or area in the
State.

Signature of
Candidate

The above declaration is solemnly affirmed before me (name of the officer in block
letters) by ..................................................... who is personally known to me / who has been
identified to my satisfaction by........................................ of......................

Signature of the Gazetted Officer or any other
officer of the Revenue Department
not below the rank of a MRO (Tahsildar).

(Seal of office)
Full designation
Date

Part-IV
(To be filled by the Returning Officer)

Serial No. of Nomination Paper .......................................................

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

Signature of the Returning Officer or
other authorised person

Part-V
(Decision of Returning Officer accepting or rejecting the nomination paper)

I have examined this nomination in accordance with rule 12 of A.P.P.R. (Conduct of
Elections) Rules, 2006 and decide as follow:

Accepted / Rejected

Date:............... Returning Officer

.......................................................... (Perforation ) ..................................................
Part-VI

RECEIPT FOR NOMINATION PAPER AND NOTICE FOR SCRUTINY

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

Serial No. of Nomination Paper.................................

The Nomination paper of.................................a candidate for election of Sarpanch / Member of Ward No................ of.................................. Gram Panchayat was delivered to me at ............... (hour) on ............... (date) by the ....................... candidate/proposer.

All nomination papers will be taken up for scrutiny at........... (hour)........... on................. (date) at ............................................................. (place).

Date:..............

Returning Officer
FORM-IV
[See Rule 8 (1)]

NOMINATION PAPER
Part-I

Election to the Office of Member ........................................... Territorial Constituency ........................................... Mandal Praja Parishad / Zilla Praja Parishad.

I nominate as a candidate for election to the office of Member ............................... Territorial Constituency ........................................... Mandal Praja Parishad/Zilla Praja Parishad.

Name of the candidate         :
Father’s / Mother’s / Husband’s Name       :
Postal address of the candidate     :

His / her name is entered at Serial Number ................. in Section Number ................. of the electoral roll for ................. Gram Panchayat comprised in the Mandal Praja Parishad .................................

My name is .................. and it is entered at Serial Number ................. in Section Number ................. of the electoral roll for the Gram Panchayat ................. falling within the Territorial constituency ................. of Mandal Praja Parishad / Zilla Praja Parishad .................................

Date      :  

Signature of Proposer.
Part-II
(Candidate’s Declaration)

I, the candidate mentioned in Part-I assent to this nomination and hereby declare –

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

(b) (i) that I am set up at this election by the ........................................ party, which is recognised National Party / State Party / Registered Political Party with reserved symbol (strike out which is not applicable) and that the symbol reserved for the above party be allotted to me.

OR

(b) (ii) that I am set up at this election by the ........................................ party, which is a Registered Political Party without reserved symbol and that I am contesting this election as an independent candidate (strike out which is not applicable) and that the symbols I have chosen, in order of preference, are:-

(i) .................................... (ii) ............................... (iii) ..............................

(c) that my name and my father’s / mother’s / husband’s name have been correctly spelt out above in telugu.

(d) that to the best of my knowledge and belief, I am qualified and not also disqualified for being chosen to fill the seat in the Mandal Praja Parishad / Zilla Praja Parishad.

(e) that the code of conduct proscribed by the State Election Commission is read by me/ is read over to me and I will abide by it.

Signature of the Candidate
Part-III
(Declaration in the case of Scheduled Caste / Scheduled Tribe / Backward Class Candidate)

I further declare that I am a member of the ........................................ Caste / Tribe which is a Scheduled Caste / Scheduled Tribe / Backward Class of the State of Andhra Pradesh in relation to ........................................ district or area in the State.

Date:  

Signature of the Candidate

The above declaration is solemnly affirmed before me ........................................ (name of the officer in block letters) by ........................................ who is personally known to me / who has been identified to my satisfaction by ........................................ of ........................................

Signature of the Gazetted Officer or any Officer of the Revenue Department not below the rank of MRO (Tahsildar)

Full designation

(Seal of the Office)

Date 

Part-IV
(To be filled by the Returning Officer)

Serial Number of Nomination Paper ...............................  

This nomination was delivered to me at my office at .............. (hour) on ......................... (date) by the candidate / proposer.

Date:  

Returning Officer

Part-V
(Decision of Returning Officer accepting or rejecting the Nomination Paper)

I have examined this nomination paper in accordance with Rule 12 and decide as follows.

Accepted / Rejected

Date:  

Returning Officer
Part-VI
(Receipt for Nomination Paper and notice for Scrutiny)

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

Serial Number of Nomination paper ........................

The nomination paper of .................................................. a candidate for election to the office of Member ........................ Territorial Constituency ........................................

Mandal Praja Parishad / Zilla Praja Parishad was delivered to me at ............... (hour) on ............... (date) by the candidate / proposer.

All nomination papers will be taken up for scrutiny at ............... (hour) on ............... (date) at ................................................................. (place).

Date:  

Returning Officer
**FORM–V**  
*[See Rule 11]*

**LIST OF NOMINATIONS RECEIVED**

Election to Sarpanch / Member of Ward No. …………… of ………………………. Gram Panchayat / Member, ………………………. Territorial Constituency of ………………………. Mandal Praja Parishad / Zilla Praja Parishad.

<table>
<thead>
<tr>
<th>S.No. of Nomination Paper</th>
<th>Name of Candidate</th>
<th>Father's or Husband's Name</th>
<th>Age of the candidate</th>
<th>Occupation &amp; Address</th>
<th>Particulars of Caste or Tribes for candidates belonging to SC or ST or BC</th>
<th>Electoral Roll number of Candidate</th>
<th>Name of the Proposer</th>
<th>Electoral Roll No. of Proposer</th>
<th>* Name of the Political Party (National / State or registered) by which the candidate claims to have been set up/ independent candidate</th>
<th>* Symbols chosen in order of preference by the candidate</th>
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</table>

The nomination papers will be taken up for scrutiny at …………. A.M. / P.M. on ………………. (date) at ……………………… (place).

Place : ____________________________  
Date : ____________________________  

* Signature of the Returning Officer or other authorised person

* Applicable in case of election to Member, Mandal Praja Parishad / Zilla Praja Parishad.
**LIST OF VALIDLY NOMINATED CANDIDATES**

Election to Sarpanch / Member of Ward No. ................ of ........................... Gram Panchayat / Member, ................................. Territorial Constituency of ................................. Mandal Praja Parishad / Zilla Praja Parishad.

<table>
<thead>
<tr>
<th>S.No.</th>
<th>Name of the Candidate</th>
<th>Name of father's / mother's / husband's</th>
<th>Address of Candidate</th>
<th>* Party affiliation, if any</th>
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<tbody>
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<td>5</td>
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</tbody>
</table>

Place :  
Date :  

Returning Officer

* Applicable in case of election to Member, Mandal Praja Parishad / Zilla Praja Parishad.
FORM-VII
[See Rules 14 (1)]

NOTICE OF WITHDRAWAL OF CANDIDATURE

Election to Sarpanch / Member of Ward No. .......... of ......................... Gram Panchayat / Member, ...................... Territorial Constituency of ......................... Mandal Praja Parishad / Zilla Praja Parishad.

To
The Returning Officer,

........................................

I, ......................................................... a candidate validly nominated at the above election do hereby give notice that I withdraw my candidature.

Place :

Date :

Signature of Candidate

This notice was delivered to me at my office at ............... (hour) on ............... (date) by ................................. (name) * the candidate / candidate's proposer / candidate's election agent who has been authorised in writing by the candidate to deliver it.

Date :

Returning Officer.

-----------------------------------------------------------------------------------------------

RECEIPT FOR NOTICE OF WITHDRAWAL
(To be handed over to the person delivering the notice)

The notice of withdrawal of candidature by ................................. a validly nominated candidate at the election to the office of the Sarpanch / Member of Ward No. .......... of ......................... Gram Panchayat / Member, ......................... Territorial Constituency of ......................... Mandal Praja Parishad / Zilla Praja Parishad was delivered to me by the * candidate / candidates proposer / candidate’s election agent who has been authorised in writing by the candidate to deliver it at my office at ............... (hour) on ............... (date).

Returning Officer.

* Strike off the inappropriate alternatives.
FORM-VIII
[See Rules 14 (2)]

PUBLICATION OF NOTICE OF WITHDRAWAL OF CANDIDATURE

Election to Sarpanch / Member of Ward No. ............. of ................................ Gram Panchayat / Member, ........................................ Territorial Constituency of ................................. Mandal Praja Parishad / Zilla Praja Parishad.

Notice is hereby given that the following validly nominated candidate / candidates at the above election withdraws / withdraw his candidature / their candidature today.

<table>
<thead>
<tr>
<th>Name of the validly nominated candidate</th>
<th>Address of the validly nominated candidate</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td></td>
<td></td>
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<tr>
<td>2.</td>
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<td>3.</td>
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<tr>
<td>Etc.</td>
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</tbody>
</table>

Date :  

Returning Officer.
FORM-IX  
[See Rule 15]

LIST OF CONTESTING CANDIDATES

Election to Sarpanch / Member of Ward No. ................ of .................... Gram Panchayat / Member, ............................................ Territorial Constituency of .......................... Mandal Praja Parishad / Zilla Praja Parishad.

<table>
<thead>
<tr>
<th>S.No.</th>
<th>Name of the Candidate</th>
<th>Address of the candidate</th>
<th>* Party affiliation, if any</th>
<th>Symbol allotted</th>
</tr>
</thead>
<tbody>
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</tbody>
</table>

Place : Returning Officer.  
Date :  

* Applicable in case of election to member, Mandal Praja Parishad / Zilla Praja Parishad.

Note:

1. In the election to Member, Mandal Praja Parishad / Zilla Praja Parishad, for the purpose of listing, the names of candidates shall be placed in the following categories.

   (a) candidates of recognised political parties (National and State parties)  
   (b) candidates of registered political parties with a reserved symbol.  
   (c) candidates of registered political parties without a reserved symbol  
   (d) independent candidates.

2. Under Col. No. 1 above, the serial numbers of candidates of all above four categories shall be given consecutively and not separately for each category in case of election to Member, Mandal Praja Parishad / Zilla Praja Parishad.
FORM-X
[See Rule 16]

DECLARATION OF THE RESULT OF UNCONTESTED ELECTION

In accordance with Rule 16 of the Andhra Pradesh Panchayat Raj (Conduct of Elections) Rules 2006, I declare that the following candidate has been duly elected for the office of Sarpanch / Member of Ward No. ................ of ......................................... Gram Panchayat / Member, ................................................ Territorial Constituency of ................................. Mandal Praja Parishad / Zilla Praja Parishad.

Name:
Address:
* Party affiliation, if any:

Place :
Date :

Signature of the Returning Officer

* Applicable in case of election to Member, Mandal Praja Parishad / Zilla Praja Parishad.
FORM-XI
[See Rule 18]

APPOINTMENT OF ELECTION AGENT

Election to Sarpanch / Member of Ward No. ............ of .................................. Gram
Panchayat / Member, ....................... Territorial Constituency of .............................. Mandal
Praja Parishad / Zilla Praja Parishad.

To
The Returning Officer,

I, ................................................ of ........................................ a candidate at the
above election do hereby appoint ................................ of ................................ as my
election agent from this day at the above election.

Place :
Date :

Signature of Candidate.

I accept the above appointment.

Place :
Date :

Signature of Election Agent.

Approved

Signature and seal of the
Returning Officer
FORM-XII
[See Rule 19]

APPOINTMENT OF POLLING AGENT

Election to Sarpanch / Member of Ward No. .......... of ..................... Gram Panchayat / Member, .......................... Territorial Constituency of ............................. Mandal Praja Parishad / Zilla Praja Parishad.

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

Place :
Date :

Signature of Candidate / Election Agent

I agree to act as such polling agent.

Signature of Polling Agent

Declaration of polling agent to be signed before Presiding Officer

I hereby declare that at above election I will not do anything forbidden by section 217 of the Andhra Pradesh Panchayat Raj Act, 1994, which I have read / has been read over to me.

Date: .............

Signature of Polling Agent

Signed before me

Date: .............

Presiding Officer
FORM-XIII

[See Rule 20]

APPOINTMENT OF COUNTING AGENT

Election to Sarpanch / Member of Ward No. ............ of ................. Gram Panchayat / Member, ......................... Territorial Constituency of ......................... Mandal Praja Parishad / Zilla Praja Parishad.

To
The Returning Officer,

I, ........................................ a candidate / the election agent of ................................. who is a candidate at the above election, do hereby appoint the following persons as my counting agents to attend the counting of votes at .................................

<table>
<thead>
<tr>
<th>Name of the Counting Agent</th>
<th>Address of the Counting Agent</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td></td>
</tr>
</tbody>
</table>

Signature of Candidate / Election Agent

I / We agree to act as such counting agents.

1.
2.
3.

Place :
Date :

Signature of the Counting Agents

Declaration of counting agents

We hereby declare that at the above election we will not do anything for bidden by section 217 of the Andhra Pradesh Panchayat Raj Act, 1994 which we have read/ has been read over to us.

1.
2.
3.

Signature of Counting Agent

Signed before me

Date .................

Returning Officer
FORM-XIV
[See Rule 25 (1)]

APPLICATION FOR POSTAL BALLOT PAPER

To
The Returning Officer,
Gram Panchayat / Mandal Praja Parishad / Zilla Praja Parishad.

I intend to cast my vote by post at the ensuing election to the office of the Sarpanch/
Member of Ward No. ............ of .................................... Gram Panchayat / Member,
............................................ Territorial Constituency of ............................ Mandal Praja
Parishad / Zilla Praja Parishad.

My name is entered at S.No. ..................... in Section No. ................................. of the
electoral roll for Ward No. ........... of .................................... Gram Panchayat of
................................. Mandal Praja Parishad, ................................. Zilla Praja Parishad.

The Ballot paper may be sent to me at the following address:

................................................................
................................................................
................................................................
................................................................

Place :
Date :

Yours faithfully
To
The Returning Officer,
Gram Panchayat / Mandal Praja Parishad / Zilla Praja Parishad.

Sir,

I intend to cast my vote in person at the ensuing election to the office of the Sarpanch / Member of Ward No. ............... of ................................................... Gram Panchayat / Member, ........................................ Territorial Constituency of ........................................ Mandal Praja Parishad / Zilla Praja Parishad.

I have been posted on election duty elsewhere than the polling station at which I am entitled to vote.

My name is entered at S.No. ............... in Section No. ........................ of the electoral roll for Ward No. ............... comprised in the ........................................ Gram Panchayat, ........................................ Mandal Praja Parishad ........................................ Zilla Praja Parishad.

I request that an Election Duty Certificate in Form-XVI may be issued to enable me to vote at the polling station where I may be on duty on the polling day. It may be sent to me at the following address.

........................................
........................................
........................................
........................................

Place :
Date :

Yours faithfully
FORM-XVI
[See Rule 25 (2)(a)]

ELECTION DUTY CERTIFICATE

Certified that ................................................................. is an elector in the ............................................ Gram Panchayat, ............................................ Mandal Praja Parishad, ............................................ Zilla Praja Parishad and his electoral roll number being .......................... of Gram Panchayat ............................... that by reason of his being on election duty he is unable to vote at the polling station where he is entitled to vote and that he is therefore hereby authorised to vote at any polling station (in the Ward No. .................. of ............................... Gram Panchayat / ............................... Territorial Constituency of Mandal Praja Parishad / Zilla Praja Parishad, as the case may be) he may be on duty on the date of poll.

Place :
Date :

Signature .................
Returning Officer
(Seal)
FORM-XVII
[See rules 27 (1) (a), 28 (2), 29 (2) & 57]

DECLARATION BY ELECTOR

Election to the Sarpanch / Member of Ward No. .............. of .................................. Gram Panchayat / Member, .................................. Territorial Constituency of ............................... Mandal Praja Parishad / Zilla Praja Parishad.

(This side is to be used only when the elector signs the declaration himself)

I hereby declared that I am the elector to whom the postal ballot paper bearing Serial Number ................................. has been issued at the above election.

Date..................... Signature of Elector.

Address ................................

ATTESTATION OF SIGNATURE

The above has been signed in my presence by ........................................ (elector) who is personally known to me/has been identified to my satisfaction by ............................... (identifier) who is personally known to me.

Signature of Attesting Officer,

Signature of identifier, if any ................. Designation .................

Address ................. Address .................

Date .................

(This side is to be used when the elector cannot sign himself)

I hereby declare that I am the elector to whom the postal ballot paper bearing Serial Number ................................. has been issued at the above election.

Signature of Attesting Officer on behalf of elector.

Date ................. Address of Elector .......................
CERTIFICATE

I hereby certify that –

1. the above named elector in Ward No. ............ of ....................... Gram Panchayat / ......................... Territorial Constituency of ......................... Mandal Praja Parishad / Zilla Praja Parishad is personally known to me / has been identified to my satisfaction by ......................... (identifier) who is personally known to me;

2. I am satisfied that the elector in Ward No. ............ of ......................... Gram Panchayat / ............................ Territorial Constituency of ............................ Mandal Praja Parishad / Zilla Praja Parishad is illiterate / suffers from ......................... (infirmity) and is unable to record his vote himself or sign his declaration:

3. I was requested by him to mark the ballot paper and to sign the above declaration on his behalf; and

4. the ballot paper was marked and the declaration signed by me on his behalf in his presence and in accordance with his wishes.

Signature of Attesting Officer .................

Signature of identifier, if any ................. Designation .................
Address ................. Address .................
Date .................
FORM-XVIII
[See Rules 27 (1) (b), 28 (1) & 57]

COVER
NOT TO BE OPENED BEFORE COUNTING
‘A’

Election to the Sarpanch / Member of Ward No. ......................... Gram Panchayat / Member of ......................... Territorial Constituency ......................... Mandal Praja Parishad / Zilla Praja Parishad.

POSTAL BALLOT PAPER
Serial number of the ballot paper

FORM-XIX
[See Rules 27(1)(c) & 57]

COVER
‘B’

ELECTION – IMMEDIATE

POSTAL BALLOT PAPER

For election to the Sarpanch / Member of Ward No. ......................... Gram Panchayat / Member of ......................... Territorial Constituency ......................... Mandal Praja Parishad / Zilla Praja Parishad

(NOT TO BE OPENED BEFORE COUNTING)

To
The Returning Officer

Signature of sender .........................
FORM-XX
[See Rules 27(1) (d), 28(1) & 31(1)]

INSTRUCTIONS FOR GUIDANCE OF ELECTORS

Election to the Sarpanch / Member of Ward No. .................................. Gram Panchayat / member of ................................. Territorial Constituency of ........................................ Mandal Praja Parishad /Zilla Praja Parishad.

Part-I

* The Postal Ballot Paper for election to Sarpanch / Ward Member of Gram Panchayat contains only symbols. For the information of elector, the names of the contesting candidates and the symbols allotted to them in the election to the said office are listed below.

<table>
<thead>
<tr>
<th>Sl.No.</th>
<th>Name of the candidate</th>
<th>Symbol allotted</th>
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</thead>
<tbody>
<tr>
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</tbody>
</table>

Record your vote in the postal ballot paper by placing clearly a mark on the symbol allotted to candidate you wish to vote

** The postal ballot paper for election to Member, ZPTC and Member, MPTC contains names of contesting candidates and their party affiliation if any. Record your vote by placing clearly a mark against the name of the candidate whom you wish to vote.

The mark should be so placed as to indicate clearly and beyond doubt to which candidate you are giving your vote. If the mark is so placed as to make it doubtful to which candidate you have given your vote, your vote will be invalid.

The number of members to be elected is one. Please remember that you have only one vote. Accordingly you should not vote for more than one candidate. If you do so, your ballot paper will be rejected.

Do, not put your signature or write any word or mark any mark, sign or writing whatsoever on the ballot paper other than the mark required to record your vote.

After you have recorded your vote on the ballot paper, place the ballot paper in the smaller cover marked ‘A’ sent herewith. Close the cover and secure it by seal or otherwise.

(1) You may then sign the declaration in From-XVII also sent herewith in the presence of a stipendiary magistrate and obtain the attestation of your signature by such stipendiary magistrate.

(2) If you are a member of the armed forces of the Union or of an armed police force of a State but is serving outside that State, the attestation may be obtained by such officer as may be appointed in this behalf by the Commanding Officer of the Unit, ship or establishment in which you or your husband, as the case may be, are employed.

* applicable in case of Gram Panchayat elections.
** applicable in case of MPTC / ZPTC elections.
(3) If you are employed under the Government of India in a post outside India the attestation may be obtained by such officer as may be appointed in this behalf by the diplomatic or consular representative of India in the country in which you are resident:

(4) If you hold an office like the office of the (i) President, (ii) Vice-President (iii) Governors of State, (iv) Cabinet Ministers of the Union or of any State, (v) The Deputy Chairman and Members of the Planning Commission, (vi) The Ministers of State of the Union or of any State, (vii) Deputy Minister of the Union of any State, (viii) The Speaker of the House of the People or of any State Legislative Assembly, (ix) The Chairman of any State Legislative Council (x) Lieutenant Governor of Union Territories, (xi) The Deputy Speaker of the House of the People or of any State Legislative Assembly, (xii) The Deputy Chairman of the Council of States or of any State Legislative council, (xiii) Parliamentary Secretaries of the union or of any State, the attestation may be obtained by an officer not below the rank of a Deputy Secretary to the Government of the Union or the State, as the case may be.

(5) If you are on an election duty, attestation may be obtained by any gazetted officer or by the Presiding Officer of the polling station in which you are on election duty.

(6) If you are under preventive detention, the attestation may be obtained by the Superintendent of the jail or the Commandant of the detention camp in which you are under detention.

In all the above cases you may take the declaration to the authorised officer and sign it in his presence after he has satisfied himself about your identity. The officer will attest your signature and return the declaration to you. You must not show your ballot paper to the attesting officer nor tell him how you have voted.

If you are unable to mark the ballot paper and sign the declaration yourself in the manner indicated above by reason of illiteracy, blindness or other infirmity, you are entitled to have your vote marked and declaration signed on your behalf by any of the authorised officer mentioned above. Such an officer will, at your request mark the ballot paper in your presence and in accordance with your wishes. He will also complete the necessary certificate in this behalf.

Part-II

After your declaration has been signed and your signature has been attested, place the declaration in Form XVII as also the smaller cover marked ‘A’ containing the ballot paper in the larger cover marked ‘B’. After closing the larger cover, send it to the returning officer by post or by messenger. You have to give full signature in the space provided on the cover marked ‘B’.

No postage stamp need to affixed by you, if the cover is posted in India. If, however, you are an elector employed under the Government of India in a post outside India, you should return the cover to the returning officer concerned direct by air mail service after the requisite postage stamp is duly affixed thereon by the office in which you are serving except where it is sent by diplomatic bag.

You must ensure that the cover reaches the Returning Officer before ………………… on ………………………………

Please note that:-

(i) if you fail to get your declaration attested or certified in the manner indicated above, your ballot paper will be rejected; and

(ii) if the cover reaches the returning officer after ………… on the ……………………………… your vote will not be counted.
FORM-XXI  
[See Rule 43 (2)(c)]

**LIST OF CHALLENGED VOTES**

Election to the Sarpanch / Member of Ward No. .......... of ....................... Gram Panchayat / 
Member, ........................................ Territorial Constituency of ................................. Mandal 
Praja Parishad / Zilla Praja Parishad.

Number and Name of Polling Station ............................... Ward No. .......... Gram Panchayat 
..........................................

<table>
<thead>
<tr>
<th>S.No</th>
<th>No. of Elector on Electoral Roll / Section Number Gram Panchayat</th>
<th>Name of Elector</th>
<th>Signature or thumb impression of the person challenged and his address</th>
<th>Name of Challenger</th>
<th>Signatures or thumb impression and address of identifier, if any</th>
<th>Order of Presiding Officer</th>
<th>Signature of Challenger on receiving refund of deposit</th>
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<tbody>
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</table>

Place :
Date :

Signature of Presiding Officer

134
FORM-XXII
[See Rules 48(1) & 80(1)]

DECLARATION BY THE COMPANION OF BLIND OR INFIRM VOTER

Election to the Sarpanch/ Member of Ward No. .......... of .................. Gram Panchayat / Member, .................. Territorial Constituency of .................. Mandal Praja Parishad / Zilla Praja Parishad.

(Number and name of Polling Station ............ in ward No............... of ................. Gram Panchayat)

I ........................................ Son of ................................. Aged ...................... Years, resident of ............................................................................................................................... hereby declare that –

1. I have not acted as companion of any other elector at any Polling Station today the ............................. ; and

2. I will keep secret the vote recorded by me on behalf of .................................

Signature of the Companion
**FORM-XXIII**  
[See Rules 48(2) & 80(2)]

**LIST OF ILLITERATE, BLIND OR INFIRM VOTERS**

Election to the Sarpanch/ Member of Ward No. .......... of .................... Gram Panchayat / Member, .......................... Territorial Constituency of .................... Mandal Praja Parishad / Zilla Praja Parishad.

(Number and Name of Polling Station .......... in Ward No ...... of ................. Gram Panchayat)

<table>
<thead>
<tr>
<th>Section No. and Sl.No. of Elector</th>
<th>Full Name of Elector</th>
<th>Full Name of Companion</th>
<th>Address of companion</th>
<th>Signature of Companion</th>
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</tbody>
</table>

Date:  

Signature of Presiding Officer
**FORM-XXIV**  
*[See Rule 50 (2)]*

**LIST OF TENDERED VOTES**

Election to the Sarpanch/ Member of Ward No. ………………… of ………………………… Gram Panchayat / Member, ………………………… Territorial Constituency of ……………………… Mandal Praja Parishad / Zilla Praja Parishad.

Number and Name of Polling Station …………. in Ward No. ….. of …………….. Gram Panchayat.

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Name of the Elector</th>
<th>No. in Electoral Roll / Section No. / Name of the Gram Panchayat</th>
<th>Serial No. of Tendered Ballot Paper Vote</th>
<th>Signature of elector or thumb impression of person tendering</th>
<th>Serial No. of ballot paper issued to the person who had already voted</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
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<td>(2)</td>
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<tr>
<td>(6)</td>
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</tr>
</tbody>
</table>

Place :

Date :

*Signature of Presiding Officer.*
FORM-XXV
[See Rules 52 & 56]

**Part-I**

**BALLOT PAPER ACCOUNT**

Election to the Sarpanch / Member of Ward No. .......... of ..............................................
Gram Panchayat / Member, .................................................... Territorial Constituency of
.............................................................................. Mandal Praja Parishad / Zilla Praja Parishad.

Ward No: .................
Gram Panchayat: .................................................................
No. and Name of the Polling Station: ......................................................

<table>
<thead>
<tr>
<th>Serial No(s.)</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>From</td>
<td>To</td>
</tr>
<tr>
<td>1 Ballot Papers received</td>
<td>..........</td>
</tr>
<tr>
<td>2 Ballot Papers unused (i.e. not issued to Voters):</td>
<td></td>
</tr>
<tr>
<td>(a) With the signature of Presiding Officer</td>
<td>..........</td>
</tr>
<tr>
<td>(b) Without the signature of Presiding Officer</td>
<td>..........</td>
</tr>
<tr>
<td>Total (a) + (b)</td>
<td></td>
</tr>
<tr>
<td>3* Ballot Papers used at the Polling Station (1 minus 2 = 3)</td>
<td>..........</td>
</tr>
<tr>
<td>4 Ballot Papers used at the Polling Station, but NOT INSERTED INTO THE BALLOT BOX</td>
<td></td>
</tr>
<tr>
<td>(a) Ballot Papers cancelled for violation of voting procedure under Rule 47 (6)</td>
<td>..........</td>
</tr>
<tr>
<td>(b) Ballot Papers cancelled for other reasons</td>
<td>..........</td>
</tr>
<tr>
<td>(c) Ballot Papers used as Tendered Ballot Papers</td>
<td>..........</td>
</tr>
<tr>
<td>* Total (a) + (b) + (c)</td>
<td></td>
</tr>
<tr>
<td>5* Ballot Papers to be found in the Ballot Box (3 minus 4 = 5)</td>
<td></td>
</tr>
</tbody>
</table>

* Serial numbers need not be given

Date : ........................................ Signature of the Presiding Officer
Part-II
(of Form-XXV)

RESULT OF INITIAL COUNTING
(to be used when the counting of votes is done by mixing)

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
   5 of Part-I ...........................................................................................................................

Date: .................................................................................................................................

Signature of Counting Supervisor

Signature of the Returning Officer
**FINAL RESULT SHEET**
(to be used for recording the result where counting is done polling station wise)

Election to the Sarpanch / Member of Ward No. ........... of ............ Gram Panchayat / Member, ......................... Territorial Constituency of ....................... Mandal Praja Parishad / Zilla Praja Parishad.

<table>
<thead>
<tr>
<th>Serial No. of Polling Station</th>
<th>No. of valid votes cast in favour of</th>
<th>Total of valid votes</th>
<th>No. of rejected votes</th>
<th>Votes for 'None of the Above' (NOTA) option</th>
<th>No. of tendered votes</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>A</td>
<td>B</td>
<td>C</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
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<tr>
<td>Total No. of votes recorded at polling stations</td>
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<tr>
<td>Total No. of votes recorded on Postal Ballot Papers</td>
<td></td>
<td></td>
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<tr>
<td>Total votes polled</td>
<td></td>
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</tr>
</tbody>
</table>

Place....................
Date ......................  Returning Officer
**FORM-XXVI**

*See Rules 57(11), 59 & 92*

**FINAL RESULT SHEET**

(to be used when the counting of votes is done by mixing)

Election to the Sarpanch / Member of Ward No. .......... of .......... Gram Panchayat / Member, ........................ Territorial Constituency of ................. Mandal Praja Parishad / Zilla Praja Parishad.

<table>
<thead>
<tr>
<th>Polling Station No.</th>
<th>Total votes found in the Ballot Box(es)</th>
<th>No. of Tendered Votes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td></td>
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<tr>
<td>2</td>
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<td>5</td>
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<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>1</th>
<th>Total No. of votes recorded at polling stations</th>
<th>Candidate’s valid votes</th>
<th>Valid votes total</th>
<th>Number of rejected ballot papers</th>
<th>Valid and rejected votes total</th>
<th>Votes for ‘None of the Above’ (NOTA) option</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>A</td>
<td>B</td>
<td>C</td>
<td></td>
<td></td>
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<tr>
<td>1</td>
<td>1st Round</td>
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<td>2</td>
<td>2nd Round</td>
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<td>3</td>
<td>3rd Round</td>
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<td>4th Round</td>
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<tr>
<td>5</td>
<td>5th Round</td>
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<td></td>
<td><strong>Total</strong></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>2</th>
<th>Total No. of votes recorded on Postal Ballot Papers</th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Grand Total</td>
<td></td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

Place........................

Date .......................  Returning Officer
FORM-XXVII
[See Rule 62 (1)(a)]
(for use in election when the seat is contested)

Declaration of Result of Election

In accordance with rule 62 (1) (a) of Andhra Pradesh Panchayat Raj (Conduct of Election) Rules, 2006, I, declare that the following candidate has been elected to the office of Sarpanch / Member of Ward No. ............ of ........................................ Gram Panchayat / Member of ......................... Territorial Constituency of ................................. Mandal Praja Parishad / Zilla Praja Parishad.

Name:
Address:
* Party affiliation, if any:

Place :
Date:                                                  Signature of Returning Officer

* Applicable in case of election of Member, Mandal Praja Parishad / Zilla Praja Parishad.
FORM-XXVIII
[See Rule 62(1)(b)]

RETURN OF ELECTION

Election to the Sarpanch / Member of Ward No. ........ of ................................ Gram Panchayat / Member, ........................... Territorial Constituency of .......................... Mandal Praja Parishad / Zilla Praja Parishad.

<table>
<thead>
<tr>
<th>Serial No.</th>
<th>Name of the Candidate</th>
<th>*Party affiliation, if any</th>
<th>No. of votes polled</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
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<td>5</td>
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</tbody>
</table>

Total No. of electors : _____________________
Total No. of valid votes polled : _____________________
Total No. of votes polled for ‘None of the Above’ (NOTA) option: _____________________
Total No. of rejected votes : _____________________
Total No. of tendered votes : _____________________

I declare that –

............................................................ (Name) of ............................................................ (address)

has been duly elected to fill the seat.

Place.................................
Date ......................... Returning Officer

* Applicable in case of election to Member, Mandal Praja Parishad / Zilla Praja Parishad.
FORM-XXIX
[See Rule 63]

CERTIFICATE OF ELECTION

I, Returning Officer, for the election to the Sarpanch/ Member of Ward No. 
................... of ......................................... Gram Panchayat / Member, 
........................................ Territorial Constituency of .........................................
Mandal Praja Parishad / Zilla Praja Parishad hereby certify that I have on the ....................
day of ........................ 20.... declared Sri/Smt/ Kum ......................................................... of 
*sponsored by ........................................ (name of the recognised / registered political party) 
to have been duly elected to the said office in the ordinary / casual election and that in token 
thereof I have granted to him this certificate of election.

Place.............................

Date.................

Returning Officer
Seal

* Applicable in case of election to member, Mandal Praja Parishad / Zilla Praja Parishad.
**FORM-XXX**  
*See Rules 78, 79, 81, 87, 89, 94 & 95*

**REGISTER OF VOTERS**

Election to the office of the Member ......................................... Territorial Constituency of ............................................................ Mandal Praja Parishad / Zilla Praja Parishad.

No. & Name of the Polling Station ______________________________

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Sl. No. of elector in the electoral roll</th>
<th>Signature / Thumb impression of elector</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
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<tr>
<td>Etc</td>
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</tbody>
</table>

Date ..............  

*Signature of the Presiding Officer*
Election to the office of the Member .......................... Territorial Constituency of ................................. Mandal Praja Parishad / Zilla Praja Parishad.

No. & Name of the Polling Station .................................................................

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Name of Elector</th>
<th>Sl. No. of elector in electoral roll</th>
<th>Sl. No. in Register of voters (Form-XXX) of the person who has already voted in place of elector</th>
<th>Signature / Thumb impression of elector</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
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</tbody>
</table>

Date:...............  

Signature of the Presiding Officer
FORM-XXXII
[See Rules 85, 88, 92, 93 & 94]

Part-I

ACCOUNT OF VOTES RECORDED

Election to the office of Member ........................................ Territorial Constituency of ........................................ Mandal Praja Parishad /Zilla Praja Parishad.

No. & Name of the Polling Station ........................................
Identification No. of Voting Control Unit .................................
Machine Number used at the polling station balloting unit .........................

1. Total No. of electors assigned to the Polling Station

2. Total No. of voters as entered in the Register of voters (Form-XXX)

3. No. of voters decided not to record Votes under Rule 81

4. No. of voters not allowed to vote under Rule 79(6)

5. Total No. of votes recorded as per voting machine

6. Whether the total No. of votes as shown against item 5 tallies with the total No. of voters as shown against item 2 minus No. of voters deciding not to record votes as against item No. 3 minus No. of voters as against item No. 4 or any discrepancy noticed

7. No. of voters to whom tendered ballot Papers were issued under Rule 82

8. No. of tendered ballot papers ..............................

   +---------------------------------+
   | Sl. Nos. | From | To |
   +---------------------------------+
   (a) received for use
   (b) issued to electors
   (c) not used and returned

147
9. **Account of Paper Seals**

<table>
<thead>
<tr>
<th>Sl. Nos</th>
<th>From</th>
<th>To</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td></td>
<td></td>
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<td>4.</td>
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<td></td>
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<tr>
<td>5.</td>
<td></td>
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</tr>
</tbody>
</table>

1. Serial number of paper seal
2. Total number supplied
3. Number of paper seals used
4. Number of unused paper seals returned to Returning Officer (Deduct item 3 from item 2)
5. Serial number of damaged paper seals, if any

**Signature of Polling Agents**

1.
2.
3.
4.
5.
6.

**Date:**..................  
**Place:**..................

**Signature of Presiding Officer**  
**Polling Station No.:**
**FORM-XXXII**

[See Rules 85, 88, 92, 93 & 94]

**Part-II**

Result of Counting

<table>
<thead>
<tr>
<th>S.No.</th>
<th>Name of the Candidate</th>
<th>No. of Votes recorded</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td></td>
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<tr>
<td>2</td>
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<tr>
<td>5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>None of the Above (NOTA)</td>
<td></td>
</tr>
</tbody>
</table>

Total

Whether the Total No. of votes shown above tallies with the Total No. of votes shown against Item 5 of Part-I or any discrepancy noticed between the two totals? If any discrepancy is noticed, the reasons for discrepancy are ........................................................................

Place:

Date:  

Counting Supervisor

<table>
<thead>
<tr>
<th>S.No.</th>
<th>Name of the Candidate / Election agent / Counting agent</th>
<th>Full signature</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td></td>
<td></td>
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</tbody>
</table>

Place:

Date:  

Returning Officer
THE ANDHRA PRADESH CONDUCT OF ELECTION OF MEMBER (CO-OPTED), PRESIDENT AND VICE-PRESIDENT OF MANDAL PARISHAD AND MEMBER (CO-OPTED), CHAIRPERSON AND VICE-CHAIRPERSON OF ZILLA PRAJA PARISHAD RULES, 2006
[G.O.Ms.No.173, Panchayat Raj & Rural Development (Elections) Dept., Dt. 10.5.2006]

NOTIFICATION

In exercise of the powers conferred by section 268 read with clause (v) of sub-section (1) of section 149, section 153, clause (v) of sub-section (3) of section 177 and section 181 of the Andhra Pradesh Panchayat Raj Act, 1994 (Act 13 of 1994), and in supersession of the rules issued in G. O. Ms. No.756, Panchayat Raj, Rural Development and Relief (Elections – III) Department dated 30.11.1994, as amended from time to time, the Governor of Andhra Pradesh hereby makes the following Rules relating to Conduct of Election of Members (Co-opted), President and Vice-President of Mandal Praja Parishad and Member (Co-opted), Chairperson and Vice-Chairperson of Zilla Praja Parishad.

PART-I
PRELIMINARY

1. Short title:- These Rules may be called the Andhra Pradesh Conduct of Election of Member (Co-opted), President and Vice-President of Mandal Praja Parishad and Members (Co-opted), Chairperson and Vice-Chairperson of Zilla Praja Parishad Rules, 2006.

2. Definitions:- In these Rules, unless the context otherwise requires,—
   (i) 'Act' means the Andhra Pradesh Panchayat Raj Act, 1994 (Act No. 13 of 1994);
   (ii) 'Form' means the form appended to these rules;
   (iii) 'Section' means a section of the Act; and
   (iv) the words and expressions used but not defined in these rules shall have the meanings respectively assigned to them in the Act.

PART-II
ELECTION OF MEMBER (CO-OPTED) OF MANDAL PRAJA PARISHAD

3. Convening of special meeting for election of Member (Co-opted), Mandal Praja Parishad:- (1) The election of the member specified in clause (v) of sub-section (1) of section 149 (hereinafter in this part referred as the "Member (Co-opted)) shall be held in the office of the Mandal Praja Parishad at a special meeting of the members of the Mandal Praja Parishad specified in clauses (i) to (iv) thereof, convened and presided over by any Gazetted Officer of the Government authorised by the District Collector in Form – I in this behalf.
   (2) The Notice of the date and hour of such meetings shall be given in Form-II in Telugu language to the members of the Mandal Praja Parishad specified in clauses (i) to (iv) of sub-section (1) of section 149, atleast three clear days in advance of the date of the meeting by the Gazetted officer of the Government authorised by the District Collector under sub-rule(1).

4. Quorum for election of Member (Co-opted), Mandal Praja Parishad:- No meeting for the conduct of election of member (Co-opted) shall be held unless there be present at the meeting atleast one-half of the number of members then on the Mandal Praja Parishad who are entitled to vote at the election, that is, members specified in clause(i) of sub-section (1) of section 149, within one hour from the time appointed for the meeting.

   Explanation:- For the purpose of this rule, in the determination of one-half of the members any fraction below 0.5 shall be ignored and any fraction of 0.5 or above shall be taken as one.
5. **Manner of Election of Member (Co-opted), Mandal Praja Parishad:**

- **(1)** A candidate for election of Member (co-opted) shall be nominated by means of a nomination paper in Form-III duly proposed by one elected member and seconded by another elected member. On the nomination paper the candidate shall also sign the declaration therein expressing his willingness to stand for election. The nomination shall be filed before the presiding Officer at the office of the Mandal Praja Parishad before 10.00 AM on the date fixed for the meeting. No member shall propose or second more than one candidate. Nominations shall not be received after the appointed time.

- **(2)** The Presiding Officer shall scrutinise the nomination papers at the Mandal Praja Parishad office after 10.00 A.M on the date of the meeting and his decision as to the validity or otherwise of the nomination shall be final.

- **(3)** The Presiding Officer shall publish the list of valid nominations on the notice board of the Mandal Praja Parishad on the same day at least one hour before the time appointed for the meeting.

- **(4)** Any candidate wishing to withdraw his nomination may do so by delivering a letter to that effect to the Presiding Officer before the commencement of the meeting.

- **(5)** If only one candidate is duly proposed, he shall be declared to have been elected.

- **(6)** If the number of candidates exceeds more than one for the said seat, the election shall be held by show of hands. The Presiding Officer shall then read out the names of contesting candidates. He shall thereafter record the number of votes polled for each such candidate as ascertained by show of hands. He shall announce the number of votes secured by each candidate and shall declare the candidate who secures the highest number of votes, as elected.

- **(7)** In the event of there being an equality of votes between the two candidates the Presiding Officer shall draw lots in the presence of the members and the candidate whose name is first drawn shall be declared to have been duly elected.

- **(8)** The Presiding Officer shall, immediately after declaring the candidate as elected, inform them that there will be held another meeting that day or the next day for the election of President and Vice-President of Mandal Praja Parishad and that a notice announcing the time, date, venue, etc. will shortly be placed on the notice board of the Mandal Praja Parishad in Form-IV and he shall also request them to read it after the conclusion of the meeting.

6. **Record of proceedings (Member (Co-opted), Mandal Praja Parishad):**

Immediately after the declaration of the result of the election, the Presiding Officer shall –

(a) prepare a record of the proceedings of the meeting and sign it attesting with his initials every correction made therein and shall also permit any members present at the meeting to affix their signatures to such record, if they so desire.

(b) publish on the notice board of the Mandal Praja Parishad, a notice signed by him, stating the name of the person elected as Member (Co-opted) of the Mandal Parishad and send a copy of such notice to the State Election Commission, the Commissioner, Panchayat Raj and the District Collector. A copy of this notice shall also be given to the candidate who is declared elected.

7. **Filling up of Casual Vacancies of Member (Co-opted), Mandal Praja Parishad:**

A casual vacancy occurring in the office of a Member (Co-opted) of a Mandal Praja Parishad, shall be filled in an ordinary meeting of the Mandal Praja Parishad within a period of eight weeks from the date of occurrence of such vacancy and the procedure laid down in this part shall apply in all other respects.
PART III

ELECTION OF PRESIDENT AND VICE-PRESIDENT OF MANDAL PRAJA PARISHAD

8. Convening of special meeting for election of President and Vice President: - (1) On the same day on which the special meeting for election of a member (Co-opted) of Mandal Praja Parishad is held and soon after the election of the member is over, a special meeting shall also be held by the Gazetted Officer authorised by the District Collector under sub-rule (1) of rule 3 in the office of the Mandal Praja Parishad at the hour to be announced under sub rule (8) of rule 5, for the election of President and Vice-President in the manner hereafter laid down.

(2) Notice of the date and hour of such meeting shall be given in Form - II to the members specified in clauses (i) to (iv) of sub-section (1) section 149 atleast three clear days in advance of the date of the meeting fixed for the election of the President and Vice-President, Mandal Praja Parishad by the Gazetted Officer authorised by the District Collector under sub-rule (1) of rule 3. In respect of Member (Co-opted), the notice in Form -IV shall be affixed on the notice board of the Mandal Praja Parishad.

(3) If, for any reason, the election of the President or Vice-President is not held on the date fixed as aforesaid, the meeting for the election of the President or Vice-President shall be held on the next day, whether or not it is a holiday observed by the Mandal Praja Parishad and whether the President or Vice-President could not be elected on the next day also, the matter shall be reported to the State Election Commission for fixing another date for holding election.

9. Quorum for election of President and Vice-President: - (1) No meeting for the conduct of election of President and Vice-President of a Mandal Praja Parishad shall be held unless there be present at the meeting atleast one half of the number of members then on the Mandal Praja Parishad who are entitled to vote at the election, that is, members specified in clause (i) of sub-section (1) of section 149, within one hour from the time appointed for the meeting.

Explanation: - For the purpose of this rule, in the determination of one-half of the members, any fraction below 0.5 shall be ignored and any fraction of 0.5 or above shall be taken as one.

(2) Where the Election of President or Vice-President could not be conducted in the first two special meetings convened for the purpose, for want of quorum, the President or Vice-President shall be elected in the subsequent meeting or meetings convened for the purpose from among the members present without insisting for quorum.

10. Manner of Election (President and Vice-President, Mandal Praja Parishad):- (1) A candidate for the office of the President or Vice-President of a Mandal Praja Parishad, shall be proposed by one member and seconded by another. If any candidate claims to be contesting on behalf of a recognised political party, he shall produce an authorisation from the president of the party in the State or a person duly authorised by the State President under his office seal and such authorisation shall be produced before the Presiding Officer before 10.00AM. on the day of the election. The names of all candidates validly proposed and seconded shall be read out alongwith the name of the Political Party which has set him up, by the Presiding Officer in the meeting.

(2) If only one candidate is duly proposed, he shall be declared to have been elected.

(3) If there are two or more candidates an election shall be held by show of hands and votes taken of the members present at the meeting.
(4) When an election notice is issued for conducting election to both the offices of President and Vice-President, no election to the office of the Vice-President shall be conducted, unless the office of the President is filled up. Only after the completion of election of President, the Presiding Officer shall conduct election to the office of Vice-President.

(5) The Presiding Officer shall thereafter record the number of votes polled, for each such candidates ascertained by show of hands. He shall announce the number of votes secured by each candidate and shall declare the candidate who secures the highest number of votes, as elected.

(6) In the event of there being an equality of votes between two candidates, the Presiding Officer shall draw lots in the presence of the members and the candidate whose name is first drawn shall be declared to have been duly elected.

11. Disqualification for disobedience of party whip (Mandal Praja Parishad):

(1) Every recognised political party may appoint on behalf of that political party a whip and intimation of such appointment shall be sent by the State President or a person authorised by him under his signature and seal and such intimation shall be sent to the Presiding Officer so as to reach him on or before 11.00 A.M. on the day preceding the day of election to the office of the President and Vice-President of the Mandal Praja Parishad.

(2) The person appointed as whip by the recognized political party shall furnish a copy of the contents of the whip issued by him to the Presiding Officer at least an hour before the commencement of special meeting.

(3) The person appointed as whip by a recognized political party shall, in addition to a copy of the contents of the whip issued by him, also furnish a copy of the acknowledgement obtained from the members belonging to the party on the service of the whip to them, to the Presiding Officer before the commencement of the meeting. If any member elected on behalf of the recognized political party refuses to receive the whip issued by him, he shall record the same and furnish a copy of it to the Presiding Officer.

(4) Any member of the Mandal Praja Parishad elected, on behalf of a recognised political party shall cease to be a Member of the Mandal Praja Parishad for disobeying the directions of the party whip so issued, in the manner hereinafter provided.

(5) The Presiding Officer shall, on receipt of a written report from the party whip within three days of the election that a member belonging to his party has disobeyed the whip issued in connection with the election, give a show-cause notice to the member concerned as to why he should not be declared to have ceased to hold office and that he should make any representation within seven days from the date of the notice. The Presiding Officer shall consider any explanation given and pass a speaking order in the matter of cessation for disobedience of the whip. If no explanation is received, the Presiding Officer shall pass an order on the basis of the material available with him.

12. Record of Proceedings (Election of President and Vice-President):

Immediately after the declaration of the result of the election, the Presiding Officer shall, –

(a) prepare a record of the proceedings of the meeting and sign it attesting with his initials every correction made therein and shall also permit any members present at the meeting to affix their signatures to such record, if they so desire.

(b) publish on the notice board of the Mandal Praja Parishad a notice signed by him stating the name of the person elected as President or Vice-President, as the case may be of the Mandal Praja Parishad and send a copy of such notice to the State Election Commission, Commissioner of Panchayat Raj and the District Collector. A copy of the notice shall also be given to the candidate who is declared to have been elected.
13. Filling up of casual vacancies (President and Vice-President, Mandal Praja Parishad):
(1) Every casual vacancy in the office of President or Vice-President of Mandal Praja Parishad shall be filled up within a period of **six months** from the date of occurrence of such vacancy in accordance with the rules in this part.

(2) The notice of date and hour of the meeting in which the election to fill up a casual vacancy in the office of President or Vice-President of Mandal Praja Parishad is to be held shall be given in Form-V to members at least three clear days in advance of such meeting. The meeting shall be presided over by a gazetted officer of the Government authorised by the District Collector in this behalf.

**PART IV**

**ELECTION OF MEMBERS (CO-OPTED) OF ZILLA PRAJA PARISHAD**

14. Convening of special meeting for election of Members (Co-opted), Zilla Praja Parishad:
(1) The election of the members specified in clause (v) of sub-section (3) of section 177 (hereinafter in this part referred as the “Members (Co-opted)”) shall be held in the office of the Zilla Praja Parishad at a special meeting of the members of the Zilla Praja Parishad specified in clauses (i) to (iv) thereof, convened and presided over by the District Collector.

(2) The Notice of the date and hour of such meetings shall be given in Form-VI in Telugu language to the members of the Zilla Praja Parishad specified in clauses (i) to (iv) of sub-section (3) of section 177, atleast three clear days in advance of the date of the meeting by the District Collector.

15. Quorum for election of Members (Co-opted), Zilla Praja Parishad:
No meeting for the conduct of election of members (Co-opted) shall be held unless there be present at the meeting atleast one-half of the number of members then on the Zilla Praja Parishad who are entitled to vote at the election, that is, members specified in clause(i) of sub-section (3) of section 177 within one hour form the time appointed for the meeting.

**Explanation:** For the purpose of this rule, in the determination of one-half of the members, any fraction below 0.5 shall be ignored and any fraction of 0.5 or above shall be taken as one.

16. Manner of Election of Members (Co-opted), Zilla Praja Parishad:
(1) A candidate for election of Member (co-opted) shall be nominated by means of a nomination paper in Form-VII duly proposed by one elected member and seconded by another elected member. On the nomination paper the candidate shall also sign the declaration therein expressing his willingness to stand for election. The nomination shall be filed before the presiding Officer at the office of the Zilla Praja Parishad before 10.00 AM on the date fixed for the meeting. No member shall propose or second more than one candidate. Nominations shall not be received after the appointed time.

(2) The Presiding Officer shall scrutinise the nomination papers at the Zilla Praja Parishad office after 10.A.M on the date of the meeting and his decision as to the validity or otherwise of the nomination shall be final.

(3) The Presiding Officer shall publish the list of valid nominations on the notice board of the Zilla Praja Parishad on the same day atleast one hour before the time appointed for the meeting.

(4) Any candidate wishing to withdraw his nomination may do so by delivering a letter to that effect to the Presiding Officer before the commencement of the meeting.
(5) If only one candidate is duly proposed, he shall be declared to have been elected.

(6) If the number of candidates exceeds more than one for the said seat, the election shall be held by show of hands. The Presiding Officer shall then read out the names of contesting candidates. He shall thereafte record the number of votes polled for each such candidate as ascertained by show of hands. He shall announce the number of votes secured by each candidate and shall declare the candidate who secures the highest number of votes as elected.

(7) In the event of there being an equality of votes between the two candidates the Presiding Officer shall draw lots in the presence of the members and the candidate whose name is first drawn shall be declared to have been duly elected.

(8) The Presiding Officer shall, immediately after declaring the candidate as elected, inform them that there will be held another meeting that day or the next day for the election of Chairperson and Vice-Chairperson of Zilla Praja Parishad and that a notice announcing the time, date, venue, etc. will shortly be placed on the notice board of the Zilla Praja Parishad in Form-VIII and he shall also request them to read it after the conclusion of the meeting.

17. Record of proceedings (Members (Co-opted)), Zilla Praja Parishad:
Immediately after the declaration of the result of the election, the Presiding Officer shall, –

(a) prepare a record of the proceedings of the meeting and sign it attesting with his initials every correction made therein and shall also permit any members present at the meeting to affix their signatures to such record, if they so desire.

(b) publish on the notice board of the Zilla Praja Parishad a notice signed by him, stating the name of the person elected as Member (Co-opted) of the Zilla Praja Parishad and send a copy of such notice to the State Election Commission, the Commissioner, Panchayat Raj and the District Collector. A copy of this notice shall also be given to the candidate who is declared elected.

18. Filling up of Casual Vacancies of Members (Co-opted), Zilla Praja Parishad: A casual vacancy occurring in the office of a Member (Co-opted) of a Zilla Praja Parishad shall be filled in an ordinary meeting of the Zilla Praja Parishad within a period of eight weeks from the date of occurrence of such vacancy and the procedure laid down in this part shall apply in all other respects.

PART V
ELECTION OF CHAIRPERSON AND VICE-CHAIRPERSON OF ZILLA PRAJA PARISHAD

19. Convening of special meeting for election of Chairperson and Vice-Chairperson: - (1) On the same day on which the special meeting for election of members (Co-opted) of Zilla Praja Parishad is held and soon after the election of the members is over, a special meeting shall also be held by the District Collector in the office of the Zilla Praja Parishad at the hour to be announced under sub rule (8) of rule 16, for the election of Chairperson and Vice-Chairperson in the manner hereafter laid down.

(2) Notice of the date and hour of such meeting shall be given in Form - VI to the members specified in clauses (i) to (iv) of sub-section (3) of section 177 atleast three clear days in advance of the date of the meeting fixed for the election of the Chairperson and Vice-Chairperson, Zilla Praja Parishad by the District Collector. In respect of Members (Co-opted), the notice in Form -VIII shall be affixed on the notice board of the Zilla Praja Parishad.
If, for any reason, the election of the Chairperson or Vice-Chairperson is not held on the date fixed as aforesaid, the meeting for the election of the Chairperson or Vice-Chairperson shall be held on the next day, whether or not it is a holiday observed by the Zilla Praja Parishad and whether the Chairperson or Vice-Chairperson could not be elected on the next day also, the matter shall be reported to the State Election Commission for fixing another date for holding election.

20. Quorum for election of Chairperson or Vice-Chairperson:- (1) No meeting for the conduct of election of Chairperson and Vice-Chairperson of a Zilla Praja Parishad shall be held unless there be present at the meeting atleast one half of the number of members then on the Zilla Praja Parishad who are entitled to vote at the election, that is, members specified in clause (i) of sub-section (3) of section 177, within one hour from the time appointed for the meeting.

   **Explanation:** For the purpose of this rule, in the determination of one-half of the members, any fraction below 0.5 shall be ignored and any fraction of 0.5 or above shall be taken as one.

   (2) Where the Election of Chairperson or Vice-Chairperson could not be conducted in the first two special meetings convened for the purpose for want of quorum, the Chairperson or Vice-Chairperson shall be elected in the subsequent meeting or meetings convened for the purpose from among the members present without insisting for quorum.

21. Manner of Election (Chairperson and Vice-Chairperson, Zilla Praja Parishad):-

   (1) A candidate for the office of the Chairperson or Vice-Chairperson of a Zilla Praja Parishad shall be proposed by one member and seconded by another. If any candidate claims to be contesting on behalf of a recognised political party, he shall produce an authorisation from the president of the party in the State or a person duly authorised by the State President under his office seal and such authorisation shall be produced before the Presiding Officer before 10.00AM. on the day of the election. The names of all candidates, validly proposed and seconded, shall be read out along with the name of the Political Party which has set him up, by the Presiding Officer in the meeting.

   (2) If only one candidate is duly proposed, he shall be declared to have been elected.

   (3) If there are two or more candidates an election shall be held by show of hands and votes taken of the members present at the meeting.

   (4) When an election notice is issued for conducting election to both the offices of Chairperson and Vice-Chairperson, no election to the office of the Vice-Chairperson shall be conducted, unless the office of the Chairperson is filled up. Only after the completion of election of Chairperson, the Presiding Officer shall conduct election to the office of Vice-Chairperson.

   (5) The Presiding Officer shall thereafter record the number of votes polled, for each such candidates ascertained by show of hands. He shall announce the number of votes secured by each candidate and shall declare the candidate who secures the highest number of votes, as elected.

   (6) In the event of there being an equality of votes between two candidates, the Presiding Officer shall draw lots in the presence of the members and the candidate whose name is first drawn shall be declared to have been duly elected.
22. Disqualification for disobedience of party whip (Zilla Praja Parishad):- (1) Every recognised political party may appoint on behalf of that political party a whip and intimation of such appointment shall be sent by the State President or a person authorised by him under his signature and seal and such intimation shall be sent to the Presiding Officer so as to reach him on or before 11.00 A.M. on the day preceding the day of election to the office of the Chairperson and Vice-Chairperson of the Zilla Praja Parishad.

(2) The person appointed as whip by the recognized political party shall furnish a copy of the contents of the whip issued by him to the Presiding Officer at least an hour before the commencement of special meeting.

(3) The person appointed as whip by a recognized political party shall, in addition to a copy of the contents of the whip issued by him, also furnish a copy of the acknowledgement obtained from the members belonging to the party on the service of the whip to them, to the Presiding Officer before the commencement of the meeting. If any member elected on behalf of the recognized political party refuses to receive the whip issued by him, he shall record the same and furnish a copy of it to the Presiding Officer.

(4) Any member of the Zilla Praja Parishad elected, on behalf of a recognised political party shall cease to be a Member of the Zilla Praja Parishad for disobeying the directions of the party whip so issued, in the manner hereinafter provided.

(5) The Presiding Officer shall, on receipt of a written report from the party whip within three days of the election that a member belonging to his party has disobeyed the whip issued in connection with the election, give a show-cause notice to the member concerned as to why he should not be declared to have ceased to hold office and that he should make any representation within seven days from the date of the notice. The Presiding Officer shall consider any explanation given and pass a speaking order in the matter of cessation for disobedience of the whip. If no explanation is received, the Presiding Officer shall pass an order on the basis of the material available with him.

23. Record of Proceedings (Election of Chairperson and Vice-Chairperson):- Immediately after the declaration of the result of the election, the Presiding Officer shall, –

(a) prepare a record of the proceedings of the meeting and sign it attesting with his initials every correction made therein and shall also permit any members present at the meeting to affix their signatures to such record, if they so desire.

(b) publish on the notice board of the Zilla Praja Parishad a notice signed by him stating the name of the person elected as Chairperson or Vice-Chairperson, as the case may be of the Zilla Praja Parishad and send a copy of such notice to the State Election Commission, Commissioner of Panchayat Raj and the District Collector. A copy of the notice shall also be given to the candidate who is declared to have been elected.

24. Filling up of casual vacancies (Chairperson and Vice-Chairperson, Zilla Praja Parishad):- (1) Every casual vacancy in the office of Chairperson or Vice-Chairperson of Zilla Praja Parishad shall be filled up within a period of six months from the date of occurrence of such vacancy in accordance with the rules in this part.

(2) The notice of date and hour of the meeting in which the election to fill up a casual vacancy in the office of Chairperson or Vice-Chairperson of Zilla Praja Parishad is to be held shall be given in Form-IX to members at least three clear days in advance of such meeting. The meeting shall be presided over by the District Collector.
25. Postponement of Meeting: - Notwithstanding anything contained in these rules, the State Election Commission may, for sufficient reasons to be recorded in writing, direct, from time to time, the postponement or alteration of the date of any meeting convened under these rules and the Presiding Officer concerned, shall give effect to the directions, issued.

M. Samuel
Principal Secretary to Government
FORM-I
[See Rule 3(1)]

I .................................................................. (name) ........................................... District Collector hereby authorise Sri ......................................................... (Designation) to convene the special meeting of the members of Mandala Parishad ................................................................. for the election of Member (Co-opted) / President / Vice-President of the said Mandal Praja Parishad.

Place: .............................................................
Date: ..........................................................

(Signature)
District Collector
FORM-II

NOTICE OF ELECTION
[See Rules 3(2) and 8(2)]

Notice is hereby given to Sri ...................................... Member of the ...................................... Mandal Praja Parishad that a special meeting of the Members of the Mandal Praja Parishad will be held at (time) ..................... on (date) .............................. at its office for the election of the Member specified in clause (v) of sub-section (1) of Section 149 of the Andhra Pradesh Panchayat Raj Act, 1994. The member is requested to make it convenient to attend the meeting.

(2) The following details regarding nominations are also furnished to the members for information:

   (i) Nomination papers which shall be in Form-III appended to the Andhra Pradesh (Conduct of election of Member (Co-opted), President and Vice-President of Mandal Praja Parishad and Members (Co-opted), Chairperson and Vice-Chairperson of Zilla Praja Parishad) Rules, 2006 may be delivered to the Presiding Officer by the candidate or his proposer at the office of the Mandal Praja Parishad before 10.00 A.M on (date) ..............................

   (ii) The nomination papers will be taken up for scrutiny by the Presiding Officer at the office of the Mandal Praja Parishad on (date) ................. between the hours of ................. and .................

   (iii) The name of the persons whose nominations are valid will be published on the notice board of the Office of Mandala Parishad on (date) ...................... at ..............................

   (iv) Notice of withdrawal of any candidate from election may be delivered to the Presiding Officer by the candidate or his proposer at the Mandal Praja Parishad Office on (date) .............................. before (hour) .................

(3) On the same day soon after the election of the member specified above, another meeting in which they will participate will be held in the office of Mandal Praja Parishad for the election of the President / Vice-President of the Mandal Praja Parishad at the hour to be announced on the notice board of the office. If for any reason such an election is not held on that day, it will be held on the next day whether or not it is a holiday observed by the Mandal Praja Parishad.

The Member is requested to make it convenient to attend that meeting also.

Place : ........................................
Date : ........................................

(Signature)
Designation
FORM-III
[See Rule 5(1)]

NOMINATION PAPER

Election of the Member of Mandal Praja Parishad .............................................

I hereby nominate Sri/Smt/Kum.............................. as a candidate for election as a member specified under clause (v) of sub-section (1) of Section 149 of the Andhra Pradesh Panchayat Raj Act, 1994.

1. Name of candidate’s father / husband:
2. Full postal address of candidate:

My name is ........................................ and I am the member of the Mandal Praja Parishad.

Signature of Proposer.

Signature of the Seconder.

(To be filled by the Candidate)

I, ..................................................... the above mentioned candidate assent to this nomination. I am registered voter in this Mandal. My name is entered at Sl.No. ........................ in Section No......................... of the electoral roll for Gram Panchayat ......................................

I am not less than twenty one years of age.

I belong to ................................. community which is a religious / linguistic minority.
Certificate is enclosed /furnished below:

Date: ................................. Signature of the Candidate.

MINORITY COMMUNITY CERTIFICATE

Certified that Sri/Smt./Kum ........................................................ son/daughter of Sri ........................................................ residing at ................................................
belongs to ................................................ community which is a religious / linguistic minority community in the State.

Place: ................................................ Signature of the Gazetted Officer / M.L.A. / M.P (with seal)
Date: .................................
FORM-IV
[See Rule 5(8) and 8(2)]

Notice of the Meeting for the Election of President / Vice-President,
Mandal Praja Parishad

Notice is hereby given to Sri .................................................... Member of the Mandal Praja Parishad .................................................... who has been declared as such at the special meeting held today at (time) ....................... that another special meeting of the members of Mandal Praja Parishad will be held today i.e., on (date) ....................... at (time) ....................... in the office of the Mandal Praja Parishad for the election of the President / Vice-President of the Mandal Praja Parishad.

If for any reason, election is not held on the aforesaid date, it shall be held at the same time on the next day whether or not is a holiday observed by the Mandal Praja Parishad.

The member is requested to make it convenient to attend the meeting.

Place: ............................................................ Signature
Date: ............................................................ Designation.

To
Sri / Smt. / Kum.............................................
Member of Mandal Praja Parishad
............................................................

To
FORM-V
[See Rule 13 (2)]

Notice of meeting for Casual election of President / Vice-President of Mandal Praja Parishad

Notice is hereby given to Sri ................................................................. Member of Mandal Praja Parishad ................................................................. that a meeting of the Members of Mandal Praja Parishad will be held at (time ) ................ on (date) ............. at its office for the Election of President / Vice-President, Mandal Praja Parishad in the existing vacancy.

If for any reason, election is not held on the aforesaid date, it shall be held at the same time on the next day whether or not it is a holiday observed by the Mandal Praja Parishad.

The member is requested to make it convenient to attend the meeting.

Place:  
Date:  

Signature  
Designation

To
Sri / Smt./ Kum...........................................
Member of Mandal Praja Parishad,
.................................................................
FORM-VI
[See Rule 15(2)]

NOTICE OF ELECTION

Notice is hereby given to Sri/smt./Kum. …………………………………………………. Member of the …………………………………………………. Zilla Praja Parishad that a special meeting of the members of the Zilla Praja Parishad will be held at (time) …………. on (date) ……………….. at its office for the election of the Member specified in clause (v) of subsection (3) of Section 177 of the Andhra Pradesh Panchayat Raj Act, 1994. The Member is requested to make it convenient to attend the meeting.

(2) The following details regarding nominations are also furnished to the members for information:

(i) Nomination papers which shall be in Form VII appended to the Andhra Pradesh (Conduct of Election of Member (Co-opted), President and Vice-Presiden of Mandal Praja Parishad and Members (Co-opted), Chairperson / Vice-Chairperson of Zilla Praja Parishad) Rules, 2006 may be delivered to the Presiding Officer by the candidate or his proposer at the office of the Zilla Praja Parishad before 10.00 A.M on (date) ………………..

(ii) The nomination papers will be taken up for scrutiny by the Presiding Officer at the Zilla Praja Parishad on the date ……………….. between the hours of …………. and ………………..

(iii) The names of the persons whose nominations are valid will be affixed on the notice board of the office of Zilla Praja Parishad on date ……………….. at (hour) ………………..

(iv) Notice of withdrawal of any candidate from election may be delivered to the Presiding Officer by the candidate or his proposer at the Zilla Praja Parishad Office on (date) ……………….. before (hour) ………………..

(3) On the same day soon after the election of the member specified above, another meeting in which they will participate will be held in the office of the Zilla Praja Parishad for the election of the Chairperson and Vice-Chairperson of the Zilla Praja Parishad at the hour to be announced on the notice board of the office. If for any reason such an election is not held on that day, it will be held on the next day whether or not it is a holiday observed by the Zilla Praja Parishad.

The Member is requested to make it convenient to attend the meeting also.

Place: ………………………………..
Date: …………………………………

To
Sri / Smt./ Kum………………………………………………
Member of Zilla Praja Parishad.
………………………………………………
FORM-VII
[See Rule 17(1)]

NOMINATION PAPER

Election of the Member of Zilla Praja Parishad ..............................

I hereby nominate Sri/Smt./Kum. ............................................. as a candidate for election as a member specified under clause (v) of sub-section (3) of Section 177 of the Andhra Pradesh Panchayat Raj Act, 1994.

1. Name of candidate’s father/husband:
2. Full postal address of candidate:

My name is ...................... and I am the member of this Zilla Praja Parishad.

Date: .................................. Signature of the proposer

.................................. Signature of the Seconder.

(To be filled by the Candidate)

I, ........................................ the above mentioned candidate asset to this nomination. I am a registered voter in the district. My name is entered at Sl.No. ..................... in Section No. ................. of the electoral roll of Gram Panchayat ..........................................................

I am not less than twenty one years of age.

I belong to ..................... community which is a religious / linguistic minority. Certificate is enclosed/ furnished below.

Date: .................................. Signature of the Candidate.

MINORITY COMMUNITY CERTIFICATE

Certified that Sri/Smt./Kum. ......................... son/daughter of Sri ......................... residing at ................................. belongs to ................................. community which is a religious / linguistic minority community in the State.

Place: .................................. Signature of the Gazetted Officer / M.L.A./ M.P (with seal)

Date: ..................................
FORM-VIII
[See Rule 16(8) and 19 (2)]

Notice of the Meeting for the Election of Chairperson / Vice-Chairperson,
Zilla Praja Parishad

Notice is hereby given to Sri/Smt./Kum. ........................................ Member of Zilla Praja Parishad .................................................. who has been declared as such at the special meeting held today at (time) ................. that another special meeting of the Members of Zilla Praja Parishad will be held today, i.e, on (date) ............... at (time) .............. in the office of Zilla Praja Parishad for the Election of Chairperson / Vice-Chairperson of the Zilla Praja Parishad.

If for any reason the election is not held on the foresaid date, it shall be held at the same time on the next day whether or not it is a holiday observed by the Zilla Praja Parishad.

The Member is requested to make it convenient to attend the meeting.

Place: ..........................................................  
Date: ..........................................................

Signature  
Designation

To  
Sri/ Smt. / Kum. ..............................................  
Member of Zilla Praja Parishad,  
..........................................................................................
FORM-IX
[See Rule 28 (2)]

Notice of Meeting for Casual Election of Chairman / Vice-Chairman,
Zilla Praja Parishad

Notice is hereby given to Sri/Smt./Kum. .................................................. Member of Zilla Praja Parishad .................................................. that a meeting of the members of Zilla Praja Parishad will be held at (time) ............... on (date) ......................... at its office for the election of Chairman / Vice-Chairman, Zilla Praja Parishad in the existing vacancy.

If for any reason, election is not held on the aforesaid date, it shall be held at the same time on the next day whether or not it is a holiday observed by the Zilla Praja Parishad.

The Member is requested to make it convenient to attend the meeting.

Place: .................................................. Signature
Date: .................................................. Designation

To
Sri/ Smt./Kum. ..................................................
Member of Zilla Praja Parishad.
..................................................
THE ANDHRA PRADESH PANCHAYAT RAJ (CONDUCT OF ELECTIONS OF UPA-SARPANCH OF GRAM PANCHAYAT) RULES, 2006

(G.O.Rt.No172, Panchayat Raj & Rural Development Department, dated 10.5.2006)

NOTIFICATION

In exercise of the powers conferred by clause (i) of sub-section (2) of section 268 read with sub-sections (9) and (10) of section 14 of the Andhra Pradesh Panchayat Raj Act, 1994 (Act No. 13 of 1994), and in supersession of the Rules issued in G.O.Ms.No.470, PRRD & R Dept, Dated 5.6.1995, the Governor of Andhra Pradesh hereby makes the following Rules relating to conduct of election of Upa-Sarpanch of Gram Panchayat.

RULES

1. Short title:- These rules may be called the Andhra Pradesh Panchayat Raj (Election of Upa-Sarpanch of a Gram Panchayat) Rules, 2006.

2. Definitions:- (1) In these rules unless the context otherwise requires,

   (a) “Act” means the Andhra Pradesh Panchayat Raj Act, 1994;
   (b) “Form” means a Form appended to these rules;

   (2) The words and expressions used but not defined in these rules shall have the meanings respectively assigned to them in the Act.

3. Convening of Special Meeting:- (1) The election of the Upa-Sarpanch of a Gram Panchayat shall be held in the Office of the Gram Panchayat on the same date on which the results of the ordinary election of the Gram Panchayat are published at a meeting of the Members specially convened for the purpose notice for which shall be given in Form-I.

   Provided that the District Panchayat Officer or any person authorised by him may direct that the meeting for the election of the Upa-Sarpanch shall be held at such place as may be specified by him, other than the office of the Gram Panchayat if its office is located in the house of any Member of the Gram Panchayat or if it is not convenient to hold the meeting in the office of the Gram Panchayat:

   Provided further that if for any reason the election of the Upa-Sarpanch is not held on the date aforesaid the special meeting for the election of Upa-Sarpanch shall be held on the next day whether or not it is a holiday observed by the Gram Panchayat:

   Provided also that the State Election Commissioner may from time to time, for the reasons to be recorded in writing, direct or permit the holding of the election of the Upa-Sarpanch on any other day.

   (2) The meeting referred to in sub-rule (1) shall be presided over by the Returning Officer appointed for conducting ordinary election to the office of Sarpanch and Ward Members of the Gram Panchayat.

4. Quorum:- The first and second meetings specially convened for the election of Upa-Sarpanch, shall not be held, unless there be present within one hour from the time appointed for the meeting not less than one-half of the total number of members of the Gram Panchayat inclusive of its Sarpanch. However, the subsequent Meeting or Meetings convened for this purpose, shall be conducted, even if there is no quorum.
Explanation: In determining ‘one-half of the total number of Members’ under this sub-rule, any fraction arrived at, shall be construed as one.

5. Manner of Election:-(1) Any Member may propose only one of the Members for election as Upa-Sarpanch duly seconded by another. The names of all the candidates duly proposed and seconded shall be read out by the Presiding Officer of the meeting. The contesting candidates shall be given thirty minutes time for withdrawal.

(2) If there is only one validly nominated candidate he shall be declared to have been elected.

(3) If there are two or more candidates, an election shall be held by show of hands and votes of the members present at the meeting shall be taken.

(4) The Presiding Officer shall, thereafter, record the number of votes polled, for each such candidates ascertained by show of hands. He shall then announce the number of votes secured by each candidate and shall declare the candidate who secured the highest number of votes, as elected.

(5) In the event of there being an equality of votes among the candidates, the Presiding Officer shall draw lots in the presence of the members and the candidate whose name is first drawn shall be declared to have been duly elected.

(6) The candidate as also the Sarpanch shall also be entitled to vote at the election.

6. Record of Proceedings:– Immediately after the meeting, the Presiding Officer shall, –

(a) prepare a record of the proceedings at the meeting and sign it, attesting with his initials every correction made therein and also permit any member present at the meeting to affix his signature to such record if he expresses his desire to do so; and

(b) publish a notice signed by him stating, the name of the person elected as Upa-Sarpanch on the notice board of the Gram Panchayat if there is one or in a conspicuous place in the village and send a copy of such notice to the District Panchayat Officer, District Collector, Commissioner of Panchayat Raj and State Election Commission. A copy of such notice shall also be given to the candidate who is declared elected as Upa-Sarpanch.

7. Filling up of casual vacancy:-(1) A casual vacancy in the Office of Upa-Sarpanch shall be filled within a period of thirty days from the date of occurrence of such vacancy:

Provided that before a casual election of Upa-Sarpanch is held every casual vacancy in the office of an elected member of a gram Panchayat shall be filled.

(2) A meeting of the Gram Panchayat for the purpose shall be convened by a person authorised by the District Panchayat Officer who shall be not below the rank of Revenue Inspector. Notice of the day and hour of meeting shall be given at least three clear days prior to the day of meeting in Form-II.

(3) Rules 4, 5 and 6 shall apply for filling up of a casual vacancy also in all other respects.

M. Samuel
Principal Secretary to Government
FORM-I

[See Rule 3(1)]

Notice of the meeting for the election of Upa-Sarpanch, Gram Panchayat

Notice is hereby given to Sri/Smt./Kum. ................................................... Sarpanch / Member of the Gram Panchayat ........................................... who has been declared as such in the ordinary election held today that a special meeting of the Sarpanch and Members of the Gram Panchayat will also be held today i.e., on (date) ................. at (time) ....................... at (place) ................... for the election of the Upa-Sarpanch, Gram Panchayat.

If for any reason, election is not held on the aforesaid date, it shall be held at (time) ....................... on the next day i.e, on (date) ....................... whether or not it is a holiday observed by the Gram Panchayat.

The Sarpanch / Member is requested to make it convenient to attend the meeting.

Place: .............................................  Signature of Returning Officer
Date: ............................................. Designation.

To
Sri / Smt. / Kum.............................................
Sarpanch / Member of Gram Panchayat.
.................................................................
FORM-II
[See Rule 7 (2)]

Notice of the meeting for Casual Election of Upa-Sarpanch, Gram panchayat

Notice is hereby given to Sri/Smt./Kum. .............................................. Sarpanch / Member of Gram Panchayat ............................................. that a meeting of the Sarpanch / Members of Gram Panchayat will be held at (time) ............... on (date) ....................... at (place) ......................... for the election of Upa-Sarpanch to fill up the casual vacancy.

If for any reason, election is not held on the aforesaid date, it shall be held at the same time on the next day whether or not it is a holiday observed by the Gram Panchayat.

The Sarpanch / Member is requested to make it convenient to attend the meeting.

Place: 
Date: 
Signature 
Designation 

To
Sri / Smt./Kum. ..............................................
Sarpanch / Member of Gram Panchayat 
.....................................................
THE ANDHRA PRADESH PANCHAYAT RAJ (ELECTION TRIBUNALS IN RESPECT OF GRAM PANCHAYATS, MANDAL PRAJA PARISHADAS AND ZILLA PRAJA PARISHADS) RULES, 1995

(G.O.Ms.No.111, Panchayat Raj, Rural Development & Relief (Elec.III) Dept., Dt: 03.03.1995)

PART-I
Preliminary

1. (1) These rules may be called Andhra Pradesh Panchayat Raj (Election Tribunals in respect of Gram Panchayats, Mandal Praja Parishad and Zilla Praja Parishad) Rules, 1995.

(2) These rules shall apply to all Gram Panchayats, Mandal Praja Parishad and Zilla Praja Parishad in the State.

(3) In these rules, unless the context otherwise requires:

(ii) "Election Authority" means such authority not being a member or office bearer of any local authority as may by notification be appointed by the State Election Commissioner;
(iii) "District Munsiff" means the District Munsiff appointed under the Andhra Pradesh Civil Courts Act, 1972.
(iv) The words and expressions used but not defined in these rules shall have the respective meaning assigned to them in the Act.

PART-II

2. (1) Save as otherwise provided no election held under the Act, whether of a member, Sarpanch or Upa-Sarpanch of Gram Panchayat, President and Vice-President of Mandal Praja Parishad and Member of Mandal Praja Parishad Territorial Constituencies and Chairman and Vice-Chairman of Zilla Praja Parishad and Member of Zilla Praja Parishad and Member of Zilla Parishad Territorial Constituency thereof, shall be called in question except by an election petition presented in accordance with these Rules to the Election Tribunal as defined in sub-rule(2) by any candidate or elector against the candidate who has been declared to have been duly elected (hereinafter called the returned candidate) or if there are two or more returned candidates against all or any such candidates.

(2) The Election Tribunal shall be, –

(i) except in cases following under clause (ii),

(a) the District Munsiff, if there is more than one District Munsiff, the Principal District Munsiff, having Territorial Jurisdiction over the place in which the office of Gram Panchayat is located, in respect of the election of members, Sarpanchas and Upa-Sarpanchas of Gram Panchayat.

(b) the Subordinate Judge or if there is more than one Subordinate Judge at the Head Quarters, having Territorial Jurisdiction over the place in which the office of Mandal Praja Parishad or Zilla Praja Parishad as the case may be, is located, in respect of the election disputes and matters pertaining to the election of President, Vice-President and members of Mandal Praja Parishad Territorial Constituencies and Chairman, Vice-Chairman and Members of Zilla Praja Parishad Territorial Constituencies.
Explanations:

- For purposes of these Rules, the expressions "Subordinate Judge" and "District Munsiff" shall in relation to the Scheduled Areas mean the Agency Divisional Officer.

(ii) Where the Government so directs, whether in respect of Gram Panchayats generally or in respect of any class of Gram Panchayats, Mandal Praja Parishads and Zilla Praja Parishads such officer or officers of the Government as may be designated by the Government in this behalf by name or by virtue of Office;

Provided that an election petition may, on application, be transferred:

(a) If presented to a Subordinate Judge or the District Munsiff, as the case may be, under clause (i) by the District Judge concerned to another Subordinate Judge or Munsiff Magistrate as the case may be within his jurisdiction;

(b) If presented to an officer of the Government under clause (ii) by the Government to another officer of the Government.

Where an election petition is so transferred, the authority to which it is transferred shall be deemed to be the Election Tribunal.

(3) An election Tribunal exercising jurisdiction under these Rules shall be deemed to exercise such jurisdiction as a person designate and not in his capacity as a Judge or other Officer of the Government, as the case may be.

3. (1) The election petition shall be presented within thirty days from the date of the declaration of the result of the election.

Explanation:

If the Court of the Subordinate Judge or the District Munsiff, as the case may be, or the Office of the Officer of the Government who is the Election Tribunal is closed on the last day of the thirty days aforesaid, the petition may be presented to the Election Tribunal on the next day afterwards on which such Court or Tribunal is open.

(ii) The petition shall contain a statement in concise form, the material facts on which the petitioner relies and the particulars of any corrupt practices which he alleges and shall, where necessary, be divided into paragraphs numbered consecutively. It shall be signed by the petitioner and verified in the manner prescribed for the verification of pleadings in the Code of Civil Procedure, 1908.

4. (i) If the irregularities alleged in the petition are likely to affect the validity of the election of more than one returned candidate, the petitioner shall join as respondents to his petition all such returned candidates.

(ii) The petitioner may, if he so desires, in addition to calling in question the election of the returned candidates or of all or any of the returned candidates, as the case may be, claim a declaration that he himself or any other candidate has been duly elected, in which case he shall join as respondents to his petition all other candidates who were nominated for the election but who had not withdrawn before the polling.

5. (i) At the time of presentation of the petition, the petitioner shall deposit with it in cash Rs.100/- (Rupees one hundred only) as security for the costs of the same.

Explanation:

Where the election of more than one returned candidate is called in question a separate deposit shall be made in respect of each such returned candidate.
(ii) If the provisions of sub-rule (1) are not complied with, the Election Tribunal shall dismiss the petition.

(iii) Upon compliance with the provisions of sub rule (1), the Election Tribunal shall proceed to enquire into the petition.

6. The Election Tribunal shall, as soon as may be, cause a copy of the petition to be served on each respondent and on the Executive Authority of the Gram Panchayat, Mandal Praja Parishad or Zilla Praja Parishad concerned and the Election Authority. Copies shall also be affixed to the notice board of the Court of Tribunal as the case may be, of the Election Tribunal and of the Office of the Gram Panchayat, Mandal Praja Parishad or Zilla Praja Parishad concerned. The Election Tribunal may also call on the petitioner to execute a bond for such amount and with such sureties as he may require for the payment of any further costs. At any time within fourteen days after such publication, any other candidate shall be entitled to be joined as a respondent on furnishing such similar security as may be demanded by the Election Tribunal.

Explanation:- For the purpose of these Rules the expression "Election Authority" shall mean, in respect of the election of the Sarpanch and Upa-Sarpanch, Mandal President and Zilla Praja Parishad Chairman, the person presiding over the meeting convened for the election of Sarpanch and Upa-Sarpanch of the Gram Panchayat, Mandal President and Zilla Praja Parishads, Chairman Mandal Praja Parishads and Zilla Praja Parishads shall mean the Commissioner or any other officer nominated by the State Election Commissioner to exercise the powers and discharge the functions of the Election Authority under Rule 3 of the Andhra Pradesh Panchayat Raj (Conduct of Election of Members, Sarpanch and Upa-Sarpanch of Gram Panchayat, Members, Presidents and Vice-Presidents of Mandal Praja Parishad and Members, Chairman and Vice-Chairman of Zilla Praja Parishad) Rules, 1994.

7. (i) Every election petition shall be enquired into by the Election Tribunal, as early as may be, in accordance with the procedure applicable under the Code of Civil Procedure, 1908 for the trial of suits;

Provided that it shall only be necessary for the Election Tribunal to make a memorandum of the substance of evidence of any witness examined by him.

(ii) The Election Tribunal shall have the powers which are vested in a Court under the Code of Civil Procedure, 1908, when trying a suit, in respect of the following matters;

(a) discovery and inspection;
(b) enforcing the attendance of witness and requiring the deposit of their expenses;
(c) compelling the production of documents;
(d) examining witnesses on oath;
(e) reception of evidence taken on affidavit; and
(f) issuing commissions for examination of witnesses, and may summon and examine sue motu any person whose evidence appears to him to be material.

8. (i) No election petition shall be withdrawn without the leave of the Election Tribunal.

(ii) If there are more petitioners than one, no application to withdraw a petition shall be made except with the consent of all the petitioners.

(iii) When an application for withdrawal is made, notice thereof fixing a date for the hearing of the application shall be given to all other parties to the petition and shall be published in the manner specified in Rule 5.
(iv) No application for withdrawal shall be granted if the Election Tribunal is of the opinion that such application has been induced by any bargain or consideration which, they consider, ought not to be allowed.

(v) If the application is granted.

(a) the petitioner shall be ordered to pay the costs of the respondents therefore incurred or such portion thereof as the Election Tribunal may think fit; and

(b) Such withdrawal shall be communicated to the Executive Authority of the Gram Panchayat, Mandal Praja Parishad and Zilla Praja Parishad concerned and the Election Authority by the Election Tribunal.

9. Any order made by the Election Tribunal as to the costs of the enquiry may be executed in the same manner as if it was land revenue due and be recovered as per the provisions of the Andhra Pradesh Revenue Recovery Act, 1864 and be remitted to the party in whose favour it is ordered by the Election Tribunal.

10. An election petition shall abate on the death of a sole petitioner or of the survivor of several petitioners, and such abatement shall be communicated to the Executive Authority of Gram Panchayat, Mandal Praja Parishad and Zilla Praja Parishad, as the case may be, and the Election Authority by the Election Tribunal.

11. Where at, an enquiry into an election petition any candidate, other than a returned candidate, claims the seat for himself, the returned candidate or candidates or any other party to the proceedings may give evidence to prove that the election of such candidate would have been void if he had been a returned candidate and a petition had been presented complaining of his election.

12. If in the opinion to the Election Tribunal,

(a) that on the date of his election, a Returned Candidate was not qualified, or was disqualified, to be chosen to fill the seat under the Act, or

(b) that any corrupt practice as laid down under Section 211 of the Act has been committed by a Returned Candidate or his election agent or by any other person with consent of the Returned Candidate or his election agent, or

(c) that any nomination has been improperly rejected, or

(d) that the result of the election, in so far as it concerns a Returned Candidate has been materially affected.

(i) by the improper acceptance of any nomination, or

(ii) by any corrupt practice, committed in the interest of the Returned Candidate by an Agent other that his election agent, with the connivance of the Returned Candidate, or

(iii) by the improper reception, refusal or rejection of any vote, or the reception of any vote which is void,

(iv) by any non compliance with the provisions of the Act, or any Rules or Orders made under the Act.

(A) The Election Tribunal shall declare the election of the Returned Candidate to be void.
(B) If the Election Tribunal holds the Returned Candidate guilty under Clause (b) and Clause (b) (ii) of this rule, the Election Tribunal shall in addition to declare the election of the Returned Candidate as void, shall also declare that the returned candidate shall be disqualified to contest in any elections under this Act, for a period of six years from the date of the order.

13. If any person who has lodged a petition, as in addition to calling in question, the election of the Returned Candidate claimed a declaration that he himself, or any other candidate, has been duly elected and the tribunal is of the opinion.

(a) that in fact, the petitioner or such other candidate, received the majority of the valid votes, or

(b) that, but for the votes obtained by the Returned Candidate, by corrupt practices, the petitioner or such other candidate would have obtained a majority of the valid votes, the election tribunal shall after declaring the elections of the Returned Candidate to be void, declare the petitioner or such other candidate, as the case may be to have been duly elected.

14. Any person disqualified by decision of the Election Tribunal under Rule 12(B) for any period shall be disqualified for the same period for voting at any elections under the Act.

15. (i) At the conclusion of the inquiry, the Election Tribunal shall declare whether the election of the Returned Candidate or Candidates is void under Rule 12 and 13.

(ii) if he declares the election of the Returned Candidate or Candidates void, he shall further pass an order either;

(a) declaring that any other party to the petition who has under these Rules claimed the seat has been duly elected; or

(b) order a fresh election

(iii) The order of the Election Tribunal under sub-rules (i) and (ii) shall be final.

(iv) A copy of every order under sub-rule (i), or sub-rule (ii) shall be communicated to the Executive Authority of the Gram Panchayat, Mandal Praja Parishad and Zilla Praja Parishad, as the case may be, and the Election Authority.

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