

# Tripura Tribal Areas Autonomous District Village Committee (Conduct of Election) Rules, 1996

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# Key Definitions

## **Act**

The Tripura Tribal Areas Autonomous District (Establishment of Village Committee) Act, 1994 is referred to as the "Act" in these Rules. This Act outlines the framework for the establishment and functioning of Village Committees in the Tripura Tribal Areas Autonomous District.

## **Counter Foil**

Means counter foil attached to a ballot paper printed under the provision of this Rule.

## **Electoral Roll**

The "Electoral Roll" refers to the list maintained by the Returning Officer for each Village Committee election. This list contains the names and details of all eligible voters in the constituency.

## **Polling Station**

In relation to election of Village Committee means the place fixed for taking poll of that election

## **Ballot Box**

The term "Ballot Box" encompasses any container used for voters to insert their Ballot Papers. This includes boxes, bags, or other receptacles specifically designed for this purpose.

## **Electoral Roll Number**

The "Electoral Roll number" means the serial number of the entry in the electoral roll in respect of the person.

# General Election Process

## Term Expiration

General elections are typically held before the term of office of the Village Committee members expires.

## Early Dissolution

If the Village Committee is dissolved early, elections are held soon after.

## First Constitution

The first election for the Village Committee is held within a timeframe decided by the Executive Committee.

## Notification

The Executive Committee issues a notification in the Gazette calling for elections in each constituency.

The Executive Committee can issue orders to ensure the smooth conduct of general elections. The State Election Commissioner, in consultation with the Executive Committee, oversees the election process, adhering to the provisions of the Tripura Tribal Areas Autonomous District (Establishment of Village Committee) Act, 1994 and its associated rules.

# Filling Casual Vacancies

## Vacancy Occurrence

When a Village Committee member's seat becomes vacant, either through resignation, death, or a court decision, the Executive Committee must notify the constituency to hold a by-election. This notification is published in the Gazette, the official publication of the Tripura government.

## Election Process

The by-election to fill the vacant seat follows the same procedures outlined in the Tripura Tribal Areas Autonomous District Village Committee (Conduct of Election) Rules, 1996. This ensures consistency and fairness in the election process, regardless of whether it's a general election or a by-election.



# Functions of District Election Officer

The District Election Officer is responsible for coordinating and supervising all election-related activities within their jurisdiction. This includes overseeing the conduct of elections for all Village Committees in the district. The District Election Officer is accountable to the State Election Commissioner and must follow their directions and control.

The District Election Officer also performs other functions as assigned by the State Election Commissioner. These functions may include providing guidance to election officials, resolving disputes, and ensuring the integrity of the election process.

# Appointment & Responsibilities Returning Officer

## 1 **Appointment**

The State Election Commissioner, in consultation with the State Government and Executive Committee, appoints a Returning Officer for each constituency. This officer is responsible for overseeing the election process.

## 2 **Duties**

The Returning Officer is tasked with carrying out all necessary actions to effectively conduct the election as per the established rules and procedures.

## 3 **Impartiality**

The Returning Officer must remain impartial and cannot be someone who has been employed by or is working for any of the candidates.

# Appointment of Asstt. Returning Officer

## **Asstt. Returning Officer**

The State Election Commissioner, in consultation with the State Government and Executive Committee, can appoint one or more persons as Asstt. Returning Officers. These officers assist the Returning Officer in carrying out their duties. Every Asstt. Returning Officer must be an Officer of the State Government.

## **Returning Officer Control**

Every Asstt. Returning Officer is under the control of the Returning Officer. They are competent to perform all or any of the functions of the Returning Officer. However, they cannot perform functions related to the security of nominations unless the Returning Officer is unable to do so.

# Presiding Officers and Polling Staff

## Appointment

The Returning Officer appoints a Presiding Officer for each polling station, as well as any additional Polling Officers deemed necessary to assist the Presiding Officer.

## Qualifications

Presiding Officers and Polling Officers cannot be individuals who have been employed by or are working for any of the candidates in the election.

## Duties

The Presiding Officer is responsible for overseeing the polling station and ensuring the smooth and impartial conduct of the voting process. Polling Officers may be assigned to perform specific functions under the Presiding Officer's direction.



# Staffing Support for Elections

**1**

## **Staff Provision**

The Executive Committee is required to provide the necessary staff to the State Election Commissioner to assist with the functions and responsibilities related to the election.

**2**

## **Coordination**

This ensures the State Election Commissioner has the resources and support needed to effectively carry out the election process.

**3**

## **Impartiality**

The staff provided must remain impartial and not be affiliated with or working for any of the candidates.

# Polling Stations

1

## Returning Officer

The Returning Officer, with the State Election Commissioner's approval, provides sufficient polling stations for the Village Committee election. These stations are where voters cast their ballots.

2

## Polling Station List

The Returning Officer publishes a list of polling stations in the Gazette, no later than the last day for withdrawing candidature. This list includes the polling areas for each station.

3

## Polling Area

The polling area defines the groups of voters assigned to each polling station. This ensures that voters cast their ballots at the designated location for their specific area.

# Nomination Process

1

## Notification

The Executive Committee publishes a notification in the Gazette calling for elections in each constituency. This notification outlines the key dates for the election process, including the last date for nomination, scrutiny, and withdrawal of candidature.

2

## Candidate Eligibility

Any person whose name is included in the electoral roll of the constituency and who has completed the age of 21 years on the last date of making nomination can be nominated as a candidate. The candidate can only be nominated for one seat in the Village Committee.

3

## Nomination Paper

The Returning Officer provides nomination papers to voters on demand. The candidate, along with a proposer who is a voter in the constituency, must complete and sign the nomination paper. The nomination paper must be delivered to the Returning Officer on the appointed date.

# Political Party Symbols

## Reserved Symbols

Reserved symbols are allocated by the Election Commission of India to recognized political parties. These symbols are exclusively used by candidates nominated by the party. The party's symbol is displayed on the ballot paper, allowing voters to easily identify their preferred candidate.

## Free Symbols

Free symbols are available for candidates who are not affiliated with a recognized political party. These symbols are listed in the first Schedule of the Rules. Candidates can choose their preferred symbol from the list, ensuring a diverse range of visual representations on the ballot paper.

# Scrutiny and Withdrawal

1

## Scrutiny

The Returning Officer examines nomination papers on the appointed date. Objections may be raised, and the Returning Officer can reject nominations based on various grounds, such as disqualification of the candidate or proposer.

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2

## Valid Nominations

After scrutiny, the Returning Officer prepares a list of validly nominated candidates, those whose nominations have been accepted. This list is displayed publicly.

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3

## Withdrawal

Candidates can withdraw their candidature by submitting a written notice to the Returning Officer before the deadline. This notice must be signed by the candidate and delivered in person or by their authorized election agent.

The Returning Officer ensures that the nomination process is conducted fairly and transparently. The scrutiny process allows for objections to be raised and addressed, ensuring that only eligible candidates are included in the final list. Candidates have the right to withdraw their candidature before the deadline, allowing them to change their minds or for other reasons.



# Preparing the List of Candidates

## Compilation

Immediately after the withdrawal period, the Returning Officer compiles a list of all contesting candidates whose nominations have been accepted and who have not withdrawn.

## Alphabetical Order

The list is arranged alphabetically, with surnames or names of the candidates, as directed by the State Election Commission.

## Symbol Allocation

The Returning Officer then allocates a unique symbol to each contesting candidate, resolving any conflicts by lot.

## Publication

The final list of contesting candidates is published and shared with each candidate or their election agent.

# Appointing Election Agents

## **Candidate's Agent**

Candidates can appoint an election agent to represent them during the election process.

## **Revocation**

The appointment of an election agent can be revoked by the candidate at any time before the election.

## **Replacement**

If an election agent resigns or is revoked, the candidate can appoint a new agent to take their place.

# Polling Agents

1

## Appointment

Candidates or their election agents can appoint polling agents to represent them at each polling station.

2

## Presentation

Polling agents must present their appointment letter to the Presiding Officer on the day of the poll.

3

## Revocation

The appointment of a polling agent can be revoked by the candidate or their election agent before the start of the poll.

4

## Replacement

If a polling agent's appointment is revoked or they are unable to attend, the candidate or their agent can appoint a new polling agent.

# Voting Procedures

## In-Person Voting

Electors must vote in person at the polling station assigned to them, as per the rules.

## Proxy Voting

Voting by proxy is not permitted, and all electors must cast their votes in person.

## Uncontested Elections

If the number of contesting candidates is equal to or less than the number of seats, the Returning Officer will declare those candidates elected without a poll.

# Countermanding the Poll

## Candidate Death

If a contesting candidate dies before the publication of the list of candidates or the start of the poll, the Returning Officer must countermand the election and report it to the relevant authorities.

## Restarting the Process

In such cases, the election process must be restarted from the beginning, with new nominations allowed, except for candidates who had already withdrawn their candidature.



# Uncontested and Contested Elections

## Uncontested Elections

If the number of contesting candidates is equal to the number of seats, the Returning Officer will declare those candidates elected without a poll.

## Contested Elections

If the number of contesting candidates is more than the number of seats, a poll must be conducted to determine the winners.

## Insufficient Candidates

If the number of contesting candidates is less than the number of seats, the Returning Officer will declare the candidates elected and inform the relevant authorities to take appropriate action.

# Manner of Voting

At every election where a poll is taken votes shall be given by ballot in the manner herein after provided and no votes shall be received by proxy.

The State Election Commissioner may if he considers it expedient so to do, direct the Electronic Voting Machine used for conduct of Parliament or Assembly Election may also be used for conduct of election of any constituency or any part thereof in the election of Village Committee subject to permission, where necessary and following the procedure prescribed/determined by the Election Commission of India.





# Ballot Box and Ballot Paper

## Ballot Box Design

The design of the ballot box is determined by the State Election Commission in consultation with the Executive Committee. The ballot box must be secure and tamper-proof to ensure the integrity of the voting process.

## Ballot Paper Form

The ballot paper is in Form-14 for Village Committee elections. It has a counterfoil attached, and the form and language are determined by the State Election Commission in consultation with the Executive Committee. The names of the candidates are arranged in the same order as they appear in the list of contesting candidates.



# Arrangement at Polling Station

## Notice Display

Outside each polling station, a notice must be prominently displayed. This notice should specify the polling area and voters entitled to vote at that station. A copy of the list of contesting candidates must also be displayed.

## Voting Compartment

The Returning Officer must provide one or more voting compartments at each polling station. These compartments allow voters to record their votes in privacy, screened from observation.

## Necessary Supplies

The Returning Officer must provide a sufficient number of ballot boxes, ballot papers, copies of the voter list, instruments for stamping ballot papers, and other necessary articles. The Returning Officer must also provide any other equipment or accessories needed for taking the poll.

# Admission and Preparation at Polling Station

## Regulating Voter Entry

1

The Presiding Officer controls the number of voters allowed in the polling station at any given time.

## Authorized Personnel

2

Only authorized individuals are permitted inside, including polling officers, public servants on duty, and authorized individuals.

## Ballot Box Preparation

3

Before the poll, the Presiding Officer ensures the ballot box is empty.

## Labeling and Sealing

4

Each ballot box is labeled with its serial number, name of the constituency, polling station name, and date of the poll.

The Presiding Officer demonstrates the labels to polling agents and other authorized individuals. The ballot box is then closed, sealed, and secured in full view of the Presiding Officer and polling agents.



# Marked Electoral Rolls

Before the start of voting, the Presiding Officer must demonstrate to all present that the copy of the electoral roll being used does not contain any markings other than the "EDV" designation next to each eligible voter's name. This ensures transparency and builds confidence in the process.



# Voting Process

1

## **Voter Identification**

The Presiding Officer checks the voter's name and other details against the electoral roll. The voter's serial number, name, and other particulars are called out. Clerical or printing errors are overlooked if the Presiding Officer is satisfied that the person is the correct voter.

2

## **Ballot Paper Issue**

Each ballot paper is stamped with a distinguishing mark and signed by the Presiding Officer. The voter's electoral roll number is recorded on the counterfoil. The voter must sign or thumbprint the counterfoil before receiving the ballot paper.

3

## **Voting Procedure**

The voter enters a voting compartment, marks the ballot paper with the instrument provided, folds the ballot paper to conceal their vote, and inserts it into the ballot box. The voter then leaves the polling station.

4

## **Secrecy of Voting**

Voters must maintain secrecy of voting within the polling station. They must observe the voting procedure and vote without undue delay. No voter is allowed to enter a voting compartment when another voter is inside.

5

## **Assistance for Blind or Infirm Voters**

If a voter is unable to vote without assistance due to blindness or other physical infirmity, the Presiding Officer permits a companion to assist them in the voting compartment. The companion must be at least 18 years old and must declare that they will keep the vote secret.



# Facilities for Women Voters

## Separate Admission

At polling stations serving both men and women, the Presiding Officer may direct that they be admitted in separate batches to maintain order and privacy.

## Women Attendants

The Returning Officer or Presiding Officer may appoint women attendants to assist female voters and the Presiding Officer, including with any necessary searches.



# Special Voting Provisions

## 1 Public Servants on Election Duty

A voter on election duty who wishes to vote must apply for a ballot paper at least three days before the poll. The Returning Officer, upon verifying the voter's identity, will mark their name in the electoral roll and issue a ballot paper. The voter can then cast their vote on the spot, with the instrument provided for the purpose. The Returning Officer may fix the date, time, and place for voting, and the contesting candidate, their election agent, or an authorized representative will be informed and requested to be present.

## 3 Safeguard against Impersonation

Every voter whose identity is verified by the Presiding Officer or Polling Officer will have their left forefinger inspected and marked with indelible ink. If a voter refuses to allow their finger to be inspected or marked, or has already such a mark, they will not be supplied with a ballot paper or allowed to vote.

## 2 Challenging of Identity

Any polling agent can challenge the identity of a person claiming to be a particular voter by first depositing a sum of two rupees in cash with the Presiding Officer. The Presiding Officer will then warn the person challenged, read the relevant entry in the electoral roll, and require them to affix their signature or thumb impression in the list of challenged voters. The Presiding Officer will then hold a summary inquiry into the challenge and may require the challenger and the person challenged to adduce evidence.

# Spoilt and Returned Ballots

## **Spoilt Ballots**

If a voter inadvertently damages their ballot, they can return it to the Presiding Officer, who will mark it as "Spoilt, Cancelled" and issue a new ballot.

## **Returned Ballots**

If a voter decides not to use their ballot after receiving it, they can return it to the Presiding Officer, who will mark it as "Returned, Cancelled".

# Tendered Votes

## Voter Identification

If someone claims to be a voter who has already voted, the Presiding Officer will ask questions to verify their identity before issuing a "Tendered Ballot".

## Voter Procedure

The voter will mark the Tendered Ballot in the voting compartment and hand it to the Presiding Officer to be stored, rather than placing it in the ballot box.

1

2

3

## Ballot Issuance

The Tendered Ballot will be the last in the bundle and will be endorsed by the Presiding Officer before being placed in a separate cover.



# Closing the Poll

## Closing Time

1

The Presiding Officer must close the polling station at the scheduled time and not admit any more voters, though those already present will be allowed to vote.

## Voter Presence

2

The Presiding Officer will decide any questions about whether a voter was present before the station closed, and their decision is final.

# Sealing Ballot Boxes

## Closing Slit

1

After the poll, the Presiding Officer will close the slit of the ballot box and seal it, allowing agents present to affix their own seals.

## Securing Box

2

The ballot box will then be fully sealed and secured, with a second box used if the first becomes full during voting.

# Ballot Paper Accounting

**Ballot Account:** The Presiding Officer will prepare a detailed ballot paper account in Form-19 and provide copies to any polling agents present.

**Sealed Packets:** The Presiding Officer will make separate sealed packets of various election materials, which may be sealed by candidates or agents if desired.

## Transporting Election Materials

### Ballot Boxes

The Presiding Officer will deliver the ballot boxes to the Returning Officer's designated location.

### Ballot Paper Accounts

The ballot paper accounts will also be delivered to the Returning Officer.

### Sealed Packets

The sealed packets containing various election materials will be transported securely.

### Other Materials

All other papers used at the polling station will be included in the transport.

# Adjournment and Fresh Poll Procedures

## Poll Adjournment

If polling is interrupted by a riot, violence, or natural calamity, the Returning Officer or Presiding Officer will announce an adjournment. The Returning Officer will report the circumstances to the District Election Officer and State Election Commission. The State Election Commission will then fix a new date and time for the poll to recommence.

## Fresh Poll

If a ballot box is unlawfully taken, destroyed, lost, damaged, or tampered with, the Presiding Officer will report the matter to the Returning Officer and District Election Officer. The District Election Officer will then decide whether to declare the poll void or issue directions for a fresh poll.

# Time and Place of Counting

## Time and Place of Counting

The Returning Officer must appoint the location(s) for vote counting at least one week before the election. They must also set the date and time for the start of counting. The Returning Officer must notify each candidate or their election agent in writing.

The Returning Officer can alter the date, time, or location of the counting if necessary, but they must notify each candidate or their election agent in writing.

## Appointment of Counting Agents

Each candidate or their election agent may appoint a number of counting agents as directed by the State Election Commission. The appointment must be made in Form-12, with one copy sent to the Returning Officer and the other given to the Counting Agent.

No counting agent is allowed into the counting location unless they have delivered the second copy of their appointment to the Returning Officer, completed and signed the declaration, and received a valid entry pass.

# Appointment and Admission of Counting Agents

Each candidate or their election agent may appoint a number of counting agents as directed by the State Election Commission. The appointment must be made in Form-12, with one copy sent to the Returning Officer and the other given to the Counting Agent.

No counting agent is allowed into the counting location unless they have delivered the second copy of their appointment to the Returning Officer, completed and signed the declaration, and received a valid entry pass.

## Appointment

1

Each candidate or their election agent may appoint a number of counting agents as directed by the State Election Commission.

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## Form-12

2

Every such appointment shall be made in Form-12 in duplicate, one copy of which shall be forwarded to the Returning Officer while the other copy shall be made over to the Counting Agent.

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## Admission

3

No counting agent shall be admitted into the place for counting unless he has delivered to the Returning Officer the second copy of his appointment after duly completing and signing the declaration contained therein and receiving from the Returning Officer a valid entry pass.



# Counting of Votes

1

## **Scrutiny and Opening of Ballot Boxes**

The Returning Officer opens the ballot boxes in the presence of candidates, their election agents, or counting agents. Before opening, counting agents can inspect the seal to ensure it's intact. The Returning Officer must ensure that none of the ballot boxes have been tampered with.

2

## **Scrutiny and Rejection of Ballot Papers**

Ballot papers are arranged in bundles and scrutinized. The Returning Officer rejects ballot papers if they bear any identifying marks, lack a voting mark, have votes for more candidates than allowed, are spurious, damaged, or have incorrect serial numbers. The Returning Officer must allow candidates and agents to inspect the ballot paper before rejecting it.

3

## **Counting of Votes**

For Village Committee elections, a mark on a ballot paper that isn't rejected is counted as one valid vote for the candidate. During the counting process, the Returning Officer counts all valid votes and records the totals on counting sheets. After counting all ballot papers from a polling station, the Returning Officer enters the results in a result sheet and announces the particulars.

4

## **Sealing of Used Ballot Papers**

Valid ballot papers for each candidate and rejected ballot papers are bundled separately and sealed in packets. The packets are sealed with the Returning Officer's seal and any candidate, election agent, or counting agent who wishes to affix their seal. The packet is labeled with the constituency, polling station, and date of counting.

# Declaration of Results of Election and Return of Election

## Certificate of Election

The Returning Officer grants a certificate of election to the elected candidate. The Returning Officer obtains an acknowledgement of receipt signed by the candidate and sends the acknowledgement to the District Election Officer.

## Declaration of Results

The Returning Officer declares the candidate or candidates elected based on the number of valid votes secured. The Returning Officer informs the District Election Officer, the State Election Commission, and the Tripura Tribal Areas Autonomous District Council of the results.

## Publication of Results

The Tripura Tribal Areas Autonomous District Council publishes the names of the elected candidates in the Gazette.

# Miscellaneous Provisions

## 1 Casual Vacancies

When a Village Committee member's seat becomes vacant due to death, resignation, removal, or other reasons, the State Election Commission, in consultation with the Executive Committee, will set a date for a by-election to fill the seat. The provisions of these Rules will apply to the by-election.

## 2 Return or Forfeiture of Candidate's Deposits

Deposits made under Rule-23 will be returned to the person who made the deposit or their legal representative, or forfeited to the Tripura Tribal Areas Autonomous District Council, according to the provisions of this Rule.

## 3 Production and Inspection of Election Papers

While in the custody of the District Election Officer, packets of unused ballot papers, used ballot papers, counterfoils of used ballot papers, and marked copies of the list of voters will not be opened or inspected by any person or authority except under the orders of a competent Court/Election Tribunal.

## 4 Disposal of Election Papers

Subject to any direction given by the State Election Commission or a Competent Court/Election Tribunal, packets of unused ballot papers will be retained for two months and then destroyed. Other packets will be retained for three months and then destroyed. All other papers relating to the election will be retained for six months and then destroyed.

**Thank You**