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GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH  
MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS

NOTIFICATION

Dacca, the 19th April, 1978.

**No. S.R.O. 95-L.**—In exercise of the powers conferred by section 69 of the Presidential Election Ordinance, 1978 (Ord. XIV of 1978), the Government, in consultation with the Commission, is pleased to make the following rules, namely:—

THE PRESIDENTIAL ELECTION RULES, 1978

1. **Short title.**—These rules may be called the Presidential Election Rules, 1978.
2. **Definitions.**—In these rules, unless there is anything repugnant in the subject or context,—
  - (a) "Form" means a form annexed to these rules and includes a translation thereof into any language; and
  - (b) "publish", with grammatical variations, includes exhibition at a place accessible to the public.
3. **Nomination paper.**—A nomination paper by which a proposal is made under section 5 shall be in Form I.
4. **Security deposits for nomination.**—(1) The Returning Officer shall maintain a register in Form II in which he shall enter the particulars of every cash deposit made to him under section 6.

(2) Receipt of a cash deposit by the Returning Officer shall be acknowledged in Form III and the amount shall be deposited by him at a Government Treasury or the Bangladesh Bank.

(3) The head of account for the purpose of deposit at a branch of the Bangladesh Bank or at a Government Treasury shall be "P—Deposits and Advances—Part II—Deposits not bearing interest—Civil Deposits—Deposits in connection with election".

(4) The return of deposit which is required to be refunded under sub-section (1) of section 36 shall be authorised under the seal and signature of the Returning Officer.

**5. Appeal against rejection of nomination by the Returning Officer.—**(1) An appeal under sub-section (5) of section 7 may be filed with the Commission by the candidate himself or by a person authorised in writing by the candidate in this behalf within three days next following the date of the rejection of the nomination.

(2) An appeal shall be in the form of a memorandum which shall state the date of rejection of the nomination and the grounds of appeal and shall be accompanied by a certified copy of the order rejecting the nomination.

(3) The memorandum of appeal shall be submitted in triplicate.

(4) An appeal shall be disposed of either summarily or in such manner as the Commission may consider necessary.

(5) If the appeal is allowed, the name of the appellant shall, by order of the Commission, be entered by the Returning Officer in the list of validly nominated candidates.

**6. List of validly nominated candidates.—**(1) The Returning Officer shall, soon after the scrutiny of the nomination papers under sub-section (4) of section 7, prepare a list of validly nominated candidates in Form IV.

(2) The Returning Officer shall publish a copy of the list of validly nominated candidates at some conspicuous place in his office.

(3) In the case of acceptance of an appeal filed under sub-section (5) of section 7, the Returning Officer shall revise the list of validly nominated candidates in accordance with the decision of the Commission and shall publish the list so revised at some conspicuous place in his office.

(4) A copy of the list referred to in sub-rule (1) and also a copy of the list as revised, if any, under sub-rule (3) shall be furnished to the Commission.

**7. List of contesting candidates.—**(1) The list of contesting candidates prepared under section 11 shall be drawn up in Form V.

(2) The names on the list shall be entered in the alphabetical order as determined in accordance with the Bengali Language, indicating against the name of each contesting candidate the symbol allocated to him.



(3) The Returning Officer shall, on the day next following the withdrawal day, publish the list of contesting candidates in the official Gazette and also at some conspicuous place in his office and furnish a copy thereof to the Commission and also to each of the contesting candidate or his election agent.

8. **Declaration of results after scrutiny.**—The result of an uncontested election shall not be declared under sub-section (1) of section 9 unless the Returning Officer has ascertained in writing from the Commission that no appeal has been filed against the rejection of any nomination paper or that, if an appeal has been filed, no nomination rejected by the Returning Officer has been accepted on such appeal.

9. **Symbols.**—A candidate may be allocated under clause (a) of sub-section (1) of section 10 any one of the following symbols, namely:—

1. Bicycle
2. Boat
3. Bullock Cart
4. Deer
5. Flaming Torch (Mashal)
6. Fish
7. Hookah
8. Inkpot with pen
9. Kite
10. Knife
11. Ladder
12. Lamp
13. Lantern
14. Mango
15. Pineapple
16. Plough
17. Scales
18. Sheaf of Paddy
19. Spade
20. Tree (Date palm)
21. Umbrella
22. Wheel

10 **Form of ballot paper.**—(1) Every ballot paper shall be in such form as may be specified by the Commission.

(2) The names of the contesting candidates shall be arranged on the ballot paper in the same order as shown on the list of contesting candidates prepared under rule 7.

11. **Manner of marking the ballot paper.**—(1) The mark to be put under clause (b) of sub-section (4) of section 26 on the ballot paper, at any place within the space containing the name and symbol of the contesting candidate for whom

the elector wishes to vote, shall be a mark containing squares on a rubber-stamp provided for the purpose by the presiding officer at the polling station and no other mark.

(2) No other marking aid or rubber-stamp except the rubber-stamp supplied for the purpose by the presiding officer under sub-rule (1) shall be used by the elector for marking his ballot paper.

**12. Manner of marking ballot paper if elector is incapacitated.**—(1) If an elector is totally blind or is physically otherwise so incapacitated as to require the help of a companion, the presiding officer may allow him to be accompanied by a companion of not less than eighteen years of age; and in case the disability is such that the elector cannot mark the ballot paper himself, the person accompanying the elector may mark the ballot paper as indicated by the elector:

Provided that the person allowed to accompany the elector shall not himself be a candidate or an agent of a candidate.

(2) If the ballot paper is to be marked by the companion, the presiding officer shall make it clear to him that he must mark the ballot paper for the candidate of the elector's choice and that he must maintain the secrecy of voting by not divulging to any one of the elector's choice of candidate.

(3) The presiding officer shall maintain a list of electors on whose behalf the ballot papers have been marked by their companions.

**13. Manner of inserting a ballot paper.**—After the ballot paper has been marked by the elector or by the person allowed to mark a ballot paper under rule 12, the elector or such person shall fold the ballot paper in the screened off compartment so as to conceal his vote and insert it in the ballot box within the view of the presiding officer.

**14. Tendered votes.**—(1) The tendered votes list referred to in sub-section (3) of section 28 shall be in Form VI.

(2) The presiding officer shall, before issuing a ballot paper to a person referred to in sub-section (1) of section 28, obtain his signature or thumb impression on the form referred to in sub-rule (1).

**15. Challenged votes.**—(1) Every candidate or his polling agent making a challenge under section 29 shall deposit a sum of Taka five in cash with the presiding officer for each such challenge.

(2) The challenged votes list referred to in sub-section (2) of section 29 shall be in Form VII.

(3) The presiding officer shall, soon after the close of the poll, make over against proper receipt such sum as has been deposited with him under sub-rule (1) to the Assistant Returning Officer, who shall deposit the same with the Government Treasury or Sub-Treasury against the head of account "XLVI—Misc.—Misc.—Other Items—Election Receipts".



16. **Stray ballot papers.**—If any ballot paper which has been issued to an elector has not been inserted by him into the ballot box but is found anywhere else in or near the polling station it shall be cancelled and accounted for as “Spoilt Ballot Paper”.

17. **Count on close of poll.**—The presiding officer shall, after taking out the ballot papers from the used ballot box or ballot boxes,—

- (a) separate the ballot papers which are unambiguously marked in favour of a contesting candidate from those which bear—
  - (i) no official mark; or
  - (ii) any writing or any mark other than the official mark and the prescribed mark made with the rubber stamp supplied for the purpose or to which a piece of paper or any other object of any kind has been attached; or
  - (iii) no prescribed mark indicating the contesting candidate for whom the elector has voted; or
  - (iv) any mark from which it is not clear for whom the elector has voted, provided that a ballot paper shall be deemed to have been marked in favour of a candidate if the whole or more than half of the area of the prescribed mark appears clearly within the space containing the name and symbol of the candidate; and where the prescribed mark is divided equally between two such spaces, the ballot paper shall be deemed not to show clearly for whom the elector has voted;
- (b) count separately in respect of each contesting candidate in the alphabetical order of their names as appearing on the ballot paper the ballot papers which are unambiguously marked in favour of that candidate and put each lot in a separate packet bearing the name and symbol of the contesting candidate to which it relates;
- (c) count and put in a separate packet the ballot papers mentioned in sub-clauses (i) to (iv) of clause (a);
- (d) open the packet labelled “challenged ballot papers” and count the ballot papers unambiguously marked in favour of each candidate, excluding from the count the ballot papers suffering from any of the defects mentioned in sub-clauses (i) to (iv) of clause (a);
- (e) after the challenged ballot papers have been so counted, the presiding officer shall put all such ballot papers as were taken out of the packet labelled “challenged ballot papers” into a separate packet;
- (f) place in each packet a certificate stating the number of ballot papers put therein, and sign and seal each packet;
- (g) obtain on each packet the signature and seal of such of the contesting candidates or their election or polling agents as may desire to sign and seal it; and
- (h) enclose all such packets in a principal packet with a certificate specifying the number of packets enclosed in the principal packet.

18. **Statement of the count by the presiding officer.**—The statement of the count under sub-section (9) of section 32 shall be prepared in Form VIII.



19. **Ballot paper account by the presiding officer.**—The ballot paper account referred to in sub-section (10) of section 32 shall be prepared in Form IX.

20. **Consolidation of results of count by the Assistant Returning Officer.**—  
(1) The Assistant Returning Officer shall, on receipt of the statements of the results of the count furnished by the presiding officers, consolidate the results of the count in respect of his area in Form X.

(2) Before consolidating the results, the Assistant Returning Officer shall open the packet containing the ballot papers excluded from the count by the presiding officer as also the packet containing the "challenged ballot papers" and scrutinise each such ballot paper as was excluded from the count by the presiding officer.

(3) If the Assistant Returning Officer finds that any ballot paper excluded from the count by the presiding officer should not have been so excluded, he shall count it as a valid ballot paper cast in favour of the contesting candidate for whom it was cast:

Provided that in so doing the Assistant Returning Officer shall not mix up the ballot papers taken out from the packet labelled "challenged ballot papers" but shall keep the entire lot of challenged ballot papers in a separate packet.

(4) The Assistant Returning Officer shall reject a ballot paper hereinafter referred to as "rejected ballot paper" recording thereon the fact of such rejection if it suffers from any of the defects mentioned in sub-section (4) of section 32.

(5) If any contesting candidate or election agent objects to the rejection of a ballot paper the Assistant Returning Officer shall add to his endorsement the words "rejection objected to".

(6) In consolidating the results of the count, the Assistant Returning Officer shall record the number of valid ballot papers cast in favour of each contesting candidate as shown by the presiding officer in the statement of the count unless the figures thereof have undergone a change as a result of recount under sub-section (5) of section 32, in which case he shall record the figures as arrived at after the recount.

(7) Before recording the number of valid votes in the consolidated statement against the name of each contesting candidate, the number of ballot papers, if any, which were treated by him as valid but had been excluded from the count by the presiding officer shall be taken into account including those treated as valid from the challenged votes.

(8) The ballot papers rejected by the Assistant Returning Officer under sub-rule (4) shall be shown separately in the consolidated statement.

(9) The consolidated statement shall be so completed that the figures in respect of one polling station are completed before the incorporation of the figures in respect of the other.

21. **Consolidation of results of the count by the Returning Officer.**—The Returning Officer shall, on receipt of the statements of the results of the count from the Assistant Returning Officers under sub-section (2) of section 33, consolidate the results of such consolidation in Form XI.

22. **Return of election.**—The return of election required to be submitted to the Commission by the Returning Officer under sub-section (1) of section 35 shall be in Form XII.

23. **Retention and inspection of documents.**—(1) The documents received by the Assistant Returning Officer under sub-section (15) of section 32 shall, subject to such instructions as may be given by the Commission, be retained by him.

(2) The documents retained by the Assistant Returning Officer under sub-rule (1), except the ballot papers, shall be open to inspection during office hours on payment of a fee at the rate of Taka one for each document.

(3) Copies of, or extracts from, the documents mentioned in sub-rule (2) shall be furnished upon an application made by any person on payment of a fee at the rate of Taka two for the first two hundred words or a fraction thereof and Taka one for every additional hundred words or a fraction thereof.

(4) Every application for inspection of documents or supply of copies shall be accompanied by court-fee stamps of the requisite value.

24. **Supply of copies of decisions on petitions.**—(1) Copies of orders passed by the Commission on an election petition presented to it and returned to the petitioner or of any interim or final orders passed by the Tribunal on any election petition may be furnished to the parties to the petition by the Commission or the Tribunal, as the case may be, on an application made in this behalf in writing.

(2) The fees for the supply of copies mentioned in sub-rule (1) shall be Taka two for the first two hundred words or a fraction thereof and Taka one for every additional hundred words or a fraction thereof.

(3) Every application for the supply of copies under sub-rule (1) shall be accompanied by court-fee stamps of the requisite value.



FORM I

[ See rule 3(I) ]

NOMINATION

for

Election to the office of President

(To be filled in by the proposer)

(1) I, ..... (name of the proposer) registered as an elector at Serial No. .... in the electoral roll for ..... area in ..... Union/Paurashava under ..... Thana in ..... Subdivision, do hereby propose the name of ..... whose address is ..... as a candidate for election to the office of President.

(2) I hereby certify that I have not subscribed to any other nomination paper either as proposer or seconder.

Date .....

Signature of proposer.

(To be filled in by the seconder)

(1) I, ..... (name of the seconder) registered as an elector at Serial No. .... in the electoral roll for ..... area in ..... Union/Paurashava under ..... Thana in ..... Subdivision do hereby second the nomination of ..... whose address is ..... as a candidate for election to the office of President.

(2) I hereby certify that I have not subscribed to any other nomination paper either as proposer or seconder.

Date .....

Signature of seconder.



(Declaration by the person nominated)

I, ....., son/daughter/wife  
of.....  
of (address).....  
do hereby declare that I have consented to the above nomination and that I  
am not subject to any disqualification for being, or being elected as, President.

Date .....

.....  
*Signature or Thumb impression  
of the person nominated.*

.....  
(To be filled in by the Returning Officer)

Serial number of nomination paper.....

This nomination paper was delivered to me at my office at.....  
.....(hour) on.....(date) by.....  
.....being the candidate/proposer/seconder/authorised  
agent.

Date .....

.....  
*Returning Officer.*

(Decision of Returning Officer accepting or rejecting the nomination paper  
on the day fixed for scrutiny)

I have examined this nomination paper in accordance with the provisions of  
section 7 of the Ordinance and decide as follows.....  
.....  
.....  
.....

(In case of rejection, state brief reasons)

Date .....

.....  
*Returning Officer.*

## RECEIPT

(To be filled in by the Returning Officer)

Serial number of nomination paper.....

The nomination paper of.....  
 a candidate for election to the Office of President was delivered to me at my  
 Office at.....(hours) on..... (date)  
 by the candidate/proposer/seconded authorised agent.

All nomination papers will be taken up for scrutiny at.....  
 (hours) on.....(date).....at.....  
 (place).

Date.....

.....  
*Returning Officer.*



## FORM II

[See rule 4(I)]

Form of Deposit Register for the election to the Office of President.

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Serial No.	Candidate's name.	Sl. No. of nomina- tions filed.	Amount deposited.	Particulars of the Bank or Treasury Receipt or if received in cash, of the receipt issued in Form III.	Signature of the Returning Officer.	Disposal of the cash deposit (and remarks, if any).
1	2	3	4	5	6	7

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FORM III  
[See rule 4(2)]  
RECEIPT

Sl. No.....  
Received a sum of Taka .....(Figure)  
..... (in words) in cash  
from . . . . .  
a candidate for election as President and entered in the  
Deposit Register under Sl. No. . . . .

*Signature and seal of the  
Returning Officer.*

FORM III  
[See rule 4(2)]  
RECEIPT

Sl. No.....  
Sum received .....  
Deposited by .....  
Sl. No. in the Deposit Register.....  
Candidate's name .....

*Signature of the  
Returning Officer.*

Date . . . . .



FORM IV

[See rule 6(1)]

LIST OF VALIDLY NOMINATED CANDIDATES

Election to the office of President

Serial No.	Name of candidate.	Name of father/husband.	Address of candidate
1	2	3	4

Place.....

Returning Officer.

Date.....

FORM V

[See rule 7(1)]

LIST OF CONTESTING CANDIDATES

Election to the office of President

Serial No.	Name of the contesting candidates in alphabetical order determined according to Bengali language.	Address of the contesting candidates.	Symbol allocated.
1	2	3	4

1

2

3

4

Etc.

Notice is hereby given that the poll shall be taken between the hours of ..... on (date).....

Place .....

Returning Officer.

Date.....

## FORM VI

[See rule 14(1)]

## TENDERED VOTES LIST

Election to the Office of President.

Subdivision .....

Thana .....

Union/Paurashava-.....

Polling Station-.....

Serial number of tendered ballot paper.	Name of elector.	Serial number of the elector in the electoral roll.	Name of the electoral area.	Address of the elector.	Signature or thumb-impression of the person tendering vote.
1	2	3	4	5	6

Place.....

Date.....

Presiding Officer.



FORM VII  
[See rule 15(2)]

CHALLENGED VOTES LIST  
Election to the Office of the President

Subdivision .....  
Thana .....  
Union/Paurashava .....  
Polling Station .....

Serial number of entry.	Name of the elector.	Name of the electoral area in which the elector is registered.	Serial number of the elector on the electoral roll.	Signature or thumb-impression of the person challenged.	Address of the person challenged.	Name of identifier, if any.	Name and address of the challenger.	Order of the presiding officer.
	2	3	4	5	6	7	8	9
1								

Certified that a sum of Taka..... has been received on account of challenged votes and the amount in question has been deposited with the Assistant Returning Officer.

Place .....

Date .....

Signature of the Presiding Officer.

## FORM VIII

[See rule 18]

## THE STATEMENT OF THE COUNT

Polling Station.....

Subdivision.....

Thana.....

Union/Paurashava.....

Sl. No.	Name of the contesting candidates.	Number of votes polled by each contesting candidate.	Number of challenged votes polled by such contesting candidate.	Total votes polled by each contesting candidate. cols. (3) + (4).	Remarks.
1	2	3	4	5	6

(i) Total number of votes polled by the contesting candidates (including challenged votes).....

(ii) Total number of doubtful votes excluded from the count (including the doubtful challenged votes) . . . . .

(iii) Aggregate of (i) and (ii).....

Place.....

Signature of the Presiding  
Officer.

Date.....



FORM IX

[See rule 19]

**BALLOT PAPER ACCOUNT**

Election to the Office of President.

Subdivision .....

Thana.....

Union/Paurashava.....

Polling Station.....

1. Ballot papers received for use at the polling station from  
     Serial No..... to.....  
     Total.....
2. Total number of ballot papers taken out of the ballot box or boxes and counted.....
3. Total number of tendered ballot papers.....
4. Total number of challenged ballot papers.....
5. Total number of ballot papers spoilt and cancelled.....
6. Total number of ballot papers under item numbers (2), (3), (4) and (5).....
7. Number of unissued ballot papers from Serial number.....  
     to..... Total.....
8. Total number of item numbers (6) and (7) . . . . .  
     [Should be equal to the total of item No. (1)]

Place.....

*Signature of the Presiding Officer.*

Date.....

## FORM X

[See rule 20(i)]

**CONSOLIDATED STATEMENT OF THE RESULTS OF THE COUNT FURNISHED BY THE PRESIDING OFFICER**

In respect of election to the office of President.

From.....Subdivision.

Sl. No.	Polling Station.	Number of valid votes (including challenged votes) cast in favour of—						Total per polling station.			Number of tendered votes.
		'A'*	'B'*	'C'*	'D'*	'E'*	'F'*	Valid†	Rejected.	Total.	
1	2	3	4	5	6	7	8	9	10	11	12

Total ..

Place.....

Date.....

Assistant Returning Officer.

\*Write the names of the candidates.



## FORM XI

[See rule 21]

## CONSOLIDATION OF THE RESULTS OF THE COUNT BY THE RETURNING OFFICER

Election to the office of President.

Sl. No.	Area of the Asstt. Returning Officer.	Number of valid votes (including challenged votes) cast in favour of-						Total in respect of the area of each Asstt. Returning Officer.			Number of tendered votes.
		'A'*	'B'*	'C'*	'D'*	'E'*	'F'*	Valid.	Rejected.	Total.	
1	2	3	4	5	6	7	8	9	10	11	12
Grand Total.....											

Returning Officer.

\*Write the names of the candidates.

## FORM XII

[See rule 22]

## RETURN OF ELECTION

Election to the office of President.

Serial No.	Names of the contesting candidates.	Number of valid votes polled.
1	2	3
1		
2		
3		
4		
etc.		

Total number of valid votes polled.....

Total number of rejected votes.....

Total number of tendered votes.....

I declare that—

Mr./Mrs./Miss....., son/wife/daughter of.....  
of.....(address) has been duly elected.

Place.....

Date.....

*Signature and seal of the  
Returning Officer.*

By order of the President

A. R. CHOUDHURY

*Secretary.*

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