

**CAD & WU DEPARTMENT
NOTIFICATION**

**THE RAJASTHAN FARMERS' PARTICIPATION IN
MANAGEMENT OF IRRIGATION SYSTEMS
RULES, 2002**

Jaipur, October 22, 2002.

G. S. R. 80.—In exercise of the powers conferred by section 47 of the Rajasthan Farmers' Participation in Management of Irrigation Systems Act, 2000 (Act No. 21 of 2000), the State Government hereby makes the following rules, namely—

CHAPTER—I

Preliminary

1. **Short title and commencement.**—(1) These rules may be called the Rajasthan Farmers' Participation in Management of Irrigation Systems rules, 2002.

(2) They shall come in to force from the date of their publication in the Official Gazette.

2. **Definition.**—(1) In these rules unless the context otherwise requires,—

- (a) "Act" means Rajasthan Farmers' Participation in Management of Irrigation Systems Act, 2000 (Act No. 21 of 2000);
- (b) "Commissioner" means the Commissioner appointed under section 35 of the Act;
- (c) "Election Officer" means officer appointed by project authority for conduct of election of Farmers' Organization;
- (d) "Electoral Registration Officer" means Officer appointed as such by the Project Authority for the preparation of voter list of constituency of Water Users Association;
- (e) "Form" means form appended to these rules; and
- (f) "Irrigation Agency" means Irrigation Department or Command Area Development Department or Indira Gandhi Canal Department as the case may be.

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

CHAPTER—II

FORMATION OF TERRITORIAL CONSTITUENCIES

3. **Formation of territorial constituencies.**—(1) Every water users area shall be divided by the Project Authority in to such number of territorial constituencies as given below—

Area of Water Users Association	Number of territorial constituencies
up to 1000 hectares	four
From 1001 to 1500 hectares	six
From 1501 to 2000 hectares	eight
more than 2000 hectares	ten

(2) While dividing a water users area in to territorial constituencies, project authority shall as far as practicable, place area under a direct pipeline or a pipe out let in a territorial constituency.

(3) Each constituency shall be assigned a separate serial number.

(4) Map/sketch of each water users area showing the boundaries of territorial constituencies shall be prepared by the Project Authority. List containing the survey numbers of the land situated in each territorial constituency shall also be prepared by the Project Authority.

(5) Map/Sketch and list prepared under sub rule (4) shall be published by Project Authority by affixing them on the notice board of the office of the Project Authority and notice board of the concerned panchayat, Water User's Association, Distributory Committee for information of water users who are land owners.

(6) Any adult member of water users area may, if he objects to any thing contained in the map/sketch or list published under sub-rule 5, may submit his objection

writing to the Project Authority within seven day's from the date of affixing of such map/sketch and list.

(7) All objection received under sub-rule (6), shall be affixed on the notice board of the office of the Project Authority. After time prescribed for receipt of objection is over, the Project Authority shall consider the objection if any received and shall decide the objections and there after amend, if necessary, the Map/sketch and list prepared under sub-rule (4) and finally determine the area of each territorial constituency and shall publish the same by affixing final map/sketch and list of survey number included in each constituency on the notice board of office of the Project Authority, Panchyat, Water Users Association and Distributory Committee concerned.

CHAPTER-III

Voter List

4. Preparation of voters list.—(1) The Tehsildar of the area shall prepare list of Water Users who are land owners and renew it every year during the month of January on the basis of record of land rights and sent it to the Project Authority as well as to the Water Useres' Association concerned by 31st of January. On the basis of the list so prepared the Electoral Registration Officer shall prepare or cause to be prepared territorial constituency wise members list consisting of those land holders who have been shown as adults in the list prepared by the Tehsildar of the area.

(2) The list prepared under sub rule (1) shall be displayed on the notice board of the office of the Project Authority concerned Gram Panchayat and Water User's Association along with a notice inviting objections and fixing date and time by which objection shall be entertained.

5. Claims and objection.—(1) Any person, whose name is not entered in electoral roll or is entered at an incorrect place or in an incorrect manner or with incorrect particulars or any person whose name is entered in the roll and who

objects to the inclusion of his own name or the name of any other person in that roll, may prefer a claim or objection personally or by sending it by post to the Electoral Registration Office. All objections or claims shall be received within the period prescribed under sub-rule (2) of rule 4 and no claim or objection received after that time shall be entertained.

(2) Every claim shall be in Form-I and shall be signed by the person desiring his name to be included in the electoral roll.

(3) Every objection to the inclusion of name in the electoral roll shall be in Form II and preferred by the person whose name is already included in the electoral roll of any territorial constituency of Wate Users' Association concerned.

(4) Every objection to a particular or particulars of entry in the electoral roll shall be in Form-III and shall only be preferred by the person to whom such entry relates.

(5) A claim or objection may be accompanied by the documents on which the claimant or objector relies.

(6) No claim or objection shall be entertained unless a copy of such claim or objection has been left in the office of the Tehsildar concerned.

6. Disposal of claims and objection.—(1) The Electoral Registration Officer before deciding whether or not to allow the claim or objection cause notice to be served—

- (a) In the case of a claim on the claimant;
- (b) In the case of an objector to a particular or particulars in an entry, to the objector and on the person to the inclusion of whose name the objection relates;
- (c) In the case of an objection to a particular or particulars in an entry to the objector; and
- (d) In all cases to the concerned Tehsildar who shall file his report within 15days of the receipt of the notice :

Provided that any claim or objection which is not lodged within period, or in the Form and manner, as prescribed, shall be rejected :

Provided further that it shall not be necessary to serve any such notice where the Electoral Registration Officer on being satisfied as to the validity of the claim or objection and decides to allow it without further inquiry :

Provided further also that a list containing the names and addresses of the persons applying for inclusion of their names shall be exhibited on the notice board of the office of the Electoral Registration Officer, Project Authority, Water Users' Association and Gram Panchayat, for 3 clear days before making an order on the claim.

(2) A notice under sub rule (1) shall be given either personally or by registered post or by affixing it to the persons' residence or last known residence with in the constituency or left in the office of the Tehsildar in case of clause (d) of sub-rule (1).,

(3) The Electoral Registration Officer shall hold a summary inquiry into every claim or objection in respect of which notice has been given under sub-rule (1) and shall consider the report of the Tehsildar, if any, and record his decision thereon.

(4) At the hearing, the claimant or as the case may be the objector and the person objected to and any other person who, in the opinion of the Electoral Registration Officer is likely to be of assistance to him, shall be entitled to appear and be heard.

(5) The Electoral Registration Officer may in his discretion:—

- (a) require any claimant, objector or person objected to, to appear in person before him.
- (b) require that the evidence tendered by any person shall be given on oath and administer an oath

for the purpose or may require the evidence be tendered by filing affidavit duly attested.

- (6) No person shall be represented by any legal practitioner in any proceeding under this rule. The Electoral Registration Officer shall also correct any clerical or printing errors which he may discover in the roll.

7. Inclusion of names inadvertently omitted and deletion of names of dead electors and persons who are not entitled to be registered.—If it appears to the Electoral Registration Officer at any time before the final publication of the roll that owing to inadvertence or error or otherwise the names of any electors have been left out of the roll or the name of dead persons or of persons who are otherwise not entitled to be registered in that roll have been included in the roll and that remedial action should be taken under this rule, the Electoral Registration Officer shall,—

- (a) prepare a list of the names and other details of such electors;
- (b) exhibit on the notice board of his office and Water Users' Association a copy of the list together with a notice as to the time and place at which the question of deletion or inclusion of these names as the case may be from the roll will be considered, and also publish the list and the notice in such other manner as he may think fit; and
- (c) after considering any verbal or written objections that may be preferred, decide whether all or any of the names should be deleted from the roll or included in the roll as the case may be.

8. Final publication of roll.—(1) The Electoral Registration Officer shall thereafter;

- (a) prepare a list of amendments to carry out his decisions under rule 6 and 7 and to correct any clerical or printing errors or other inaccuracies subsequently discovered in the roll; and

(b) publish the roll together with the list of amendments, by making a complete copy thereof available for inspection and displaying a notice at his office and may also publish it in the office of the concerned Water Users' Association in the same manner.

(2) On such publication the roll together with the list of amendments shall be the electoral roll of the ward or the constituency.

9. **Duration of electoral rolls.**—Every electoral roll referred to in sub-rule (2) of rule 8 shall continue to be in force until revised in accordance with rule 10.

10. **Revision of rolls.**—(1) The roll for every constituency shall be revised either intensively or summarily or partly intensively and partly summarily, as the Project Authority may direct with reference to the qualifying date, i. e. 1st January of the year in which it is so revised.

(2) Where the roll is to be revised intensively, it shall be prepared afresh and rule 4 to 8 shall apply in relation to such revision as they apply in relation to the first preparation of a roll.

(3) When the roll or any part thereof is to be revised summarily, the Electoral Registration Officer shall cause to be prepared a list of amendments to the roll on the basis of such information as may be readily available and publish the roll together with the list of amendments in draft.

(4) Notwithstanding any thing contained in sub-rule (3) the Project Authority may at any time for reasons to be recorded, direct a special revision of the electoral roll for any constituency or constituencies in such manner as it may deem fit:

Provided that the electoral roll as in force at the time of the issue of any such direction, shall continue to be in force until the completion of the special revisions so directed.

11. **Interim alteration.**—(1) If the Electoral Registration Officer on his own motion or on the application made to him is satisfied after such inquiry as he thinks fit, that any entry in a electoral roll—

- (a) is erroneous or defective in any particular,
- (b) should be transposed to the electoral roll of an other constituency on the ground that the person concerned has exchanged his land; or
- (c) should be deleted on the ground that the person concerned is not entitled to be registered in the roll;
- (d) should be deleted on the ground that the person concerned is dead or is not entitled to be registered in the roll, he shall subject to such general or special direction, if any, given by the Project Authority in this behalf, amend, transpose or delete the entry:

Provided that before taking any action under this rule on the ground that the person concerned is 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.

(2) Any person whose name is not included in the electoral roll of a constituency, may apply to Electoral Registration Officer for inclusion of his name in that roll and the Aforesaid officer, if satisfied that the applicant is entitled to be registered in such roll direct his name to be included therein.

(3) A list of persons applying under sub-rule (1) or (2) shall be exhibited on the notice board of the Electoral Registration Officer for a period of three clear days before making an order.

(4) No amendment, transposition, or deletion of any entry shall be made under sub-rule (1) and no direction for the inclusion of a name in the electoral roll shall be given under sub-rule (2) after the issue of the public notice for election under rule 17 and until completion of elections.

(5) The Electoral Registration Officer may cause to be corrected any clerical error in the electoral roll at any time.

(6) The electoral roll altered in accordance with this rule shall be deemed to be the roll for the time being in force.

(7) The application referred to in sub-rule (1) and (2) shall be in Form I or II or III as the case may be.

12. Appeals.—(1) An appeal shall lie to the Project Authority from an order made under rule 6 or 11 by a Electoral Registration Officer within a period of 15 days from the date of order:

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

(2) Such appeal shall be;

- (a) in the Form of memorandum signed by the applicant;
- (b) accompanied by a copy of the order appealed from and fee of rupees ten shall be paid in the Form of non-judicial stamps; and
- (c) presented to the Project Authority or sent by registered post so as to reach him within the said period.

(3) The presentation of an appeal under this rule shall not have the effect of staying or postponing any action to be taken by the Electoral Registration Officer under rule 8 or 10:

Provided that order shall not be stayed in case where the subject of appeal is an order made under rule 11.

(4) Decision of the Project Authority shall be final, but in so far as it reverses or modifies the decision of Electoral Registration Officer, it shall take effect only from the date of decision in appeal.

13. Custody and preservation of rolls.—(1) After the roll for a constituency has been finally published the following papers shall be kept in the office of the Electoral Registration Officer until the completion of the next intensive revision of that roll—

- (i) One complete copy of the electoral roll duly authenticated by the Electoral Registration Officer;
- (ii) All application in regard to the preparation of draft electoral roll;
- (iii) All manuscript copied prepared by the enumerating agencies and used for compiling the draft electoral roll;
- (iv) All claims and objections to the draft electoral roll;
- (v) All decisions passed on the claims and objections;
- (vi) Papers relating to appeals under rule 12; and
- (viii) Applications under rule 11.

(2) One complete copy of the roll for each constituency duly authenticated by the Electoral Registration Officer shall also be kept in the office of the Project Authority until the completion of the next intensive revision of that roll.

(3) The papers referred to in sub-rule (1) shall, on expire of the period specified by the Project Authority, be disposed of in such manner as the Project Authority may direct.

(4) Copies of electoral rolls, until disposal under sub-rule (3) shall be made available for sale to public at such price fixed by the Project Authority.

14. Option for territorial constituency.—In case, a land owner holds land in more than one Territorial

Constituency of a water user area the land owner shall opt for one constituency by giving a declaration in Form-IV to the Electoral Registration Officer. If no such option is exercised by the land owner, the Electoral Registration Officer shall allot his vote according to his best judgment.

CHAPTER-IV

Appointment of Project Authority, Election Officer, Assistant Election Officer and their duties

15. Control over Election.—(1) Election of Members of the Managing Committee and President/Chair person of the Farmers' organisations in the State under the Act for ordinary vacancies and casual vacancies shall be held under general superintendance and control of Commissioner appointed under section 35 of the Act.

(2) **Appointment of Project Authorities.**—For pupose of this Act following shall be the Project Authorities for—

- | | | |
|-------|---|--|
| (i) | IGNP Command area | Commissioner, CAD, Bikaner; |
| (ii) | Chambal Command area | Commissioner, CAD, Kota; |
| (iii) | Mahi Command Area | Chief Engineer (Irrigation), Banswara; |
| (iv) | For all other major Irrigation project | Chief Engineer concerned; |
| (v) | For all other medium Irrigation project | Superintending Engineer concerned; and |
| (vi) | For all other minor Irrigation project & small tanks. | Executive Engineer concerned. |

16. Appointment of Election Officer, Assistant Election Officer and their duties.—(1) For Every election to fill the seats of Members of Managing Committee and President of Water Users' Association and the Distributary Committee, and for the office of the Chairperson and member of the

Managing Committee of the Project Committee, the Project Authority shall appoint by order an officer as an Election Officer.

(2) The Project Election Authority may appoint one or more persons as Assistant Election Officers to assist the Election Officer :

Provided that every such person shall be an employee of the State Government.

(3) Every Assistant Election Officer shall, subject to the control of the Election Officer, be competent to perform all or any of the functions of the Election Officer :

Provided that no Assistant Election Officer shall perform any function of the Election Officer which relate to the scrutiny of nominations unless the Election Officer is unavoidably prevented from performing the said functions.

(4) It shall be the general duty of the Election Officer at any election to do all such acts and things as may be necessary for conducting election in the manner provided under the Act and the rules or orders made thereunder.

CHAPTER V

Election of Members of the Managing Committee and President of the Water Users' Association

17. Notice of Election.—(1) The election of the President and Member of Managing Committee of Water Users Association shall be held on the day fixed by the Project Authority.

(2) The notice for conduct of election shall be given by the Election Officer to the members by one or more of the following modes,—

- by affixing at the notice board of Water Users' Association, or
- by affixing at the notice board of concerned Panchyat; or
- by affixing on conspicuous place in Water Users' Area, as may be decided by the Election Officer.

(3) The notice shall contain information regarding:—

- (a) the number of vacancies for which election is being held ;
- (b) constituency from which the members are to be elected;
- (c) the day on which, the place at which and the hours between which nomination papers are to be presented, such date being not less than seven clear days before the date fixed for election, or if that day is a public holiday the next succeeding day which is not a public holiday.

Explanation.—In this clause "Public holiday" means any day which is a public holiday for the purposes of section 25 of the Negotiable Instruments Act, 1881 (Central Act XXVI), or any day which has been notified by the Government to be a holiday for the Government Offices in the State;

- (d) the day on which, the place at which and the hour when the nomination papers will be scrutinized;
- (e) the day on which and the hours by which nomination may be withdrawn; and
- (f) the day on which, the place at which and the hours between which the poll shall be taken.

18. Presentation of Nomination Papers.—(1) The nomination of a candidate for the election of member of Managing committee and for the election of president shall be in Form—V which shall be supplied to a member on payment of Rupee five by the Election Officer.

(2) Every nominated paper shall be signed by the voter whose name is included in the voter list prepared under these rule as proposer. The nomination paper shall contain a declaration signed by the candidate proposed for election to the effect that he is willing to stand for the election.

(3) Every nomination paper accompanied with the security amount as mentioned below and shall be presented in person to the Election Officer, by the candidate himself or by his proposer, before the date and hour specified for nomination in notice referred to in sub-rule (3) of rule 17:—

1. Security amount for election for the office of Rs. 500/-
President/Chairperson
2. Security amount for election for the office of Rs. 200/-
member of managing committee.

(4) The Election Officer shall enter on the nomination paper its serial number and certify the date and hour at which the nomination paper is received by him and also immediately acknowledge receipt of the nomination paper.

(5) Nomination papers received after the date and hours fixed under sub-rule (3) of rule 17 shall be liable to be rejected.

19. Scrutiny of nomination papers.—(1) The Election Officer shall take up the scrutiny of the nomination papers on the day and time fixed under clause (d) of sub-rule (3) of rule 17. The candidate for election or the proposers may present themselves at time of scrutiny. The Election Officer shall scrutinise the nomination papers and decide all objections which may be made at the time of scrutiny. After a summary enquiry, he can reject any nomination paper for valid reasons:

Provided that the nomination of a candidate shall not be rejected merely on the ground of an 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 voter list prepared under these rules, if the identity of the candidate or proposer, as the case may be, is established otherwise beyond reasonable doubt.

(2) The Election Officer shall give all reasonable facilities to the contesting candidates or his proposer to examine all nomination papers.

(3) The Election 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.

(4) The list of valid nomination, shall be published in Form-VI on the notice board of the office of the election officer on the same day on which the scrutiny is completed.

20. Withdrawal from Candidature.—(1) Any candidate may withdraw his candidature by notice in writing signed by him and delivered at any time after the presentation of his nomination paper but not later than the time fixed for withdrawal under clause (e) of sub-rule (3) of rule 17. A notice of withdrawal of candidature once given shall be final.

(2) No notice of withdrawal shall be entertained after the day and hours fixed for such withdrawal.

(3) The list of contesting candidates in Form-VII shall be published on the notice board of the office of the election officer.

21. Subsequent Procedure to be observed by Election officer.—(1) If there is only one candidate, for the election of President of a Water Users' Association or for the election of a member from any constituency for which election is to be held and his nomination has been accepted, the Election Officer shall declare him duly elected. If number of valid nominated candidates is more than one, the Election Officer shall assign a symbol to each candidate out of following:—

- (i) Handpump (ii) Radio/TV (iii) Pumpset (iv) Telephone (v) Electric pole (vi) Sword (vii) Bus (viii) Cycle (ix) Umbrella (x) Spade (xi) Cart (xii) Watch (xiii) Lock.

N. B. If the number of contesting candidate exceeds 13 the Election Officer may allot any other symbol (other than symbol of any political party).

(2) Immediately after the allotment of symbol to contesting candidate, the Election Officer shall prepare a list of contesting candidates for the election of president and

member of managing committee separately in Form VIII, giving the names of all contesting candidates and symbols allotted to them and display it on the notice board of his office and also arrange to display at public place of the area or polling station.

22. Poll.—(1) If the number of candidates for any area or constituency as the case may be for which valid nominations have been received is more than one the Election Officer shall arrange for holding a poll on the date fixed for the purpose.

(2) The Election Officer shall arrange the ballot boxes, ballot papers, copy of the list of voters and such other articles as may be necessary for the conduct of the election. The ballot box shall be so constructed that ballot papers can be introduced therein but cannot be taken out therefrom without the box being unlocked.

(3) A candidate contesting the election may by a letter to the Election Officer, appoint an agent to represent him at every booth where polling is held. Such letter shall contain the consent in writing of the agent concerned.

(4) Immediately before the commencement of the poll, the Election Officer and in his absence, the Assistant Election Officer, shall show the empty ballot box to such persons as may be present at the time and shall then lock it and place his seal up on it in such manner as to prevent its being opened without breaking the seal. The candidate or his agent will be permitted to affix their own seals, if they so desire.

23. Form of ballot paper.—(1) Every ballot paper shall have a counterfoil attached thereto and the said ballot paper and the counterfoil shall be in Form-IX and separate for the election of president and members of managing committee.

(2) The names of the candidates shall be shown on the ballot papers in the same manner and arranged in the same order in which they appear in the list of contesting candidates prepared under sub-rule (2) or rule 21.

(3) The particulars on the ballot paper shall be in Hindi in Devnagri script.

(4) The ballot paper shall be serially numbered, the serial numbers being printed or written on the counterfoil and on the front of the ballot paper.

(5) The symbol allotted to the candidates under rule 21 shall be shown alongside the name of the candidate on the ballot paper.

(6) The space allotted to each candidate on the ballot paper shall have the same dimensions.

(7) The line of the shaded area separating the space provided for different candidates shall be the same on the ballot paper.

24. Procedure for issue of ballot paper to a voter.—(1) For the election of President and Member of Managing Committee separate ballot papers shall be issued to Every voter. Every ballot paper before it is issued to a voter and the counterfoil attached thereto shall be stamped on the back with such distinguishing mark as the Project Authority may direct and every ballot paper before it is issued, shall be signed on its back by the Election Officer;

(2) At the time of issuing a ballot paper to a voter, the Election Officer shall,

- (a) record on its counterfoil the serial number of the voter in the list of voters as entered in the marked copy of the list of Voters,
- (b) obtain the signature or thump impression of that voter on the said counterfoil; and
- (c) mark the name of the voter in the marked copy of the list of voters to indicate that a ballot paper has been issued to him without recording there in the serial number of the ballot paper issued to that voter:

Provided that no ballot paper shall be delivered to a voter unless he has put his signature or thump impression of the counterfoil of that ballot paper;

(3) (a) Before issuing a ballot to a voter, the Election Officer shall cause a mark to be put on the left forefinger of the voter with an indilible ink:

Provided that wher such a mark already exists on the left forefinger of the voter, it shall be deemed that he had cast his vote already at the election and shall not be given any ballot paper:

Provide further that no ballot paper shall be given to a voter unless he has allowed a mark to be put on his left forefinger with an indilible ink.

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

(4) It shall not be necessary for any election officer or Assistant Election Officer or any other officer to attest the thumb impression of the voter on the counterfoil.

(5) No person in the polling station shall note down the serial numbers of the ballot papers issued to particular voter.

25. Voting.—(1) Save as hereinafter provided, all voters voting at an election shall do so in person at the polling station provided for them and for that purpose observe the voting procedure here-in-after laid down.

(2) The voter on receiving the ballot paper shall forth with;

- (a) Proceed to one of the voting compartments;
- (b) there make a mark on the ballot paper with the instrument supplied for the purpose on the symbol or the name of the candidate or in column of the candidate for whom he intends to vote;
- (c) fold the ballot paper so as to conceal his vote;

- (d) if required, show to the presiding officer the distinguishing mark on the ballot paper;
- (e) insert the folded ballot paper into the ballot box; and
- (f) quit the polling station

(3) Every voter shall vote without undue delay.

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

(5) If a voter to whom a ballot paper has been issued refuses after warning given by the Election officer, to observe the procedure as 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 Election Officer or Assistant Election Officer under the direction of Election Officer.

(6) After the ballot paper has been taken back, the Election Office shall record on its back the words "Cancelled, Voting procedure violated" and put his signature below these words.

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

(8) Without prejudice to any other penalty to which such voter, may be liable, the vote if any, recorded on such ballot paper shall not be counted.

26. Assistance to voter.—The Election Officer shall give such assistance as may be required by any voter who is by reason of infirmity or blindness or illiteracy unable to vote in the manner prescribed in rule 25.

27. Identity of voter.—At any time before a ballot paper is delivered to a voter the Election Officer or Assistant Election Officer may of his own accord, if he has reason to doubt the identity of the voter or his right to vote at such polling station and shall, if so required by a candidate or polling agent satisfy himself by putting to the voter such

questions as he may deem necessary that such person if identical with the voter to whom such entry relates.

28. Closing of poll.—The Election Officer shall close polling station at the hour fixed in that behalf under rule 17 and shall not thereafter admit any voter into the polling station:

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

29. Sealing of ballot boxes.—(1) As soon as practicable after the close of the poll the Election Officer 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.

(2) The ballot box shall thereafter be sealed and secured.

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

30. Countings of votes.—(1) The counting of votes shall commence immediately after the polling is completed. Votes shall be counted by or under the supervision of the Election Officer. Votes polled shall be counted separately for the President and members of management committee. Each candidate and his authorized agent shall have a right to be present at the time of counting.

(2) (i) A ballot paper shall be rejected:—

- (a) if it bears any mark by which the member who voted can be identified; or
- (b) if it does not bear the distinguishing mark; or
- (c) if the mark indicating the vote thereon is placed in such manner as to make it doubtful to which candidate the vote has been cast.

(ii) The authority competent to reject a ballot paper shall be the Election Officer.

(3) Soon after the counting of votes is over, the Election Officer shall prepare and certify a Statement setting Forth:—

- (a) the total number of ballot papers issued;
- (b) the number of valid votes given to each candidate; and
- (c) the number of ballot papers declared to be invalid or rejected.

31. Result of Election.—On the basis of statement prepared under sub-rule (3) of rule 30 the candidates who have secured the largest number of valid votes shall be declared elected and their names shall be published on the notice of board polling station under the signatures of the Election Officer, and in case if equality of votes polled in favour of two or more candidates, lots shall be drawn in such manner as the Election Officer may decide to determine the name or names of the successful candidate or candidates. The result of the election declared by the Election Officer shall be supplied to the contesting candidate soon after the declaration of the result.

32. Custody and destruction of election papers.—The Election Officer shall take custody of the ballot papers. The ballot papers and other records relating to the election shall be secured in a container which shall be affixed with the seal of the Election Officer and of the candidates who desire to affix their seals. All ballot papers and other election material so sealed and secured in a container shall be delivered by the Election Officer to the Project Authority having Jurisdiction for safe custody and preservation for a period of three months from the date of the poll. They shall be destroyed after the said period of three months, if no dispute relating to or in connection with that election is referred to the Project Authority, The seal of the Election Officer shall also, be deposited with the Project Authority.

CHAPTER VI

Election of Member of the Managing Committee and President of the Distributory Committee

33. Procedure for Election.—(1) The president and member of Managing Committee shall be chosen by the members of general body of Distributory committee from amongst themselves in a special meeting of general body of Distributory Committee.

(2) The meeting of members of the Distributory Committee shall be held at the date, time and place fixed by the Project Authority and shall be presided over by the Election Officer appointed by the Project Authority.

(3) The Election Officer shall display the Voter list for the purpose of the election and exhibit it on the notice board of the place fixed for election under sub-rule (1) along with the notice for election, The notice shall also be displayed at the office of the Executive Engineer concerned.

(4) The election shall be held by secret ballot and shall conclude on a single day. The programme shall be as follows:

- | | | |
|-------|---|--------------------------------|
| (i) | Receipt of Nominations | 10. 00 AM to
11. 00 AM |
| (ii) | Serutiny of nomination and
publication of final list of
nominations | 11.30. AM to
12.00 noon . |
| (iii) | Withdrawal of nominations | 12.30 PM to
1.30 PM |
| (iv) | Publication of final list of
contesting candidtes | 2.00 P.M. |
| (v) | Elections in the event of
contest | 3.00 PM to
5.00 PM |
| (vi) | Counting and declaration of
results | Immediately
after the poll. |

(5) If the number of contesting candidates for president is more than one poll shall be conducted. If there is only one validly nominated candidate, the Election Officer shall forthwith declare such candidate as duly elected and intimate the same to the Project Authority.

(6) If the number of contesting candidates for members of managing committee are more than the members to be elected, poll shall be conducted. If there is the number of validly nominated candidates are equal or less than the number of members to be elected, the Election Officer shall forthwith declare such candidate as duly elected and intimate the same to the Project Authority.

(7) The provisions of rule 15, 16, 18, 19, 20, 21, 24, 25, 26, 27, 28, 29, 30 and 32 shall apply *mutatis mutandis* to the election of President and Members of Managing Committee of Distributory Committee.

(8) In the event of the contest, ballot papers shall be prepared containing names of the contesting candidates for the post of President and Members of the Managing Committee, separately and the election shall be conducted by secret ballot.

(9) At the end of the poll, the Election Officer shall arrange forthwith, the counting of votes polled for the contesting candidates for President and Members of the Managing Committee separately and declare the candidates as elected, as follows:

- (i) the candidate who secured highest number of votes polled, for the post of President, as elected to the post of President of that Distributory Committee; and
- (ii) the candidates who secured highest number of votes polled in the descending order as elected to the posts of Members of the Managing Committee to the extent of the numbers of members of the Managing Committee in that Distributory Committee.

(10) In the event of there being an equality of votes between two or more candidates the Election Officer shall draw lots in the presence of the members and the candidates, whose name first drawn shall be placed declared to have been duly elected accordingly.

(11) Immediately after the declaration of the result of the election, the Election Officer shall prepare a record of the proceedings of the meeting and sign it and send it to the Project Authority. He shall also publish on the notice board of the office of the Distributory Committee, result of election stating the names of persons elected as a members of the Managing Committee and President of the Distributory Committee and send a copy of such result to the Project Authority concerned as also be given to the candidate, who is declared elected as member or President of the Distributory Committee.

(12) Notwithstanding anything contained in these rules, the Election Officer may for sufficient reasons to be recorded in writing, may postpone the date of the special meeting convened under this rule and the next meeting shall be held on the day and time fixed by the Project Authority.

CHAPTER VII

Election of Members of the Managing Committee and Chairperson of the Project Committee

34. Procedure for Election.—(1) The Chairperson and Members of Managing Committee shall be chosen by the members of general body of Project Committee from amongst themselves in a special meeting of general body of Project Committee.

(2) The meeting of members of project committee shall be held at the date, time and place fixed by the Project Authority and shall be presided over by the Election Officer appointed by the Project Authority.

(3) The Election Officer shall display the Voters list for the purpose of the election and exhibit it on the notice board of the place fixed for election under sub-rule (1) along with

