

## CHAPTER XVII

ELECTION OF MEMBERS TO THE LOCAL  
EDUCATIONAL AUTHORITIES

## A

## PREPARATION OF ELECTORAL ROLLS

1. There shall be a Local Educational Authority for each of the Educational District in the State.
2. The electoral rolls for each constituency in a Local Educational Authority shall be prepared and revised by the District Educational Officer of the Educational District concerned.
3. (1) The electoral roll for each constituency shall come into force immediately on its final publication.  
  
(2) The said electoral roll shall thereafter be revised in every subsequent year.
4. If for any reason the electoral roll is not revised in any year as required by rule 3 (2) the validity or continued operation of the electoral roll shall not thereby be affected.
5. The District Educational Officer, on application made to him for the correction of an existing entry in the electoral roll of the constituency, shall if he is satisfied, after such enquiry as he thinks fit, that the entry relates to the applicant and is erroneous or defective in any particular, amend the entry accordingly.
6. Any person who has acquired the right to vote in a constituency after the period specified in Rule 8 and whose name is therefore not included in the electoral roll of the constituency, may apply to the District Educational Officer for the inclusion of his name in that roll. If an application so made is rejected an appeal she lie within ten days to the Director and his decision shall be final.
7. As soon as the electoral roll for a constituency is ready, the District Educational Officer shall publish draft of such roll by making copies thereof available for inspection in his office and in the offices of the

Assistant Educational Officers under him and displaying a notice to the effect in the said Offices.

8. Every claim for the inclusion of a name in the electoral roll and every objection to an entry therein shall be lodged within a period of fifteen days from the date of publication of the draft roll under Rule 7. The claims and objections shall be disposed of by the District Educational Officer after such enquiry as he thinks fit. An appeal over the decision of the District Educational Officer shall lie to the Director within ten days from the date of disposal of the claim or objection by the District Educational Officer.
9. The District Educational Office shall prepare a list of amendments to carry out the decision on the claims and objections referred to in Rule 8 and any other amendments he may find necessary on correcting any clerical errors subsequently discovered in the roll.
10. The District Educational Officer shall thereafter publish the roll, together with the list of amendments by making a complete copy thereof available for inspection and displaying a notice to the effect at his office and in the Offices of the Assistant Educational Officers under him and on such publication the roll together with the list of amendments, shall be the electoral roll, for the constituency:

Provided that the District Educational Officer, at any time, correct any clerical error that he may discover in the electoral roll.

11. (1) For the purpose of the annual revision of the electoral roll for any constituency, a list of amendments to the electoral roll for the time being in force shall be prepared.  
(2) When any such list of amendments to an electoral roll for a constituency has been prepared, the electoral roll for the constituency for the time being in force together with such list of amendments, shall be published in draft in the manner specified in Rule 7 and the provisions in Rules 8 to 10 shall, as far as may be, apply in relation to every such roll (including the list of amendments) as they apply in relation to the main electoral rolls.  
(3) When the electoral roll together with the list of amendments is finally published, the electoral roll shall be deemed to have been revised accordingly and the roll so revised shall come into force immediately on such final publication.
12. Copies of the electoral rolls and lists of amendments shall be furnished by the District Educational Officers to the Returning Officer concerned.

**B****CONDUCT OF ELECTIONS**

- 13.** The Government shall by notification in the Gazette call upon the constituencies specified in Section 17(2) (b), (c), (d) and (e) of the Act to elect members of the Local Educational Authorities in accordance with the provisions of the Act and of the Rules and orders made there under. The notification shall specify in particular;
- (a) the last date and time for making nominations and the place at which and the Returning Officer to whom the nomination paper shall be delivered;
  - (b) the date, time and place for scrutiny of nominations;
  - (c) the last date and time for the withdrawal of candidatures;
  - (d) the date and time before which the ballot papers with the vote recorded thereon should reach the Returning Officer; and
  - (e) the date on which and the time at which the votes will be counted and the result of the elections will be announced.
- 14.** The Revenue Divisional Officer in charge of the revenue administration over the local area shall be the Returning Officer for election to the Local Educational Authority for each local area and it shall be the general duty of the Returning Officer at any election to do such acts and things as may be necessary for effectually conducting the election in the manner provided by the Act and the Rules and the orders made thereunder.
- Note-** If there are more than one Revenue Divisional Officer in charge of revenue administration over a local area, the Revenue Divisional Officer having charge over the area which is the Head quarters of the District Educational Officer in charge of the local area shall be the Returning Officer.
- 15.** The Returning Officer shall furnish copies of the above notification to the managers of aided schools in the local area who are entitled to vote and shall give publicity to the notification among the teachers in Government and aided schools and the members of the Panchayaths, the Municipal Councils, or Corporation in the local area who are entitled to vote, through the Headmasters of the schools, the President of the Panchayaths, and the Commissioners of the Municipal Councils or Corporation as the case may be. The Returning Officer shall, while furnishing copies of the notification invite nominations of candidates for the election. The nomination papers shall be in the form 12 appended to these Rules.

16. The nomination paper completed in the prescribed form and signed by the candidate and by an elector of the constituency as proposer shall be delivered to the Returning Officer by the candidate in person or by his proposer. A candidate shall not be deemed to be nominated unless he deposits or causes to be deposited a sum of Rs. 25 in the Treasury.
17. The Returning Officer shall examine the nomination papers on the date and time fixed therefor and in the presence of the candidates and/ or their proposers and shall affix to his notice board a list of valid nominations. The Returning Officer may reject any nomination on the ground that the candidate is not qualified for being chosen to fill a seat or that there has been a failure to comply with any of the provisions relating to the conduct of the election or that the signature of the candidate or his proposer is not genuine. If a nomination paper is rejected the Returning Officer shall record thereon a brief statement of his reasons for such rejection.
18. After the expiry of the date fixed for withdrawal of candidature, the Returning officer will publish in the Gazette a list of contesting candidates and shall also communicate the list to the electors concerned in the same manner as specified in Rule 15.
19. If there is no contest, the result of the election will be forthwith announced by the Returning Officer. If there is a contest, the voting shall be conducted by the Returning Officer in the manner specified below by postal ballot. The ballot paper shall be in form 13 appended to these Rules.
20. (1) Along with the list of contesting candidates, the Returning Officer Shall send to the Managers of aided schools entitled to vote a postal ballot paper by registered post and shall at the same time enter on the counter foil of the ballot papers the name of the elector to whom the ballot paper is sent. In the case of Graduate teachers and Non-Graduate teachers the ballot papers shall be sent to the electors by registered post through the Head of the school in which they are working and the numbers of the ballot papers furnished to each school shall be noted in the counter foil bearing the first serial number of the ballot papers furnished to that school. The same procedure will be followed for sending ballot papers to the members of the Panchayats, Municipal Councils or Corporation in the local area, the ballot papers being sent through the Presidents of the Panchayats or Commissioners of Municipal Councils or Corporation as the case may be.  
  
(2) Along with the ballot paper, the Returning Officer shall also send for the use of elector:-

- (a) a declaration in Form 14;
- (b) a cover in Form 15;
- (c) a large cover addressed to himself in Form 16;

**Note:-** One cover each of suitable size will be supplied to the Heads of schools for putting in the covers in Form 15 received from the Graduate teachers of the schools and one cover for putting in the covers received from the non-Graduate teachers. Similar covers will be supplied to Panchayat Presidents and Commissioners of Municipal Councils/ Corporation for putting in the covers received from the voters. In other words separate covers in Form 16 are not required for each elector in these constituencies.

- (d) Instructions for the guidance for the elector in Form 13.

(3) After ballot papers have been issued to all the electors in the manner specified above, the Returning Officer shall seal up in a packet the counterfoils of all such ballot papers and record on the packet a brief description of its contents; the name of the constituency, and the date on which he seals it.

(4) No election shall be invalidated by reason that the elector has not received his ballot paper provided that a ballot paper has been issued to him in accordance with these Rules.

**21.** (1) The elector shall record his vote on the ballot paper in accordance with the directions contained therein; he shall then secure the same in the cover in Form 15.

(2) The elector shall sign the declaration in Form 14 in the presence of and have the signature attested by a Member of the Legislative Assembly, or a member of a Panchayat, Municipal Council, or Corporation, or the Headmaster or a teacher of a Government or aided school.

**22.** (1) After an elector has recorded his vote and made his declaration he shall return the ballot paper and his declaration to the Returning Officer (direct or through the Head of the Institution in the case of Managers and through the Heads of the schools and the Panchayat Presidents and Commissioners of Municipal Councils/ Corporation as the case may be in the other cases), so as to reach him before the date and time fixed in that behalf.

(2) The Heads of schools, the Presidents of the Panchayats, and the Commissioners of the Municipal Councils or Corporation shall send the following by registered post to the Returning Officer as soon as the election is over and in any case so as to reach the Returning Officer not later than the date and time fixed for the receipt of ballot papers by the Returning Officer:-

- (i) A sealed packet containing the covers in Form 15,
- (ii) A sealed cover containing a list of the electors to whom ballot papers were supplied with the number of the ballot papers supplied noted against each:-
- (iii) A sealed cover containing the declarations signed by the electors;
- (iv) A sealed cover containing the unused ballot papers; and
- (v) A ballot paper account showing the number of ballot papers received, their serial numbers, the number used; their serial numbers, and the number unused and their serial numbers.

The contents of each cover should be prominently noted on the outside of the cover. The covers (ii) and (iv) shall not be opened by the Returning Officer. The covers containing the declarations signed by the electors shall be kept in a separate packet and sealed by the Returning Officer before the counting of votes is commenced.

(3) If any cover containing the postal ballot paper is received by the Returning Officer after the due date, the Returning Officer shall note thereon the date and time of its receipt and shall keep all such covers together in a separate cover.

(4) The Returning Officer shall keep in safe custody until the commencement of the counting of votes all covers containing the ballot papers received by him.

- 23.** Votes shall be counted by, or under the supervision and direction of the Returning Officer and the candidates and an agent authorised by the candidate shall have a right to be present at the time of counting.
- 24.** If an equality of votes is found to exist between any candidate, the Returning Officer shall forth with decide between the candidates by lot and proceed as if the candidate on whom the lot falls had received an additional vote.

25. When the counting of the votes has been completed, the Returning Officer shall forthwith declare the result of the election and shall report the result to the Government and the Director of Public Instruction.
26. If a candidate by whom or on whose behalf the deposit has been made withdraws his candidature in the manner and within the time specified the deposit shall be returned to the person by whom it was made.
27. If the candidate is not elected and the number of votes polled by him does not exceed one-sixth of the total number of votes polled the deposit shall be forfeited to the Government.
28. All complaints regarding the conduct of the election will be disposed of by the District Collectors in charge of the area and their decision shall be final. The complaints shall be preferred within three months from the date of announcement of the election by the Returning Officer. For the purpose of examination and disposal of the complaints the sealed packets referred to in Rule 20(3) and the sealed covers referred to in Rule 22(2) (ii) and (iv) may be opened by the District Collector.