

SIKH GURDWARA COMMITTEE ELECTION RULE 1959.



To •.tb\$ett IS8—El / 3 Office of the Corn-rdgsloære Qrawara v,T., %snægarh. Dated. the 2 Officer, eardwara Manååemer* %mnitte Wanji Sahib), Chandgarh. •apply og apy of Nies to Qravarä Rection Ruieg, 1959. Ibe 3. datea the 24.4.199B. Eæiogeä klnay Ena a of the n.:ieg gallea the Garavaras %mdteece nection Rules, 1959. ag mtlfied by. the of Øde dated 30th 1959, fterintenaerE ibrne.Z, Q:rayara Sigel on tJ±n TerBetom PAR'T' ILI HOME DEPARTMENT' GENERAL (GURDWARAS) NOTIFICATION 'Ithe 30111 Septetnbet•, No. 1565-G1trdwaras.—In exercise of the powers conferred b} sect.ion 146 •of lthe Sikh Gurdwaras Act, 1925, and all other powers enabling him in this behalf, the Governor of Punjab is pleased td make the following rules, namely :— RULES 1. SILt.n•t rules may be called the Sikh Gurdwaras Cornntil Ice Eleclion Rules, 1959 Definitions.—In these lilles, ttncless• lthe context- otherwise requires,— (a) "Act" means the Sikh Gurdwaras Act, •1925 ; (b) "agent" means any appoilll' d in writing by a candi- date at an election Io bc agent Cllr •the purposes of these rules, .with the acceptance. in writing by such person of the office ot such agent. whether as •election agent, polling agent or counting auenl ; (c) -"Commissioner, Gurdwara Elections" and "Resident" shall have the same meaning as are respectively assigned to them in the Act ; (d) "Committee" meahs the Commit lee of Gurdwara or Gurdwaras whose annual monetary incotne exceeds three thousand rup=;-- (e) Uconslituency" mean:: a constit.ucncy for the election of a member or Inernbcr::; or a Committee ; (f) "election" means an election to lill• a seat or seats in the Committee and "elector", in relat ion to a constituency: means a person whose name is for the time being entered in the electoral roll or that constituency : (g) I'form" Incans a fortli appended to these rules and includes a translation the!eor in any. other language; (h) "roll" means lthe electoral roll of a constituency : and (i) "Scheduled Castes" means all such castes. races .or tribes or parts of Or groups within such castes, races or tribes as have been spcci(ied Io be Scheduled Castes, in relation to the State of Punjab, under Article 341 of the Constitution of • India. Price : CVZ 4 2 3. Rcturning OJJiceJ1—'lthe returning ollicer of a constituency (a) the General Assistant or where there aye more than one General General Assistant I or where there is no General Assistant such ollicer as the Commissioner, if the constituency I Gurd warn Elections, Jnäy appoint. consists of a district ; b) an ollicer appointed by the Commissioner, Gurdwara Elec- tions. if the constituency extends dver more than one district ; (c an Assistant Cornmissioner or an Extra Assistant Com- / missioner appointed by the General Assistant or General I and where there is no General Assistant such Assistant ollicet• ntay be appointed by lthe Commissioner, Gur- (Iwara ions, if 11"" constituency consists of one or more tahsils not consLilulung a district ; and (d) an ollict-'1 1101. IIIC rank or Tahsildar appointed by the General or it neral Assistant I and where there is no Genct SJltch oflicer as may hc appointed by the Cornrnissioner, Gurdwara Elections, if the constituency consists of an area or combination of arcas less than. a tahsil : Provided that. if any ofli•cer appointed as a relurnlng officer under the provisions of this rule becomes incapable of acting as such owing to his transfer, illness or other such cause the appointing authority may appoint in his place any other ollicer whom he might originally have appointed: Provides! further lthat if the appointing authority is himself the returning otlicer he may delegate any of his duties as such to an Assistant Commissioner or• an Extra Assistant Commissioner, if he is unavoidably pyevented from per-

forming the same. The dates of various stages of the Gurdwara Election, shall fix the date or dates or Within (i) the nomination papers shall be presented : (ii) the list of nomination papers shall be prepared ; (iii) the nomination papers shall be scrutinised ; (iv) applications (or the revision of the orders of the authority scrutinising the nomination papers may be made to the Deputy Commissioner ; (v) the revision applications shall be decided ; (vi) a candidate may withdraw his candidature ; 3 (vii) the list of valid nomination papers shall be posted ; (viii) the list of polling stations shall be posted; (ix) the polling shall be held ; and (x) the result of election shall be declared : Provided that the last date for the nomination of candidates for election shall be fixed not less than thirty days before the date fixed for the election and not less than fifteen days after the date of the publication of the notice under sub-rule (2) and the date for the of nominations shall be fixed not less than seven days from the last date for the nomination of candidates. (iii) the dates fixed under sub-rule (2) the returning officer shall rule (1) by not less than 10 days before the date of election and at the office of each tehsil : constituency, or any part of such in which the area comprising the if any, and area, is situated, and at the office of every Dalwari. post office, if any, and every Notified District. Gurdwara, situated in the revenue circle of the area, and if the constituency of a which there is neither of a number of specified revenue estates in the office of the patwari nor a post office, at a place of public resort within the boundaries of each such revenue circle. In order to change (3) The Commissioner, Gurdwara in any of the dates fixed under (1) at any time : Provided that unless the Commissioner, Gurdwara Elections. otherwise directs, no such order shall be made to invalidate any proceedings taken before the date of the order

5. The electoral roll.—The electoral roll of a constituency for the election of a member or members of a Committee shall be such portion or portions of any roll or rolls in force at the time, of any constituency or constituencies for the election of member or members of the Board as relates or relate to the area or areas comprised in such constituency for the election of a member or members of such Committee, whether such election is held at the same time as an election of a member or the Board or at any other time. — (1) The Commission shall by 6. Notification of Symbols. notification in the official Gazette shall publish a list of symbols and may in like manner add to or vary such list. (2) In each constituency every nomination paper delivered under rule 7 shall also be accompanied by a declaration in writing specifying the particular symbol which the candidate has chosen for his first preference out of the list of symbols for the time being in force under sub-rule (1) and also specifying two other symbols out of that list which he has chosen for his second and third preferences respectively : Provided that the choice to be made by a candidate under sub-rule shall be subject to such restrictions as the State Government may think fit to impose in that behalf. 4 7. Nomination of candidate Any person not ineligible for membership of the Committee under the provisions of section 90 of the Act may be nominated as a candidate for election : Provided that— (a) on or before the date fixed for the nomination of candidates under the provisions of rule 4, between the hours of 11 o'clock in the forenoon and 3 o'clock in the afternoon, he shall deliver, either in person or by his proposer or by an agent appointed by authority in writing, signed by the Candidate and verified by a magistrate, sub-registrar, sarpanch, nayab, headman, lambardar or member of Legislature or local body to the returning officer or any other officer appointed by him in this behalf, a nomination paper completed in writing and subscribed by the candidate himself as assenting to the nomination and by one person as proposer, whose name is included in the roll of the constituency as (b) no person shall subscribe as proposer a number of nomination papers greater than the number of members to be elected to represent the constituency in question, and if a person has subscribed a larger number of nomination papers than there are vacancies to be filled, only those of the papers so subscribed which first received up to the number of such vacancies shall be deemed to be valid. (2) On the receipt of the nomination paper, the returning officer shall satisfy, that the names and electoral roll numbers of the candidate and his proposer as entered in the nomination paper are the same as entered in the electoral rolls : Provided that the returning officer may— (a) permit any clerical error in the nomination paper in regard to the said names or numbers to be corrected in order to bring them in conformity with the corresponding entries in the electoral rolls, and (b) where necessary, direct that any clerical or printing error in the said entries shall be overlooked

8. Deposits. On or before the date appointed for the nomination of candidates, each candidate shall deposit or cause to be deposited with the returning officer or in the treasury or a sub-treasury or Reserve Bank a sum or sums and no candidate shall be deemed to be duly nominated unless such deposit has been

made: Provided that more than one such deposit need be made by any candidate in respect of his candidature for any one constituency: Provided further that where the candidate is a member or member of Scheduled Castes, the amount to be deposited by him or on his behalf shall be rupees five. (2) If a candidate by or on whose behalf he has been elected withdraws his candidature before the nomination and within the time specified in sub-rule (1) or rule 12, or if the nomination of any such candidate is rejected, the whole deposit shall be returned to the person by whom it was made. (3) If a candidate by whom or on whose behalf the deposit has been made, withdraws his candidature within the time specified in sub-rule (2) of rule 12, three-quarters of the deposit shall be returned to the person by whom he paid the remaining one-quarter shall be forfeited to the State Government: (4) If a candidate who has been elected at the election, the deposit shall be returned to him, if by him, shall be returned to him (till to his last day of his term of office or, if not made by the candidate, shall be returned in full to the person by whom it was made. (5) If a candidate by or on whose behalf the deposit referred to in sub-rule (4) has been made is not elected and the number of votes polled by him (does not exceed the minimum as specified below, the deposit shall be forfeited to the State Government: -- (a) if the candidate is elected at an election by a constituency is one. Where the candidate is elected at the election by a constituency is two. Where the number of candidates to be elected at the election by a constituency is three. Where the number of candidates to be elected at the election by a constituency is four, or votes polled, one-half or the least number of votes polled by a candidate who has been elected at the election, one-third of the least number of votes polled by a candidate who has been elected at the election. One-quarter of the least number of votes polled by a candidate who has been elected at the election. (6) If a candidate by or on whose behalf the deposit, referred to in sub-rule (4) has been made is elected or is not elected, the deposit shall, if it is not forfeited under sub-rule (5), be returned to the candidate or to the person who has made the deposit on his behalf, as the case may be, after the publication of the result of the election in the Gazette: Provided that if a candidate is duly nominated at a general election in more constituencies than one, not more than one of the deposits made by him or on his behalf shall be returned, and the remainder shall be forfeited to the State Government.

9. List of candidates to be posted.—The returning officer shall, on the date specified under rule 4 in this behalf, post at his office a list of all the candidates whose nomination papers have been duly presented in accordance with the provisions of rule 7, together with descriptions similar to those contained in the nomination papers of the candidates and of the persons who have subscribed the nomination papers as proposers.

10. Candidates, etc., to be allowed to examine nomination papers.—On the date fixed for the scrutiny of nominations under the provisions of rule 4, the candidates, one proposer of each candidate and one agent or such candidate but no other person, may attend at such time and place as the returning officer may appoint, and the returning officer shall give them all reasonable facilities for examining the nomination papers or all candidates whose names are included in the list of candidates posted under the provisions of rule 9.

11. Scrutiny of nominations and decision of objections. On the date fixed for the scrutiny of nominations under the provisions of rule 4, after facilities have been given for the examination of nomination papers under the provisions of rule 10, and if necessary on the next following day, the returning officer or the returning officer is the General Assistant or General Assistant I, any other officer not below the rank of Sub-Inspector appointed by the returning officer in this behalf, shall examine the nomination papers of all candidates whose names are included in the list of candidates posted under the provisions of rule 9, and shall decide all objections made to any nomination, and may, either on such objection or of his own motion, after such enquiry, if any, as he may deem necessary, reject any on any of the following grounds— (a) that the candidate is ineligible for election under the provisions of section of the Act; (b) that a proposer is not qualified to subscribe the nomination paper under the provisions of rule 7; (c) that there has been any failure to comply with any of the provisions of rule 7 or rule 8; (d) that the candidate or his proposer is not identical with the person whose name on the roll is given in the nomination paper as the name of such candidate or proposer, as the case may be, genuine or has been obtained by force or fraud: Provided that— (i) nothing contained in clause (a) of this sub-rule shall be deemed to authorize the rejection of the nomination of any candidate on the ground that he is ineligible for election owing to his being a pauper; (ii) nothing contained in clauses (b), (c), (d) or (e) of this

sub- rule shall be deemed to authorise the rejection of the nomination of any candidate on the ground of any irregularity in respect of a nomination paper if the candidate has been duly by means of another nomination paper in respect of which no irregularity has been committed. candidate is or is not able to (2) If any objection arises; whether to read and write. Gurmukhi, the candidate be deemed to fulfil that from the headmaster of a qualification if he is proclitic; a certificate of Government or a recognised Khalsa School. of not below the middle standard, to the effect that the candidate can recite Shri Guru Granth Sahib in Gurmukhi and can also write Gurmukhi. (3) The returning officer or other officer appointed under the provisions of sub-rule (1) for the scrutiny of nomination papers shall endorse on each nomination paper his decision accepting or rejecting it, and, if he rejects it, shall record in writing a brief statement of his reasons for so rejecting it. (4) Any person aggrieved by any order passed by an authority under sub-rule (1) or sub-rule (3) may, within the date specified under rule 4 in this behalf, present, in person or by counsel or by an agent appointed by authority in writing signed by him and verified by a magistrate, sub-registrar, sarpanch, nayab pargana, lambardar or a member of Legislature or local authority, to the Deputy Commissioner of the district in which the returning officer is posted, an application for revision of such order. (5) When any application for revision of an order has been received under sub-rule (4), the Deputy Commissioner may, after hearing the applicant or his counsel, confirm such order, or after serving the candidates for election from the constituency with a notice, either personally or by registered post or by affixing its copy to those persons' residences or at the addresses given in their nomination papers, intimating the date on which the application will be heard, and after hearing the applicant and such other candidates, as may appear on the date so intimated, may confirm such order or set it aside and pass such other order as he may deem fit. The order so passed under this sub-rule shall be final.

12. Withdrawal of candidatures. Any candidate may withdraw his candidature by notice in writing subscribed by him and delivered by him in person or by his proposer or agent to the returning officer before 3 o'clock in the afternoon on the date specified under rule 4 in this behalf and no person who has thus withdrawn his candidature shall be allowed to cancel his withdrawal. (2) The returning officer may allow withdrawal of candidature not less than ten days previous to the date of the commencement of the poll if the number of remaining candidates is equal to the number of members to be elected from the constituency.

13. Allocation of Symbols. (1) If in any constituency the number of validly nominated candidates exceeds the number of seats to be filled, the returning officer shall, before preparing a list of valid candidates under rule 14, consider the choice as respects symbols expressed by candidates in the declarations referred to in sub-rule (2) of rule 6, delivered by them along with their nomination papers and shall, subject to any general or special directions issued by the State Government in this behalf, assign a different symbol to each candidate in conformity, as far as practicable, with his choice: If candidates than one indicate their preferences returning officer shall decide by lot to give the same symbol, which or (those candidates the symbol shall be assigned. The decision of the returning officer in assigning any symbol to a candidate under this rule shall be final. (2) In every case where a symbol has been assigned to a candidate under sub-rule (1), such candidate or his agent shall forthwith be informed the symbol so assigned and be supplied with a specimen thereof by the returning officer. (3) List of (to be) On completion of the scrutiny or nominations and after the expiry of the period within which candidates may be withdrawn under the provisions of rule 12, the returning officer shall forthwith prepare a list of valid nominations and cause it to be posted up in conspicuous place in his office and at such other places in the constituency as he may deem fit. (4) The list to be posted under sub-rule (3) shall contain the names in alphabetical order in Gurmukhi and addresses of the validly nominated candidates as given in the nomination papers and indicate the symbol assigned to each candidate. (5) If there are two candidates whose names are the same, they shall be distinguished by the mention of their occupation or their village or in such other manner as the returning officer may think fit. (6) Death of candidate, before poll.—If a candidate dies before the poll and after the date fixed for the nomination of candidates and his nomination is or has been accepted as valid at the time of scrutiny of nomination papers, all proceedings with reference to the election in the constituency or constituencies in which he was a candidate shall be commenced anew in all respects as if for a fresh election: Provided that no fresh nomination shall be necessary in the case of a candidate whose name entered on the list of valid nominations posted under the provisions of rule 9.

16. Procedure in election.—Subject to the provisions of rule 15, if the of (Illididates validly nominated in any 9 constituency is equal to or les Ilian lhe nuntl)er of rncjnberg to be elected for such constituency, , hen cahdidates shall be deemed to have been elecled and the returning olliccr shall forward a list of ntunes of such candidates Io the/Conlnmissioner, Gurdwara Elcations. and if lhe number of 15 less than the nutnbet• of mcnt- bers to bc clected, the Gurdwara Elections, shall fix another dale for the cléclion or IIC t•cmaining tnetnbers

17. Proc.cdltre in contested, ('Irc(inn.Af tho nutnbet• of candidates validly nominated in any constituency is grcaler than IIC ntunnbet• of nunbners to be elecled such constituency, a voll shall bc tal:cn on 1110 dale dales .gpccified' under rule 4 in this bchalf for election. List OJ polling (o be published and polling officpr•• (o bc 'L'hc returning officer shall select such ntunnbet• or polling stations as Illay clrcrfliii?cssary and .shall, nol less than first dale the dales (i.xcd for the cleclion, seven days befot•c the publish in the manner ror the publication of notices in lisl showing the polling stations so selected, tsub-rule (2) of rule 4 a the polling area for which each such station has been selected ancl lhe during which each such shall remain open ror the recording of voles, and Ghall be permilled to record his no person except at. the polling ion or the area t.o v.,,hiell according to the roll he belongs and (luring Ill? hours specified in the li.st. (.11) 'Tll? t•ning shall 'Oint a presi(.ling o(licr• ror each polling • station ancl such o lher persons (het•cina r ter refeced to as, polling ollicevs) (D assist as hc may deetn neces- the saty bt.tt he shall not any person who been employed by 01' on behalf or, or has been olberwise working for, a candiate in ()t• about. ,the election. If t.he presiding o(licet•, ovving to illnes.é or other unavoidable cause, absents his hijngelf the polling slation•. functions shnll be per[orjned "by such polling officer •as has been previously authorised by the returning officer to perform such func- tions during any such absence. and if a polling officer is absent from the polling station, the presiding o(licer may, subject Io the restric- (ion imposed al)ove, appoint any person who is present at the pollnr station to be the polling and inform the returning olliccr accordingly. rJ'he returning olliccr rmay at any tirne, if he thinks fit, appoint any other person to acl in place of any person previously appointed. (3) The presiding oflicer shall, in addition to performing ahy other duties irnposed upon him by lhese rules, be in general charge of all arrangements at •the polling station and 'nay issue orders as to the manner in which persons shall be admitted to the polling station and generally for the preservation of peace and order at or in the vicinity of' the polling. station. 1.9. Materials (.o bc supplied pol.ling slut.ions.— missioner, Gurdwara Elections, rmay _qli.vect that before an ballot paper is delivered Io a yo(er at polling stat-ton, with such official Inarlc as may bc this behalf, and the ollicial Inark so .spccified shall be kept secret. 10 (2) The rclurning olliccr shall provide at each polling station as many ballot boxes and ballot papers as may be necessary, instruments for stamping the ollicial mark on the ballot papers when any direc- lion in this behalf has been issued by the/ Commissioner, Gurdwara Elections. copies of the roll or such part tHereo(as contain the names or the ('lectors cntitled to volc at such station and. materials sufTi€ cient rot' the purpose of enabling elccclors Io mark (he ballot paperd

20. Arrangement.for secrecy of voting.—Each polling station. shall be furnished with such number of polling compartments, in which electors can record their votes screened from. observation, as the presiding Olliccr thinks necessary

21. Ballot box Every ballot box shall be of such design as may be approved by the 'Commissioner, Gurdwara Elections, and it.shnll be so conslrttced 111\11 ballot a crs can bc insertcd thercinLo during lhe polling but cannot bc willd)rawn thercfrom without the box being unlocked and the seals being broken. (2) One ballot box shall. at. a time, be used in a polling station and the same shall bc placcd for the receipt. of the ballot papers in the view of the presiding officer, candidates and their agents

22. Notices t.o be exhi each polling station and each polling cornparunent t ucre shall be displayed prominently : (i) a notice specifying the polling area the electors of which .are entitled to vote at the polling station ; (ii) a lisl of lhe validly nominated candidates ; and (iii) instructions for jnarking the voles on the ballot papers

23. Procedure 'before coinmencement of The presiding ollicer shall.inunedialcly before the commencement of the poll, allow inspection of Citeh l)tlilot box to be used at the poll to the candidates. their election agents and their polling agents who may be present at the polling station. and demonstrate to them that it is empty. (2) Where it is necrssar.v Io Ilse a •paper seal ror securing the ballot. box, the

presiding officer shall thereafter fix, in the space meant therefor, in each such box, a paper seal provided for the purpose. (3) He shall also affix on such paper seal his own signature and signatures or seals of the candidates or of their election or polling agents as may be present and who desire to affix such signatures or seals and shall then secure and seal each box in their presence in such a manner that the slit in the box for the insertion of the ballot papers remains open. (4) Where it is not necessary to use a paper seal for securing a ballot box, the presiding officer shall, after demonstration under sub-rule (1) that the ballot box is empty, secure and seal the box in such a manner that the slit in the box for insertion of ballot papers therein remains open and shall also allow the candidates or their election or polling agents, who may be present, to affix their own seals on the box, if they so desire. (5) The paper seal or other seal used in a ballot box shall be affixed in such a manner that it shall not be possible to open the box without breaking such paper seal or other seals or any thread on which such seals have been affixed. (6) The presiding officer shall or to be notified at any one place fixed for the poll and shall exclude therefrom all other persons except— (a) the polling officers; (b) every candidate, his election agent and one polling agent for each candidate; (c) persons authorised by the Commissioner, Gurdwara Elections, and the returning officer; (d) public servants on duty; (e) a child in arms accompanying an elector; (f) a person accompanying a blind or infirm elector who cannot move without help; and (g) such other persons as the presiding officer may from time to time admit for the purpose of assisting him in taking the poll.

25. Ballot paper.— (1) The ballot paper shall be of the design and printed in the manner as the Commissioner, Gurdwara Elections, may direct. (2) The ballot paper shall contain a serial number, the names of the validly nominated candidates in the order in which they appear in the list thereof and the facsimile of the symbol allotted to each of the candidates.

26. Voting to be in person and not by proxy shall be by ballot and every elector wishing to record his vote shall do so in person and not by proxy.

27. Questions to be put to electors.—At any time before a ballot paper is delivered to an elector, the presiding officer or a polling officer may of his own accord, if he has reason to doubt the identity of the elector or his right to vote at the polling station, and shall, if so required by a candidate or his agent, put to the elector the following questions: (a) Are you the person enrolled as follows:— (Reading the whole entry relating to the elector from the roll)? (b) Have you already voted at the present election? (c) Such other question as he may deem fit or necessary; and the elector shall not be supplied with a ballot paper unless he answers the first question in the affirmative and the second question in the negative or if he refuses to answer any other question put to him in pursuance of this rule. 12 2B. Special procedure for preventing impersonation of electors — (1) Subject to the other provisions of this rule, every elector who for a ballot paper for the purpose of voting at a polling station shall, before receiving such ballot paper, allow— (a) the inspection of his right hand by the presiding officer or any polling officer; and (b) an indelible ink mark to be put on his left forefinger. (2) If any such elector— (a) refuses to allow such inspection of his left forefinger; or (b) persists in doing, any act with a view to remove such mark after it has been put, he shall not be supplied with any ballot paper or to record his vote at the election. (3) No person who already has a mark on his left forefinger at the time he enters the polling station shall be supplied any ballot, and if any such person applies for a ballot paper, he shall be refused the same and be liable to be arrested and prosecuted for impersonation. (4) Any reference, in this rule or in rule 12, to the left forefinger of an elector shall, in the case where the elector has his left forefinger missing, be construed as a reference to any other finger of his left hand, and shall, in the case where all the fingers of his left hand are missing, be construed as a reference to the forefinger or any other finger of his right hand, and shall, in the case where all his fingers or both the hands are missing, be construed as a reference to whichever extremity of his left or right hand he possesses.

29. Procedure before recording of The elector on inspected by a polling (or the purpose of ascertaining if he already has any mark of indelible ink on that finger). If there is no such mark, the polling officer-in-charge of the electoral roll shall ascertain the elector's name and address and such other particulars as appear on the roll and, after having checked these by reference to the roll, shall call out the number, name and description of the elector according to the entry in the roll. (2) On the elector's name being called out, the elector shall approach the polling officer-in-charge of the ballot papers who shall

then cause the left forefinger of the elector to be marked with indelible ink and shall thereupon deliver a ballot to the elector. Before delivering the ballot paper the polling officer shall, where a direction has been issued in this behalf under sub-rule (1) of rule (19), stamp the ballot paper with such official mark as may have been specified under that rule. Such polling officer shall at the time of delivery of the ballot paper place against the serial number of the elector in the electoral roll a mark to denote that the elector has received a ballot paper and shall also keep a record of the serial number of the ballot paper supplied to the elector in such manner as the presiding officer may, subject to any general or special instructions issued in that behalf by the Commissioner, Gurdwara Elections, direct. 13 (3) In deciding the right of a person to obtain a ballot paper under this rule, the presiding officer at any polling station may interpret an entry in the electoral roll so as to overlook merely clerical or printing error if he is satisfied that such person is identical with the elector to whom such entry relates

30. Identification.—The presiding officer may employ at the polling station such persons as he thinks fit to assist him or any polling officer in identifying the electors

31. Manner of recording of votes. The elector on receiving a ballot paper shall forthwith proceed to one of the polling compartments and there make a mark on the ballot paper against the name of the candidate for whom he intends to vote in accordance with such instructions as may be issued in this behalf. (2) The elector shall then, before putting the ballot paper so as to conceal his vote, and after showing it to the presiding officer, place the ballot paper so folded into the ballot box in the polling compartment, put in the presence of the presiding officer. (3) The presiding officer shall, when he is so requested by an elector, explain to him the instructions for the recording of votes. (4) Every elector shall vote without undue delay and shall quit the polling station as soon as he has put his ballot paper in the ballot box. No elector shall remain in a polling compartment longer than is reasonably necessary for making his vote. (5) No elector shall be allowed to enter a polling compartment when another elector is inside

32. Recording of vote;; of infirnu ("11 If owing to blind- ness or other qphysical inlirnlit..y, an elector is unable to read the ballot paper or mako a mark thereon, lhe presiding olliccq shall record the vote on lhe ballot paper in accordeclance with thc wishes of the elector and fold it up so as to concea.l the vote. (2) The elector shall then himself or with the assistance of the m•qsiding• oflice p insert the ballot paper into the ballot box. (3) While acting under this rule lhe presiding officer shall observe as much secrecy as is feasible and shall keep a brief record of each such instance but tshall not indicate therein the manner in which any vote has been given; 33. Tendered a person reu•esenting himself to be a particula.r elector named on the electoral roll applies for a ballot paper after another person has already voted as suich elector, he iShall, after duly answering such as the presiding ofliccr may ask, be supplied witli a l)allot paper in



form 11 (hereafter in the rules referred to as a tendered ballot paper). (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 III. (3) Such person shall indicate on the ballot paper the name of the candidate for whom he wishes to vote; but if, owing to illiteracy or any other reason he is unable to make such record, the presiding officer shall do so in accordance with his wishes. (4) The procedure laid down in sub-rule (3) shall be followed with due regard to secrecy. (5) Every such tendered ballot paper shall forthwith be placed in a separate cover which shall be sealed and all such covers containing tendered ballot papers shall be kept in a separate packet

34. Challenged votes.—(1) If any candidate or his agent declares and undertakes to prove that any person by applying for a ballot paper has committed the offence of personation, the presiding officer may require such person to state his name and address and shall then enter such name and address in the list of challenged votes in form IV and shall require such person to sign such entry or, if he is unable to write, to affix his thumb-impression thereto and the presiding officer shall sign his name across such impression and may further require such person to produce evidence of identification: Provided that no action shall be taken by the presiding officer under this sub-rule unless a sum of two rupees has been deposited in cash with the presiding officer by the candidate or his agent for each challenge he makes. (2) : If the person so challenged refuses to comply with such requisition, he shall not be permitted to vote. But if such person does so comply and on being questioned in the manner provided in rule 27 answers the first question in the affirmative and the second question in the negative and replies satisfactorily to any other question put to him in pursuance of that rule, and if having been required to produce evidence of identification he produces evidence which the presiding officer considers satisfactory, he shall be allowed to vote after he has been informed of the penalty for personation. (3) If the presiding officer after such inquiry on the spot as he thinks necessary, is of opinion that the challenge made by the candidate or his agent under sub-rule (1) is frivolous and has not been made in good faith, he shall direct the deposit made under sub-rule (1) to be forfeited to Government and his order in this respect shall be final. (4) If the deposit made under sub-rule (1) is not forfeited under sub-rule (3); it shall be returned forthwith to the person by whom it was made. (5) The presiding officer shall in every case, whether or not the person challenged is allowed to vote, make a note of the circumstances in the list of challenged votes. 15 35. Spoilt ballot papers.—A voter who has inadvertently dealt with his ballot paper in such a manner that it cannot conveniently be used as a ballot paper may, after delivering such ballot paper to the presiding officer and satisfying him such inadvertence, obtain another ballot paper in place of the spoilt ballot paper, and the latter shall be marked as cancelled, 36. Recording of votes by staff on duty at polling station.—At a polling station they are entitled to a presiding officer, a polling officer, any other public servant or a polling agent, who is an officer in a constituency and is, by reason of his being on duty at a polling station, unable to vote at the polling station where he is entitled to do so. On application, he shall be allowed to record his vote in that constituency by means of the ballot paper prescribed for the constituency concerned, to be returned to the returning officer of that constituency by post so as to reach him before the date fixed for the declaration of result under rule 4. (2) Every such application shall be addressed to the returning officer of the constituency, shall specify the name of the elector, his address and his electoral roll number and shall be made at least ten days before the date fixed for the poll. (3) If the returning officer is satisfied that the applicant is entitled to vote under sub-rule (1), he shall make arrangements for the supply to him of the ballot paper by adding the word "postal" thereon

37. Return of ballot paper by elector.—If an elector after obtaining any ballot paper for the purpose of recording his vote decides not to use the same, he shall return the ballot paper to the presiding officer, and the ballot paper so returned shall then be marked as "(cancelled-returned)" and kept in a separate envelope set apart for the purpose, and a record shall be kept by the presiding officer of all such ballot papers

38. Closing of polling station.—The presiding officer shall close the polling station each day at the hour appointed under the provisions of sub-rule (1) of rule 18 and no ballot paper shall be issued to any elector, after such hour, but all electors present at the place fixed for the poll before it is so closed, shall be entitled to have their votes recorded : Provided that if for any reason it was not possible to open the polling station at the hour appointed under the provisions of sub-rule (1) of rule 18, or if by reason of disorder at the polling station or for any other reason, the polling was stopped for a certain time, the presiding officer shall keep the polling station open for a further period equal to the period that elapsed

between the hour appointed for the opening of the polling station and the hour, at which it was actually opened or the time during which polling was stopped, as the case may be



39. Procedure. at close of poll.—(1) The presiding officer of each polling station shall, as soon as practicable after the 'Close of the poll, in the presence of the candidates or their agents who may be present, prepare an account of ballot papers in



form V. (2) He shall also make up into separate packets:--- (i) the unused ballot papers; (ii) the tendered ballot papers; (iii) the cancelled ballot papers (returned as well as spoilt); (iv) the marked copy of the electoral roll; (v) the tendered votes list; (vi) the list of challenged votes; (vii) any other paper directed by the returning officer to be kept in a sealed packet; and shall seal each such packet with his own seal and the seals of such candidates or election or polling agents as may desire to affix their seals thereon. (3) He shall forward the account of ballot papers referred to in sub-rule (1) and the packets referred to in sub-rule (2) to the returning officer, along with the packets referred to in rule 43

40. Fresh poll in case of destruction of ballot boxes.—If at any election any ballot box or boxes in or are unlawfully taken out of the custody of the presiding officer or is or are in any way tampered with, or is or are either accidentally or intentionally destroyed or lost, the election in which such ballot box or boxes relate shall be liable to be declared as void, but only in respect of the polling at the place: Provided that no fresh poll shall be taken if the difference between the votes secured by the candidate who is found to have obtained the least number of votes up to the number of members to be elected and by the candidate who has polled the largest number of votes from amongst the remaining candidates is more than the total of voters entitled to vote at such a polling station or polling stations in the constituency. (2) Whenever the polling at any polling station or stations or at the place fixed for the poll shall be liable to be declared void under sub-rule (1), the presiding officer shall, as soon as practicable after the act or event causing such voidance has come to his knowledge, report the matter to the returning officer, Deputy Commissioner and the Commissioner, Gurdwara Elections. The Deputy Commissioner shall, in the event of his being satisfied, declare the election void and the returning officer shall, with the approval of the Commissioner, Gurdwara Elections, appoint a day for the taking of a fresh poll in such or every such polling station or in such place fixed for the poll and fix the hours during which the poll will be taken : Provided that no fresh poll shall be taken if the difference between the votes secured by the candidate who is found to have obtained the least number of votes up to the number of members to be elected and by the candidate who has polled the largest number of votes from amongst the remaining candidates is more than the total of voters entitled to vote at such a polling station or polling stations in the constituency. (3) The provisions of these rules shall apply to every such fresh poll as they apply to the original poll

41. Adjournment of poll.—If at an election the proceedings at any polling station under rule 10 are interrupted or obstructed by riot or open violence, or if possible to take the poll at any polling station on account of any natural calamity, or any other sufficient cause, the presiding officer shall announce an adjournment of the poll to a date to be specified later, and shall forthwith inform the returning officer. (2) Whenever a poll is adjourned under sub-rule (1), the returning officer shall immediately report the circumstances to the Commissioner, Gurdwara Elections, and shall, as soon as may be, with the approval of the Commissioner, Gurdwara Elections, appoint the day on which the poll shall recommence and fix the hours during which the poll will be taken and the votes cast at polling station shall not be counted until such adjourned poll shall have been completed: Provided that no adjourned poll shall be taken if the difference between the votes secured by the candidate who is found to have obtained the least number of votes up to the number of members to be elected and by the candidate who has polled the largest number of votes from amongst the remaining candidates is more than the total number of voters entitled to vote at such a polling station

42. Counting of votes to be done by presiding Officer at polling station.—Immediately after the formalities referred to in sub-rule (1) and (2) of rule 39 are completed, the presiding officer shall proceed with the counting of votes as follows:— (a.) He shall allow the candidates and their agents, who may be present, to inspect all seals on the ballot box or ballot boxes used at the polling station and satisfy them that they are in order. (b) He shall satisfy himself that none of the ballot boxes has been tampered with. (c) If the presiding officer is satisfied that any ballot box has been tampered with, he shall not count the ballot papers contained in any ballot box used at the polling station and shall follow the procedure laid down in rule 40. (d) If the presiding officer is satisfied that all the ballot boxes used at the polling station are intact and have not been tampered with, he shall open them and take out the ballot papers contained therein and allow the candidates and their agents, who may be present, to inspect the boxes and satisfy them that they are empty.

13. Scrutiny and rejection of ballot papers.—(1) The ballot papers so taken out shall be arranged in convenient bundles and scrutinised. (2) The presiding officer shall reject a ballot paper:— (a) if it bears any mark or writing by which the elector can be identified; or (b) if it is a spurious ballot paper; or (c) if it has been so damaged or mutilated that its identity as a genuine ballot paper cannot be established; or (d) if it bears any serial number, or IS or a design, different from the serial number or the design, the case may be, of the ballot papers authorised for use at the particular polling station; or (e) if it does not bear any mark which it should have borne under the provisions of rule 19; or if votes are given on it in favour of more than one candidate; or (g) if no vote is recorded thereon; or (h) if the mark indicates, the vote is placed on the ballot paper in such a manner as to make it doubtful to which candidate the vote has been given. (3) Before rejecting any ballot paper under sub-rule (2), the presiding officer shall allow each candidate, his election agent and one of the other agents, who may be present, reasonable opportunity to inspect the ballot paper, but shall not allow them to handle it or any other ballot paper. (4) The presiding officer shall endorse the letter 'H' on every ballot paper which he rejects and shall keep a brief record in

form VI of every case of rejection. (5) All ballot papers used at the polling station which are rejected under this rule shall be kept in a separate packet, 44. Counting of valid Every ballot paper which is not rejected under rule 43 shall be deemed to be valid and the votes recorded thereon shall be counted. (2) The presiding officer shall prepare a result sheet in form VII in respect of all ballot papers taken out of the ballot boxes. (3) After the counting of votes recorded on the ballot papers contained in the ballot boxes used at the polling station has been completed and the entry in respect thereof made in form VII, the presiding officer shall announce the particulars in such entry. (4) After such announcement has been made, a candidate or, in his absence, his election agent may apply in writing to the presiding officer for a recount of the ballot papers already counted stating the grounds on which he demands such recount. (5) On such an application being made, the presiding officer shall decide the matter and may allow the application in whole or in part or may reject it in toto if it appears to him to be frivolous or unreasonable. (6) Every decision of the presiding officer under sub-rule (5) shall be in writing and contain the reasons thereof. (7) If the presiding officer (under sub-rule (5) to allow or refuse) in part, he shall: an application either in whole or papers again in accordance with his (a) count the ballot decision; (b) amend the result sheet to the extent necessary after such recount; and (c) announce the amendments so made by him. (8) After the particulars of entry have been announced under sub-rule (3) or, in case of recount, under sub-rule (7), the presiding officer shall sign the sheet and no application for a recount shall be entertained thereafter. (9) After the result sheet has been signed by the presiding officer, the ballot papers shall be kept in a separate packet which shall be sealed and on which shall be recorded the following particulars namely : --- (a) the name of the constituency; (b) the particulars of the polling station where the ballot box (es) was/ were used; (c) the names, of the candidates; and (d) the date of the poll. (10) Each packet of rejected ballot papers referred to in sub-rule (5) of rule 43 shall be sealed and the particulars specified in sub-rule (9) shall be recorded thereon

45. Declaration of elected candidates and procedure in case of equality of votes.—(1)The presiding officer shall forward the packets containing the valid and rejected ballot papers and the result sheet in



form VII referred to in rule 44 to the returning officer immediately. (2) On the day fixed for the declaration of result, the returning officer shall open the covers containing the ballot papers to him under rule 30, take out the ballot papers and shall scrutinize the same in the manner laid down in rule 43. The ballot papers rejected by the returning officer shall be kept by him in a separate packet. (3) The returning officer shall then count the valid votes recorded on the ballot papers not rejected by him under sub-rule (2) and shall prepare a result sheet in form V. (4) After the counting of votes recorded on the ballot papers have been completed and the entry in respect thereof made in form V, the returning officer shall announce the particulars in such entry, all the valid votes recorded on the ballot papers have been counted, they shall be kept in a separate packet which shall be sealed and on which shall be recorded the following particulars, namely:— (a) the name of the constituency; (b) the names of the candidates; and (c) the date of counting. (5) The packet of rejected ballot papers referred to in sub-rule (2) shall be sealed and the particulars specified in sub-rule (5) shall be recorded thereon. (6) The returning officer shall then consolidate the result in form VIII from the result sheets received by him from all the presiding officers in the constituency and the result sheet prepared by him under sub-rule (3) and shall declare it in the following manner:— (a) The candidates who are found to have obtained the largest number of valid votes up to the number of members to be elected shall be declared to have been elected. (b) If, after the counting of votes, it is impossible to determine which candidates have obtained the largest number of votes up to the number of members to be elected, owing to the fact that two or more candidates have obtained an equal number of votes, the returning officer shall decide by lot which of such candidates shall be deemed to have been elected and shall declare them elected accordingly.

46. Return of result. (1) After the counting of votes has been concluded and the result has been declared, the returning officer shall prepare and forward to the State Government and to the Commissioner, Gurdwara Elections, a return showing the names of the candidates, the number of valid votes recorded for each and the names and addresses of the elected persons. (2) After such returns have been received from all the returning officers elected in the Official Gazette, the returning officer shall post a copy of the return in a conspicuous place in his office. (3) After such returns have been received from all the returning officers elected in the Official Gazette, the returning officer shall seal up the parcels of issued and unissued ballot papers, and such parcels, together with all other parcels received from the polling stations, shall remain in his custody until the expiry of one year from the date of the election when they shall be destroyed subject to any direction to the contrary made by the State Government or by a competent court or by a Tribunal appointed to hold an enquiry into an election. (4) While in the custody of the returning officer, the packet of rejected or tendered, and of the marked ballot papers, whether valid, copy of the electoral roll shall not be opened and their contents shall not be inspected by, or produced before, any person or authority except under the order of a competent court or of a Tribunal. All other papers relating to the election shall be open to public inspection subject to such conditions laid down to the payment of such fee, if any, as the State Government may direct. (5) Copies of returns forwarded by the returning officers under rule 46 shall be furnished by the Commissioner, Gurdwara Elections, on payment of a fee of two rupees for each such copy.

48. Procedure for filling a vacancy occurs among the elected members of a committee by the death. resignation or removal of any member and a new member has to be elected in his place in accordance with the provisions of section 96 of the Act, such election shall be conducted in the manner prescribed in these rules for a general election and the programme of the election shall be framed as soon as may be convenient after the occurrence of the vacancy and the electoral roll in force under the provisions of rule 5 shall be deemed to be the electoral roll for the purpose of holding the election. V49. Final authority for interpretation of these rules.—If any question arises regarding the interpretation of these rules otherwise than in connection with an election petition which has actually been presented, the question shall be referred to the 1 Commissioner, Gurdwara Elections, who may decide it himself, or, if he thinks fit, may refer it to the State Government. The decision of the Commissioner, Gurdwara Elections, or the State Government, as the case may be final. 50. Re.p2aL.—The Sikh Gurdwaras Committee Election rules. 1954 are hereby repeated: Provided that any order, made, notification issued or anything done or any action taken under any of the said rules shall be deemed to have been made, issued, done or taken under the corresponding provisions of these rules. 22



FORM 1 [See rule 71 NOMINATION PAPER Election to IIIC Commit(cc of Mnnagcmnt of Gurdwara
(s) Nantc or thc •Gurdwara and nunibcr in Scludc J or thc Sikh Gurd- warns Act, 1925, Name or
Gurdwara with narnc or village or town, if it is a nolified Sikh Gurdwara under section 9 or 17 or the Act (To be filled by the proposer) I Itcreby nonlina(c—— the Cotntuittcc constituency— front (1) Full namc or
proposcr as a candidate for election (2) Serial numbcr or proposcr in the electoral roll of the constituency
in which the candidate is being nominated for election Thana or Zail/Patwar circle and naine of town (3)
Name of the candidate's Fnthcr/Husband (4) Full postal address of candidate (5) Constituency on electoral
roll or which the candidate is registered as an elector (6) Serial nurnbcr or the candidate in the electoral roll
of the constituency in which he is registcred as elector Thana or Zail/Palwar Circle town Dale *Signature
includes thumb-impression. , and name *Signature of proposer. Note.—This nomination paper will not be
valid unless it is delivered by the candidate either in person or by hié proposer or by an agent appoin t• ed
by authority in writing signed by the candidate and verified by a magistrate, sub-registrar, sarpanch,
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Re!urning Officer. The symbol assigngd to the candidate is Signature of Returning Officer. RECEIPT
FOR NOMINATION PAPER AND NOTICE OF 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 from Comrnittce constituency, was delivered to the me at my office at (hour) on (date) by the
candidate/proposer/duly authorised agent. All nomination papers will be taken up for scrutiny (date) at
Dale (place). Returning Officer. 24 FORM (Sicc rule 'l'cndcred clion ./br----- .19 Polling Slat ion—
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SARKAR MINISTRY op HOME APPAIRS/GRIH MANTRALAYA NEW DELHI, Dated: 4-5-1998 The
Secretary, Gurdwara Electio- Commission, 23, Sctcr 8' (Fax No. 0172 782433) CHANDIGARH The

Secretary, Government of Punjab (Election Department), SCO No. 29-30, Sector 17, CHANDIGARH (Fax No. Subject: — Amendment in Sikh Gurdwaras Act, 1925 — Sections 85, 47 A and Section 88 (3) of Sikh Gurdwaras Act, 1925 and Sikh Gurdwara Election Rules, 1959 — Notification — Reg. Sir 'I am directed to forward herewith a copy each of the notification No. 7012/3/95-IS(D.I) and 17012/3/96- S (D .

I) regarding amendments in Sections 85, 47A and 88 (3) of the Sikh Gurdwaras • Act, 1925 and Sikh Gurdwara Election 1959 for your ndly acknowledge the receipt of the same. Yours ai h fully, (RO ASH - 2- Copy along with copr each of the Notifications forwarded to 1. The Secretary, Shiromani Gurdwara Prabandhak Committee, Amritsar (Fax No. 553919). The Secretary, Election Deptt.

2. Chandigarh

3. Secretary, Pradesh, Simla. Election Deptt. Govt . Govt . of of 4. Enclos: The Administrator, UT as above of Chandigarh. e (RÖ TA UNDER SECRETARY TO THE GOVT Haryana, Himachal DIA From Sub: The Legal hemembranc'l Director of Prosecutl Chandigarh Administration. The Controller Printing Stationery, Chandigarh. Memo NoeLL)— Dated ,Chandicaj.'h he Sn tho Sikh Gurdunca Please find enclosed hut owJth a copy of the Act ry.ferred to as subject w.u,h a reqilö:Å: to publish the same In the Chandigarh Admini#tration today for the information of generql public copy of the Act after republication may be supplied to l.he to Govt. Of India,aviinistry of artaigo , New Delhi in due coUrse. 20 printed copies nf the Act may be supplied to this department for office use. Endst .N,.LD- I latecl,Chandigarh the A copy is forwarded to Secretary to Govt. of India, Ministry of to his letter , New Delhi with ref erence dated' ili Pros ecuti on,Chandigarh Admn. 271] No. 2711 .-33004/98 REGD. NO. D. L.-33004/9ß Che Gazette of •tidia EXTRAORDNARY (ii) PART 11—Section 3---Sub-see (iD BY AUTHORITY 30, 1998/ã?TTu 10, 1920 NEW DELHI, THURSDAY, APRIL 30, 1998/VAISAKHA 10, 1920 30 1998 aq. 360(1966 (1966 31) 72 (1) 1925 (1925 1966 72 (2) fiü*ffrt, 72 a-q-qrq (2) (3) (1) t 1925 (1925 8), Q, 1. 2. 7 3ftfiqq, 1925 — (i) (ii) (iii) 88 (3) 8 2 3

4. GAZETTE OF NDIA : EXTRAORDINARY 1959 (ii) " MINISTRY OF AFFAIRS NOTIFICATION New Delhi, the 30th April, 1998 [PART 11—SEC. 3(ii)] 17012/3/96*. S.O.360(E).— Whereas under Sub-section (1) ofSection 72 ofthe Punjab Reorganisation Act, 1966 (31 of 1966), read with sub-section (3) thereof, the Board constituted under the Sikh Gurdwaras Act, 1925 (Punjab Act of 1925) shall, on and from the 1st day of November, 1966, continue to fungtion and operate in those areas in respect of which it was functioning and operating immediately before that day, subject to such directions as may, from time to time, be igsued by the Central Govern- ment until other provision is made by law in respect ofthe said Board; And, whereas, under sub-section (2) ofthe said section 72, any such direction may include a direction that any law by which the said Board is governed shall, in its application to that Board, have effect, subject to such exceptions and may be specified in the direction; Now, therefore, in exercise of ffe powers conferred by sub-section (1) read widi sub-sections (2) and (3) of the said section 72, the Central Government hereby directs that the Sikh Gurdwaras Act, 1925 (Punjab Act 8 of 1925) shall have effect, as from the date of the issue of this notification, subject to the following frtther modifications, namely:— 1. 2. 3

4. In Section 47-A ofthe Sikh Gurdwaras Act, 1925,—(i) in the heading , for ffe words "of the Board", ffewords "of the Board and of Commitees?" shall be substituted; (ii) in sub-section (1), for the words "of the Board", the words " of the Board and of shall be substituted; (iii) in sub-section (3), for the words "of the Board", the words "of the Board and of Committees" shall be substituted. In section 88, in sub-section (3), for the words "and nominated shall noti\$'," the words "and nominated the Chief Commissioner when in existence, otherwise the State Government shall notify" shall be substituted. In the Sikh Gurdwara Committee Election Rules, 1959,— (i) in Rule 4, in sub-rules (1) and (3), for the words "the Commissioner, Gurdwara Election", the words "the Chief Commissioner when in existence otherwise the Commissioner, Gurdwara Elections" shall be substituted; (ii) in rule 6 for the words "the State Government", the words "the Chief Commissioner, Gurdwara Elec- tions, when in existence, otherwise the State Government" shall be substituted. This notification shall come into force on the date of its ppblication in the Official Gazette. [F. No. 17012/3/96 IS (D-1)] SHIV BASANT, Jt. secy. Printed by the Manager, Govt ofIndia Press, Ring Road, Mayapuri, New Delhi-110064 and Published by the Controller ofPublications, 10054 — 1998.