

**ANDHRA PRADESH MUNICIPAL COUNCILS/NAGAR
PANCHAYATS (CONDUCT OF ELECTION) RULES, 1965**

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ANDHRA PRADESH MUNICIPAL COUNCILS/NAGAR PANCHAYATS (CONDUCT OF ELECTION) RULES, 1965

In exercise of the powers conferred by clause (b) of sub-section (2) of Section 326, read with clause 12 of Section 2 of Andhra Pradesh Municipalities Act, 1965 (Andhra Pradesh Act 6 of 1965), the Governor of Andhra Pradesh, hereby makes the following rules for the conduct of election of Members, the same having been previously published as required under clauses (a) and (b) of sub-section (1) of Section 327 of the said Act.

1. . :-

These rules may be called the Andhra Pradesh Municipal Councils/Nagar Panchayats (Conduct of Elections) Rules, 1965.

2. . :-

These rules shall apply to all the Municipal Councils and Nagar Panchayats in the State of Andhra Pradesh.

3. . :-

In these rules unless there is anything repugnant in the subject or context,--

- (a) 'Government' means the Government of Andhra Pradesh;
- (b) 'Act' means the Andhra Pradesh Municipalities Act, 1965;
- (c) 'Elector' in relation to an election to any Municipal Council/Nagar Panchayat means a person whose name appears in the electoral roll for the Municipality/Nagar Panchayat as it remains in force, except a person who is declared to be a man of unsound mind and stands so declared by a competent court;
- (d) 'Election authority' means the authority or the authorities appointed by the State Election Commission;
- (e) 'Election Officer' means the Commissioner or any person or officer authorised or appointed by the Election Authority to do any act or perform any function in connection with the conduct of elections of Member under these rules;

Explanation :- The Election Authority may appoint one or more persons who shall be Officer or Officers of the Local Authority or the Governments as Additional Election Officer or Assistant Election Officer shall, subject to the control of the Election Officer, be competent to perform all or any functions of the Election Officer, and the expression Election Officer shall be deemed to include such Assistant Election Officers also:

Provided that the Assistant Election Officer shall not perform any of the functions which relate to the scrutiny of nominations, unless the Election Officer is unavoidably prevented from performing the said function.

- (f) 'Electoral roll' means the electoral roll prepared and published under Section 11 of the Act.
- (g) 'Form' means the form appended to these rules and includes the translation of the matter in Telugu or any other languages specified in Schedule VIII of the Constitution;
- (h) 'Ballot box' includes any box, bag or other receptacle used for the insertion of ballot paper by voters;
- (i) 'Counterfoil' means the counterfoil attached to a ballot paper printed under the provisions of these rules;

(j) 'Marked copy of the electoral roll' means the copy of the electoral roll set apart for the purpose of marking the names of electors to whom ballot papers are issued at an election;

(k) 'Polling station' in relation to an election of municipal Members means the place fixed under Rule 3 for taking the poll at the election;

(l) 'Presiding Officer', includes any polling officer performing any of the functions of a Presiding Officer under sub-rules (2) and (3) of Rule 31;

(m) 'Public Holiday' means any day declared as such by Government;

(mm) 'State Election Commission' means State Election Commission constituted under Article 243-K of the Constitution of India.

(n) 'Voters on election duty' means any polling agent, any polling officer, Presiding Officer or other public servant who is as elector in the ward and is by reason of his/her being on election duty unable to vote at the polling station where he/she is entitled to vote;

(o) For the purpose of these rules, a person who is unable to write his/her name shall, unless otherwise expressly provided in these rules, be deemed to have signed an instrument or other paper, if

(a) he/she has placed mark on such instrument or other paper in the presence of the Election Officer or the Presiding Officer or such other officer as specified in these rules;

(b) Such Officer on being satisfied as to his/her identity has attested the mark as being the mark of that person; and

(c) the category of which it is reserved, namely for the members of the Scheduled Tribes, the Scheduled Castes, Women and Backward Classes under Section 8(a), (b), (c) or (d) of the Act as the case may be.

3A. Administrative Machinery for the Conduct of Elections :-

(1)

(a) The conduct of Elections to all Municipalities/Nagar Panchayats in the State shall be under the superintendence, direction and control of the State Election Commission.

(b) The Election Authority as may be appointed by the State

Election Commission shall exercise such powers and to perform such functions in connection with the conduct of elections to the Municipalities/Nagar Panchayats.

(2) The District Collector shall be the District Election Authority. The functions of the Election Authority under these rules may also be performed, unless specifically otherwise provided by District Election Authority within his jurisdiction.

(3) Subject to the general superintendence, direction and control of the Election authority, the District Election Authority shall be responsible for the conduct, co-ordination and supervision of all works in connection with the conduct of the elections to the Municipalities within his jurisdiction.

4. . :-

(1) The Election Officer shall affix a notice on the notice board of the municipal office showing the voters list pertaining to the various wards of the Municipality/Nagar Panchayat on the day of publication of notice under Rule 5.

(2) The Election Officer shall, after affixing the notice of voters, list under sub-rule (1) publish any alteration made upto and inclusive of the last day fixed for receipt of nominations as alterations to the electoral roll for the Municipality/Nagar Panchayat on the notice board of Municipality/Nagar Panchayat as supplementary voters, atleast fifteen days prior to the date fixed for poll.

5. . :-

The Election Officer shall prepare and publish a notice on the notice Board of the Municipality/Nagar Panchayat and in one or more conspicuous places in each ward of the Municipality/Nagar Panchayat for which election is due, in English and in the main language of the District stating--

(a) the number of persons to be elected;

(b) the wards for which they are to be elected;

(c) the category for which it is reserved, namely, for the members of the Scheduled Tribes, the Scheduled Castes, Women and Backward Classes under Section 8(1)(a), (b), (c) or (d) of the Act as the case may be;

(d) the date upto which, the places at which and the hours

between which and to whom nomination papers shall be presented, which shall be a date not earlier than fourth day and not later than the tenth day after the date of publication of the election notice, whether or not it is a public holiday;

(e) the date on which, the hours between which and the place at which the nomination papers will be taken up for scrutiny, such date being the date to the next date fixed for the presentation of nomination papers whether or not it is a public holiday;

(f) the date on which and place or places at which the poll will be taken should there be a poll and the hours during which the poll will be taken and the hours so fixed shall be published in such manner as the Election Officer may direct: Provided that the total period allotted to any one day for polling at an election in a ward shall not be less than eight hours; and

(g) the day on which and the place and the hour at which the Election Officer will commence counting of votes.

6. . :-

(1) The nomination of every candidate shall be made by means of nomination paper in Form I, which shall on application, be supplied free of cost by the Election Officer to any elector whose name is on the electoral roll for the ward:

Provided that not more than four nomination papers shall be presented by or on behalf of any candidate or accept by the Election Officer for election in the same ward for any particular seat.

(2) Every nomination paper shall be signed by one such elector as proposer and the candidate shall sign a declaration on it expressing his willingness to stand for election.

(3) Each candidate shall be nominated by a separate nomination paper. An elector standing as a candidate for election to a seat shall not sign his own nomination papers as proposer.

(4) Every nomination paper shall be presented by the candidate in person or by his proposer on the date, at the place and during the hours appointed, to the Election Officer or to such other person as may be authorised by him in this behalf. The Election Officer or such other authorised person shall forthwith number the nomination papers serially in the order in which they are presented

and enter on each nomination paper, the time at which it is presented. He shall give a receipt for the same as in Form I.

(5) Where a person has signed as proposer a large number of nomination papers, those of the papers so signed which have been first received shall be deemed to be valid.

(6) The rejection of a nomination paper of any candidate on the ground of any irregularity in respect thereof shall not affect the validity of the nomination of the candidate if the candidate has been duly nominated by means of another nomination paper in respect of which no irregularity has been committed.

(7) No nomination paper shall be received after the appointed time on the last of the dates appointed for the presentation of nomination papers whether or not it is a public holiday.

(8) In the case of every nomination filed in respect of a reserved seat for Scheduled Tribes, Scheduled Castes and Backward Classes, a declaration in Form III made before an Officer not below the rank of a Deputy Tahsildar of a Revenue Department by the candidate shall be attached to the nomination.

7. . :-

(1) On the presentation of a nomination paper, the Election Officer or other authorised person referred to in sub-rule (4) of Rule 6 may require the person or persons presenting the same to produce a copy of the electoral roll on which the candidate and his proper are registered or the necessary entries therein and shall satisfy himself that the name and number of the candidate and his proposer, as entered in the nomination paper, are the same as those entered in the electoral roll x x x.

(2) The Election Officer may interpret an entry in the electoral roll as to overlook merely clerical or printing errors but he shall record the interpretation adopted by him together with the reasons thereof.

8. . :-

(1) At or before the time of the presentation of his nomination paper or papers, each candidate wishing to stand for election to a Municipal Council/Nagar Panchayat shall deposit or cause to be deposited with the Election Officer in cash or in Government Promissory Notes of equal value at the market rate of the day, a

sum of rupees hundred, if he is a member of Scheduled Tribes, Scheduled Castes or Backward Classes or a sum of rupees two hundred, if he is not a member of such tribes, castes or backward classes and no candidate shall be deemed to be duly nominated for any seat in respect of which such deposit has not been made. A separate deposit shall be required in respect of each Seat for which the candidate wishes to stand. A person who wishes to pay the reduced deposit of rupees hundred shall furnish a declaration in Form III irrespective of the fact whether he contests for a reserved or non-reserved seat.

Explanation :- The delivery to the Election Officer of a receipt from any Government Treasury or Bank wherein the Municipal Council/Nagar Panchayat has an account, evidencing the payment by or on behalf of a candidate, to the credit of the Municipal Council/Nagar Panchayat of the amount required to be deposited under this sub-rule shall be deemed to be a deposit of such amount within the meaning of this sub-rule made by or on behalf of such candidate at the time of such delivery.

(2) If no nomination paper is received within the time appointed in that behalf in respect of any person by whom or on whose behalf the deposit referred to in sub-rule (1) has been made or if the nomination of any such person is rejected or if he withdraws his candidature in the manner and within the time specified in sub-rule (1) of Rule 13, the deposit shall be returned to the person by whom it was made and if any candidate dies before the commencement of the poll, any such deposit if made by him shall be returned to his legal representative or if not made by the candidate, shall be returned to the person by whom it was made or to his legal representative.

(3) If a candidate by whom or on whose behalf the deposit referred to in sub-rule (1) has been made is not elected and a number of valid votes polled by him does not exceed one-sixth of the valid votes polled x x x the deposit shall be forfeited to the Municipal Council/Nagar Panchayat.

(4) For the purposes of sub-rule (3), the number of valid votes polled shall be deemed to be the number of ballot-papers, other than spoilt ballot papers counted.

(5) The deposit made by all the candidates which shall not be forfeited under sub-rule shall be returned to the candidates or to

the persons who have made the deposits on their behalf as the case may be, as soon as may be after publication of the result of the election in the Andhra Pradesh Gazette.

(6) Notwithstanding anything contained in sub-rules (2) and (5) where deposits have been made by or on behalf of a candidate in respect of two or more seats not more than one of the deposits shall be returned and the remainder shall be forfeited to the Municipal Council/Nagar Panchayat irrespective of the fact whether nominations were received from the candidate for the Seat or not.

(7) Notwithstanding anything contained in this rule, a deposit made under sub-rule (1) shall not be returned unless a claim therefor is delivered or sent by post to the Election Officer by the person who made the deposit or by his legal representative, as the case may be, within six months of the date of declaration by the Election Officer results of the election or where such declaration is made on two different dates within six months of the later of such dates.

9. . :-

On the last of the days appointed for the receipt of nomination papers and immediately after the hour for their receipt is past, the Election Officer or the authorised person referred to in sub-rule (4) of Rule 6 shall publish in the municipal office a list in Form II of all nominations received with a notice that the nomination papers will be taken up by the Election Officer for scrutiny at the municipal office or other specified place on the date appointed under Rule 5 at the hour specified. Scrutiny of Nomination Papers

10. . :-

(1) On the date appointed for the scrutiny of nominations, the candidates their Election agent some proposer of each candidate and one other person duly authorised in writing by each candidate and except for the purpose of assisting the Election Officer no other person may attend at such time and place as may be specified under Rule 9 and the Election Officer shall give such persons all reasonable facilities to examine the nomination papers of all candidates which have been received aforesaid.

(2) The Election Officer shall then examine the nomination papers and shall decide all objections which may be made at the time to any nomination and may either on such objection or on his own motion after such summary inquiry, if any, as he thinks necessary,

reject any nomination on any of the following grounds:

(i) that the candidate is ineligible for election under Sections 13, 13-A, 13-B, 14, 15 and 19 of the Act; or

(ii) that the proposer is a person whose name is not registered on the electoral roll; or

(iii) that there has been any failure on the part of the candidate or his proposer to comply with any of the provisions of Rules 6 and 8; or

(iv) that, in case the election is solely for a seat of reserved for any community or for women, the candidate does not belong to that community or any of those communities or is not a woman, as the case may be:

Provided that the nomination of a candidate shall not be rejected merely on the ground of any incorrect description of his name or of the name of his proposer or of any other particulars relating to the candidate or his proposer as entered on the electoral roll, if the identity of the candidate or proposer as the case may be, if established beyond reasonable doubt;

Provided further that the Election Officer shall not reject any nomination paper on the ground of any defect which is not of a substantial character.

(3) The Election Officer shall endorse on each nomination paper his decision accepting or rejecting the same and if the nomination paper is rejected, he shall record in writing a brief statement of his reasons for such rejection. The scrutiny shall be completed on the day appointed in this behalf under Rule 5 and no adjournment of the proceeding shall be allowed, except when such proceedings are interrupted or obstructed by riot or open violence or for causes beyond the control of the Election Officer:

Provided that in case an objection is made, the candidate concerned may be allowed time to rebut it not later than the next day but one following the date fixed for scrutiny, and the Returning Officer shall record his decision on the date to which the proceedings have been adjourned.

(4) When the scrutiny has been completed, a list of validly nominated candidates shall be published in Form II-A. There shall be one entry only in respect of each validly nominated candidates

in the list, although more nomination papers than one in respect of him may have been accepted as valid. If none of the nomination papers is found valid on scrutiny, the name of the candidate should not be entered in the list.

11. . :-

x x x x x

12. . :-

(1) Any candidate may withdraw his candidature by notice in writing in Form II-B, signed by him and delivered to the Election Officer at any time after presentation of his nomination paper or papers and before three O' Clock on the third day after scrutiny of nominations whether or not it is a public holiday unless the notice is delivered by the candidate himself to the Election Officer, the candidate's signature on the notice shall be attested by a person empowered to attest Vakalats.

Explanation :- The persons authorised to attest Vakalats are (1) Gazetted Officers (2) MLAs (3) M.Ps. (4) Members of Zilla Parishads (5) Members of Panchayats (6) Municipal Members (7) A retired Gazetted Officer receiving pension from Government (8) the Manager of the Office of the Commissioner, Endowments Department (8) The Manager of the Office of the Commissioner, Endowments Department (9) Any Inspector working under the Commissioner, Endowments Department (10) An Advocate or Pleader other than the Advocate or Pleader in whose favour the Vakalatnama is executed or appointment made or notary as defined in the Notaries Act, 1952 (Central Act 43 of 1952).

(2) The Election Officer on receiving a notice of the withdrawal under sub-rule (1) shall as soon as may be cause a notice of the withdrawal in Form II-C to be affixed on the notice board of the Municipal Office.

(3) A candidate who has withdrawn his candidature under sub-rule (1) shall not be allowed to cancel the withdrawal.

13. . :-

(1) On the expiry of the time allowed for withdrawal of candidature under Rule 12(1) the Election Officer shall prepare a list in Form-IV of persons whose nominations have not been rejected and who have not withdrawn their candidature which may be called as list of

contesting candidates and publish it on the notice board of the Municipal Office forth-with whether or not it is a public holiday and in any case atleast twelve days before the date fixed for the election.

(2) The names of the candidates shall be arranged with reference to surnames of the candidates in alphabetical order in Telugu. Where there is no surname, the proper name shall be taken into consideration and when the initials only precede the proper name, the initials have to be ignored while arranging the names in the list of contesting candidates. If a poll is found to be necessary, the Election Officer shall also specify the distinctive symbols assigned to them under sub-rule (3):

Provided that if two or more candidates bear the same name, they shall be distinguished by the addition of their occupation or residence or in some other manner. The names of such candidates should be arranged in the order in which their nominations were received by the Election Officer.

(3) If a poll is found to be necessary the Election Officer shall assign to each candidate, subject to such directions as may be issued by the Election Authority in that behalf, a distinctive symbol:

Provided that candidate set up by a National Party for the election of Chairperson of a Municipality/Nagar Panchayat shall choose and shall be allotted the symbol reserved for that party and no other symbol. A candidate set up by a State Party for the election of Chairperson of a Municipality/Nagar Panchayat shall choose and shall be allotted the symbol reserved for that party and no other symbol. A reserved symbol shall not be chosen by or allotted to any candidate other than a candidate set up a National party for whom such symbol has been reserved or a candidate set up by a State Party for whom such symbol has been reserved in the State in which it is a State Party, even if no candidate has been set up by such National or State Party. A symbol once assigned to a candidate shall not be altered, after a list of contesting Candidates is published.

Explanation :- A candidate shall be deemed to be set up by a National party or State Party, if the Candidate has made a declaration to that effect in his nomination paper and the said candidate by a notice in writing to that effect has, not later than. 3.00 P.M. on the last day of withdrawal of candidatures, been

delivered to the Election Officer signed by the President, the Secretary or any other office bearer of the Party and the President, the Secretary or such other office bearer authorised by the party to send such notice and the name and specimen signature of the President, Secretary or such other office bearer are communicated in advance to the Election Officer.

(4) In every case where a symbol has been assigned to a candidate under sub-rule (3) such candidate or his election agent shall forthwith be informed of the symbol so assigned and be supplied with a specimen thereof by the Election Officer.

14. . :-

After the list of contesting candidates is published under Rule 13, if there is only one contesting candidate the Election Officer shall declare the candidate as duly elected. If the number of contesting candidates is more than one, a poll shall be held. If there are no valid nominations to fill the seats, the Election Officer shall start proceedings afresh for filling the said vacancy in all respects as if for a new election.

15. . :-

x x x x x

16. . :-

If after the publication of list of contesting candidates taking of a poll has become necessary and before the poll is taken, a candidate who has been duly nominated dies, the Election Officer shall upon being satisfied of the fact of the death of the candidate, countermand the poll of the seat for which the deceased filed his nomination and election proceedings shall be started afresh in all respects as for a new election:

Provided that no fresh nomination shall be necessary in the case of candidate who stood nominated at the time of the countermanding of the poll;

Provided further that no person who has under sub-rule (1) of Rule 12 given notice of withdrawal of his candidature, before the countermanding of the poll shall be ineligible for being nominated as a candidate for the election after such countermanding.

17. . :-

(1) Every person nominated as a candidate for an election may

appoint in writing some other person to be his election agent. The appointment shall be in form V and notice of appointment shall be given in writing to the Election Officer.

(2) When a candidate for election appoints some person to be his election agent, he shall obtain, in writing the acceptance, by such person for the office of such election agent.

(3) No person shall be appointed as an election agent who is disqualified under Section 15, excepting those mentioned in clauses (1) and (f) of sub-section (2) thereof.

(4)

(i) Any revocation of appointment of an election agent shall be signed by the candidate and shall operate from the date on which it is lodged with the Election Officer.

(ii) In the event of such revocation or of the death of an election agent the candidate may appoint in like manner another person to be his election agent; and when such appointment is made, notice thereof shall be given in the manner laid down in sub-rule (1) and to the Election Officer.

(5) Every election agent shall perform such functions in connection with each election for which he is appointed as election agent, as are required to be performed by such agent.

18. . :-

(1) At an election at which a poll is to be taken each candidate or his election agent, if any, may appoint one agent and two relief agents, to act as polling agent of such candidate at each polling station or, where a polling station has more than one polling booth, at each such polling booth for the poll, as the case may be, and such appointment shall be made by a letter in writing and duplicate in Form VI signed by the candidate or his election agent, if any, under intimation to Election Officer atleast three days before the commencement of the poll.

(2) The candidate or his election agent shall also deliver the duplicate copy of the letter of appointment to the polling agent who shall, on the date fixed for the poll, present the copy to, and sign the declaration contained therein before the presiding officer of the polling station where such polling agent is appointed for duty and the presiding officer shall thereafter retain it in his custody. No

polling agent shall be allowed to perform any duty at the polling station or at the place fixed for the poll unless he has complied with the provisions of this sub-rule.

19. . :-

(1) Each candidate or his election agent if any, may before the commencement of the counting of votes appoint a counting agent of such candidate by a letter in writing in duplicate in Form VII signed by the candidate or his election agent, if any.

(2) As soon as may be after the appointment of the counting agent of a candidate, and in any case before the commencement of the counting of votes, the candidate or his election agent shall give notice of the appointment, of such counting to the Election officer by forwarding to such officer the letter of appointment, referred to in sub-rule (1).

(3) The candidate or his election agent shall also deliver the duplicate copy of the letter of appointment to the counting agent who shall, on the date fixed for the counting of votes present the copy to, and sign the declaration contained therein before the Election Officer, and the Election Officer shall thereafter retain it in his custody. No counting agent shall be allowed to perform any duty at the counting of votes unless he has complied with the provisions of this sub-rule.

20. . :-

(1) Any revocation of the appointment of a polling agent shall be signed by the candidate or his election agent, as the case may be. Such revocation shall operate from the date on which it is lodged with the Election Officer and in the event of such a revocation or of the death of a polling agent before the close of the poll, the candidate or his election agent may appoint another polling agent at any time before the poll is closed and shall forthwith give notice of such appointment as laid down in Rule 18(1) to the Election Officer.

(2) Any revocation of the appointment of a counting agent shall be signed by the candidate or his election agent, as the case may be. Such revocation shall operate from the date on which it is lodged with the Election Officer. In the event of a revocation or of the death of a counting agent at any time before the counting of votes is commenced, the candidate or his election agent may appoint

another person as the counting agent and when an appointment is made, a notice of such appointment in the manner prescribed above shall be given to the Election Officer.

21. . :-

(1) At every election where a poll is taken, each candidate at such election and his election agent shall have a right to be present at any polling station.

(2) A candidate or his election agent may himself do any act or thing which any polling agent or the counting agent of such candidate, if appointed would have been authorised by or under these rules to do, or may assist any polling agent or the counting agent of such candidate in doing any such act or things.

22. . :-

Where any act or thing is required or authorised by or under these rules to be done in the presence of the polling or counting agent, the non-attendance, of any such agent or agents at the time and place appointed for the purpose shall not, if the act or thing is otherwise duly done, invalidate the act or thing done.

23. . :-

At an election in a ward where poll is taken, any member of the Armed Forces of the union or a member of the Armed Police Forces of the State serving outside the State may give his vote by a postal ballot and such person shall not be entitled to give his vote in any other manner. The wife of any such person may also give her vote by postal ballot.

24. . :-

(1) Subject to the other provisions of these rules, a voter of a ward may, if he is subject to preventive detention under any law for the time being in force, give his vote by postal ballot at any election in such ward where a poll is taken.

(2) As soon as possible, after notice is published under Rule 5, the Election Officer shall ascertain in writing from the Collector of the District whether any voter in that Municipality/Nagar panchayat is subject to preventive detention under any law for the time being in force. The Collector shall within ten days from the date of receipt of such communication from the Election Officer forward a list of names of any such voters in that Municipality/Nagar Panchayat, if

any, together with their addresses and the particulars about their place of detention to the Election Officer.

(3) Any voter who is subjected to preventive detention under any law for the time being in force or on his behalf any member of his family may, within fifteen days from the date of publication of the notice, apply to the Election Officer of the ward for permission to give his vote by postal ballot at the election. Every such application shall specify the name of the voter, his address, his serial number in the electoral roll and the particulars regarding his place of detention.

(4) If the Election Officer is satisfied that the person whose name has been forwarded under sub-rule (2) or who has made an application under sub-rule (3) is under preventive detention and is a voter in the ward to which the election relates and is entitled to vote at such election, he shall permit such person to give his vote at the election by postal ballot.

(5) While granting any such permission, the Election Officer shall, at the same time, put the letters P.B.' which means that a postal ballot has been issued in each copy of the electoral roll in which such person's name is registered and which is intended to be used at the polling station where such person should, if he had not been under detention, have normally voted so as to indicate that such person has been permitted to give vote at the election by postal ballot.

25. . :-

(1) The Election Officer shall, in the case of every voter who is entitled under Rule 23 or who has been permitted under sub-rule (4) of Rule 24, to give his vote at the election by postal ballot, as soon as may be after the publication under Rule 13 of the list of candidates at the election, send by registered post to each such voter a ballot paper x x x x along with the copy of instructions contained in Form VIII. He shall note down the electoral part No. and the Serial No. of the elector as entered in the marked copy of the electoral roll on the counterfoil of the ballot paper and detach the ballot paper from the Counterfoil.

(2) Along with the ballot paper, the Election Officer shall also send-

(a) A cover addressed to himself in Form IX;

(b) an envelope with the number of the ballot paper entered on its face; and

(c) a letter in Form X. The Election Officer shall have the number of the ballot paper entered at the left hand bottom corner of the cover in Form IX.

(3) The ballot paper together with the cover envelope and letter shall be sent--

(a) in the case where the voter is a member of the Armed Forces of the Union, or member of the Armed Police force of the State serving outside the State to the address of the voter as shown in the electoral roll;

(b) in the case where the voter is a person subject to preventive detention, to such voter at the place of his detention.

(4) After all the ballot papers have been issued under this rule; the Election Officer, shall seal in a separate packet the counterfoils of the ballot papers issued to the voters entitled to vote under postal ballot and record on the packet a brief description of its contents and the date on which it was sealed.

(5) No election shall be invalidated by reason that a voter has not received his ballot paper or papers.

26. . :-

(1) Every voter, on receiving his ballot paper sent under Rule 25 shall, if he desires to vote at the election, record his vote thereon and sign the declaration on its back in accordance with the letter and instruction sent with the ballot paper.

(2) The voter shall then place the ballot paper in the envelope, close the envelope, enclose it in the cover and send the cover to the Election Officer in accordance with instructions contained in the letter so as to reach him before 5 p.m. on the date fixed in this behalf by the Election Officer. Any cover which is not received by the Election Officer before 5 p.m. on the date so fixed shall be rejected. All such rejected covers shall be kept in a separate sealed packet by the election Officer.

27. . :-

A voter shall obtain attestation of his signature, but not of his vote on the postal ballot paper by a Magistrate to whom the voter is

personally known or to whose satisfaction the voter has been identified or--

(a) in the case referred to in clause (a) of sub-rule (3) of Rule 25 by such officer as may be appointed in this behalf by any commanding officer of the unit in which the voter is employed; and

(b) in the case referred to in clause (b) of sub-rule (3) of Rule 25 by the Superintendent of the Jail or Commandant of the detention camp in which the voter is under detention.

28. . :-

(1) If a voter whom a ballot paper has been sent under rule 25 is illiterate or is unable, due to physical incapacity, to record his vote and sign the declaration on the back of the ballot papers in accordance with the provision of Rule 26, it shall be competent for him to make his declaration and to record his vote by the hand of any officer empowered to attest his signature and declaration under Rule 27.

(2) Any such voter as aforesaid may deliver the ballot paper, together with the envelope and the cover received by him from the Election Officer to an Officer referred to in sub-rule (1) and such officer shall, on being so requested by the voter--

(a) certify on the back of the ballot paper the voter's incapacity; and

(b) attest the fact that he was requested by the voter

(i) to sign the declaration on the back of the ballot paper; and

(ii) to mark the ballot paper for him.

(3) Such Officer shall further certify that he has put the mark on the ballot paper in accordance with the wishes of the voter and that the ballot paper was so signed and marked by him in the presence of the voter.

(4) Such Officer shall thereupon place the marked ballot paper in the envelope and close the same and enclose it in the cover which he shall seal and handover to the voter. The voter shall then send the sealed cover forthwith to the Election Officer in accordance with the instructions contained in the letter sent to the voter along with the ballot paper so as to reach the Election Officer before 5 p.m. on the date fixed under sub-rule (2) of Rule 26. Any cover which is not

received by the Election Officer before 5 p.m. on such date shall be rejected and kept along with the cover rejected under the said sub-rule.

29. . :-

(1) When a ballot paper and other connected papers sent by registered post under Rule 25 are for any reason returned undelivered, the Election Officer may re-issue them by registered post.

(2) In cases where any voter has inadvertently deal with his ballot paper or any of the connected papers in such manner that the papers cannot conveniently be used, the Election Officer after satisfying himself of the inadvertence, may issue a second set of ballot paper and other connected papers to the voter or the voters returning the ballot paper and other connected papers. The paper so returned shall be marked as cancelled by the Election Officer, the paper so cancelled be kept in a separate envelope set apart for the purpose.

30. . :-

The Election Officer shall keep in safe custody until the commencement of the counting of votes all covers containing postal ballot papers received by him under Rule 26 of Rule 28.

31. . :-

(1) A polling station shall have one or more polling booths. If a poll has to be taken, the Election Officer shall appoint forthwith a Presiding Officer and one or more Polling Officers, for each polling booth and may pay them reasonable remuneration for their services. The Election Officer shall provide for each Presiding Officer such number of clerks as may be necessary and may also, if necessary appoint one or more identifying Officers to assist the Presiding Officer in identifying the electors. The polling personnel shall not consist of any Members, or any officer, or other employee of the Municipality/Nagar Panchayat except those appointed as identifying officers:

Provided that if a Polling Officer is absent from the polling station, the Presiding Officer may appoint any person who is present at the polling station other than a person who has been employed by or on behalf of or has been otherwise working for a candidate in or about the election, to be the Polling Officer during the absence of

the former officer and inform the Election Officer, accordingly;

Provided further that nothing in this sub-rule prevent the Election Officer from appointing the same person to be the presiding officer for more than one polling station in the same premises.

(2) A Polling Officer shall, if so directed by the Presiding Officer perform all or any of the functions of a Presiding Officer under these rules or any rules or orders made thereunder.

(3) If the Presiding Officer, owing to illness or other unavoidable cause, is obliged to absent himself from the polling station, his functions shall be performed by such polling officer as has been previously authorised by the Election Officer to perform such functions during any such absence.

(4) The Presiding Officer shall keep order at the polling station, shall see that the election is fairly conducted, shall regulate the number of electors to be admitted at onetime and shall exclude all other persons except--

(a) the candidates and at each booth one agent of each candidate at each booth at a time (hereinafter referred to as the polling agent);

(b) the police or other public servants on duty;

(c) his own clerks and such persons as the Presiding Officer may from time to time admit for the purpose of identifying electors;

(d) a child in arms accompanying a voter; and

(e) the companions of blind and infirm voters who cannot move without help.

(5)

(a) Where a woman elector cannot be identified by the identification officers appointed under sub-rule (1) by reason of her observing purdah' she may be required to be identified by any of her near relatives unless she otherwise satisfies the Presiding Officer of her identity.

(b) If any question arises as to whether a person is or is not a near relative within the meaning of clause (a) above, it shall be decided by the Presiding Officer and his decision shall be final.

(6) It shall be the duty of every Polling Officer and Clerk provided

by the Election Officer at a polling station/booth to assist the Presiding Officer for such station/booth in the performance of his functions.

32. . :-

Each polling station and at a polling station having more than one polling booth, each such booth shall contain a separate compartment in which electors can record their votes screened from observation. As far as possible, separate compartments and separate entrances and exits shall, where action is not taken under Rule 33, be provided for women electors.

33. . :-

Notwithstanding anything herein before contained, the Election Officer may, at his discretion, if a sufficient number of women suitable and willing to act as polling officer are available, provide a separate polling station for taking the votes of the women electors for any polling area or make such other arrangements as may be necessary to ensure the privacy of such electors x x x x.

34. . :-

(1) No person shall, on the date or dates on which a poll is taken at any polling station, commit any of the following acts within the polling station or in any public or private place within a distance of one hundred metres of the polling Station--

(a) canvassing for votes; or

(b) soliciting the vote of any elector; or

(c) persuading any voter not to vote for any particular candidate; or

(d) persuading any elector not to vote at the election; or

(e) exhibiting any notice or sign (other than an official notice) relating to the election.

(2) Any person who contravenes the provisions of sub-rule (1) shall be punishable with fine which may extend to one hundred rupees.

35. . :-

The Election Officer shall provide at each polling station sufficient number of ballot boxes together with copies of the electoral roll or such part thereof as contains the names of the electors entitled to vote at the station and such other papers, and articles necessary

for electors to mark the ballot papers, stationery and forms, as may be necessary. He shall further display in bold and clear manner the name of each candidate, the serial number and the symbol assigned to him and the seat for which the election is held. The Election Officer shall also display a notice specifying the polling area, the electors of which are entitled to vote at that polling station.

36. . :-

(1) Where a paper seal is used for securing a ballot box, the Presiding Officer shall affix his own signature on the paper seal and obtain thereon the signatures of such of the candidates or their polling agents present as are desirous of affixing the same.

(2) The Presiding Officer shall thereafter fix the paper seal so signed in the space meant therefor in the ballot box and shall then secure and seal the box in such manner that the slit for the insertion of ballot paper thereinto remains open.

(3) The seals used for securing a ballot box shall be affixed in such manner that after the box has been closed, it is not possible to open it without breaking the seal.

(4) Where it is not necessary to use paper seals for securing the ballot boxes, the Presiding Officer shall secure and seal the ballot box in such manner that the slit for the insertion of ballot paper remains open and shall allow the polling agents present to affix, if they so desire, their seals.

(5) Every ballot box used at a polling station shall bear labels, both inside and outside, marked within--

(a) the serial number, if any, and name of the ward;

(b) the serial number and name of the polling station;

(c) the serial number of the ballot box (to be filled in at the end of the poll on the label outside the ballot box only); and

(d) the date of poll.

(6) Immediately before the commencement of the Poll, the Presiding Officer shall demonstrate to the polling agents and other persons present that the ballot box is empty and bears the labels referred to in sub-rule (5).

(7) The ballot box shall then be closed, sealed and secured and placed in full view of the Presiding Officer and the polling agents.

(8) Before the polling station is opened for the recording of the votes the Presiding Officer shall read to such persons as may be present, the provisions of Section 18 of the Act, and shall explain the substance thereof in the main language of the district.

36A. . :-

Immediately before the commencement of the poll, the Presiding Officer shall also demonstrate to the Polling Agents and others present that the marked copy of the electoral roll to be used during the poll does not contain--

(a) any entry other than that made in pursuance of those Rules 23,24, 25 and 49;and

(b) any mark other than the mark made in pursuance of those rules.

37. . :-

(1) The manner of voting shall be by way of marking system, Every ballot paper shall be in Form XI (and in such colour as may be specified by the election authority). The ballot paper shall contain the number of the candidates in serial order, their names against the serial number and the symbols assigned to them.

(2) x x x x x

38. . :-

Every ballot paper, before it is issued to an elector and Counterfoil attached thereto, shall be stamped on the back with such distinguishing mark as the Election Authority may direct and every ballot paper before it is issued shall be signed in full on its back by the Presiding Officer.

39. . :-

(1) Every elector who applies for a ballot paper x x x x for the purpose of voting at a polling station, shall before receiving such paper or papers; allow--

(a) the inspection of his left x x x x fore-finger by the polling officer; and

(b) an indelible ink mark to be put on his left fore-finger.

(2) If any such elector--

(a) refuses to allow such inspection of his x x x x left fore- finger;
or

(b) refuses to allow an indelible ink mark to put on his left fore-
finger; or

(c) refuses to put his signature or thumb impression on the
counter-foil; or

(d) does any act in order to remove any such mark after it has
been put, he shall not be entitled to be supplied with any ballot
paper or to record his vote at the election.

(3) No person who has already such a mark on his left fore-finger
at the time he enters the polling station shall be supplied with any
ballot paper.

(4) Any reference in this rule to the left fore-finger of an elector
shall, in the case where the elector has no left fore- finger be
construed as a reference to another finger of his left hand and shall
in the case whether there are no fingers on his left hand be
construed as a reference to the fore-finger or any other finger on
his right hand and shall in the case where he has no finger on both
the hands be construed as a reference to such extremity of his right
or left arm as he possesses.

(5) The Polling Officer shall, at the time of delivery of the ballot
paper or papers to an elector, underline the entry of the voter in
the marked copy of the electoral roll in his possession to denote
that such voter has received a ballot paper or ballot paper.

(6) In deciding the right of person to obtain a ballot paper under
this rule, the presiding officer at any polling station may inspect of
entry in the electoral roll so as to overlook merely clerical or
printing errors, provided that he is satisfied that such person is
identical with the voter to whom such entry relates.

40. . :-

An elector shall be given only one ballot paper and the Presiding
Office or the Polling Officer shall explain to the elector that the
elector shall mark on the ballot paper with the instrument supplied
for the purpose on or near the symbol of the candidate for whom
he intends to vote.

41. . :-

42. . :-

(1) The Elector on receiving the ballot paper x x x x shall forthwith-
-

(a) proceed to one of the voting compartments;

(b) there make a mark on the ballot paper with the instrument supplied, for the purpose on or near the symbol of the candidate for whom he intends to vote;

(c) fold the ballot papers x x x so as to conceal his vote.

(cc) if required to show to the Presiding Officer the distinguishing mark on the ballot paper.

(d) insert the folded ballot paper x x x into the ballot box; and

(e) quit the polling station.

(2) Every elector shall vote without undue delay;

(3) No Elector shall be allowed to enter a voting compartment when another elector is inside it.

(4) Every elector to whom a ballot paper has been issued under Rule 38 or under any other provision of these rules, shall maintain secrecy of voting within polling station and for the purpose observe the voting procedure hereinafter laid down.

(5) If an elector to whom a ballot paper has been issued, refuses after warning given by the Presiding Officer, to observe the procedure as laid down in sub-rules (1) and (2) the ballot issued to him shall whether he has recorded his vote thereon or not, be taken back from him by the Presiding Officer or a Polling Officer under the direction of the Presiding Officer.

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

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

(8) Without prejudice to any other penalty to which an elector,

from whom a ballot paper has been taken back under sub-rule (5) may be liable; the vote, if any recorded on such ballot paper, shall not be counted.

43. . :-

(1) If the Presiding Officer is satisfied that owing to blindness or other physical infirmity, an elector is unable to recognise the symbols on ballot paper or to make a mark thereon without assistance, the Presiding Officer shall permit the elector to take with him a companion of the age of not less than eighteen years to the voting compartment for recording vote on the ballot paper on his behalf and in accordance with his wishes and if necessary, for folding the ballot paper so as to cancel the vote and insert it into the ballot box:

Provided that no person shall be permitted to act as the companion of more than one elector at any polling booth on the same day;

Provided further that when any person is permitted to act as the companion of the elector on any day under this rule, the person shall be required to declare that he shall keep secret the vote recorded by him on behalf of the elector and that he has not already acted as the companion of any other elector at any polling booth on that day.

(2) The Presiding Officer, shall keep declarations in Form XI-A and the list in Form-B in sealed covers and send them to the Election Officer along with the other covers.

44. . :-

Special facilities in accordance with the instructions, if any, issued by the election authority in that behalf, may be accorded to women electors.

45. . :-

(1) When a person presents himself to vote, before a ballot paper is supplied to him, the Presiding Officer may of his own accord and shall, if so required by a candidate or polling agent, put to such person either or both of the following questions:

(i) Are you the person enrolled as follows (reading the whole entry from the roll)

(ii) Have you already voted at the present election at this polling

station or at any other polling station and the person shall not be supplied with a ballot paper unless he gives an unqualified answer to the question in the affirmative and the second is in the negative; except as mentioned herein and subject to the provision of the Act, every person whose name is found on the electoral roll shall be entitled to be supplied with a ballot paper x x x x.

(2) No person shall vote at an election in more than one ward of the same class: and if a person votes in more than one such ward, his votes in all such wards shall be void.

(3) No person shall, at any election, vote in the same ward more than once, notwithstanding that his name may have been registered in the electoral roll for that ward more than once, and if he does so vote, all his votes in that ward shall be void.

(4) No person shall vote at any election if he is confined in prison whether under a sentence of imprisonment or transportation or otherwise or in the lawful custody of the police:

Provided that nothing in this sub-rule shall apply to a person subjected to preventive detention under any law for the time being in force.

46. . :-

(1) If a person representing himself to be a particular elector applies for a ballot paper after another person has already voted as such elector, he shall on satisfactorily answering such questions relating to his identity as the Presiding Officer may ask, be entitled, subject to the following, provisions of this rule, to mark a ballot paper hereinafter in these rules referred to as tendered ballot paper, in the same manner as any other elector.

(2) Every such person shall, before being supplied with a tendered ballot papers sign his name against the entry relating to him in a list in Form XII.

(3) A tendered ballot paper shall be the same as the other ballot paper used at the polling except that it shall be

(a) serially the last in the bundle of ballot papers issued for use at the polling station; and

(b) endorsed on the back of the ballot paper and its counterfoil with the words 'Tendered ballot paper' by the Presiding Officer in

his own hand duly signed by him.

(4) The elector, after making a tendered ballot paper in the voting compartment and folding it; shall, instead of putting it into the ballot box, give it to Presiding Officer, who shall place it in a cover specially kept for the purpose.

47. . :-

(1) If any candidate, polling agent or election agent declares and undertakes to prove that any person by applying for a ballot paper has committed the offence of personation, the Presiding Officer shall call upon the candidate or agent bringing forward the charges of personation to deposit with him a sum of five rupees in cash. A separate deposit shall be required for proceeding with each charge of personation. If such deposit is not made, the Presiding Officer shall ignore the challenge.

(2) Immediately the deposit required by sub-rule (1) has been made, the Presiding Officer shall obtain a written statement in form XIII which shall be signed by the candidate or agent, as the case may be, in the presence of the Presiding Officer.

(3) The Presiding Officer shall then required the applicant of the ballot paper to enter in the list of challenged votes (which shall be in form XIV) his name and address or if he is unable to write, to affix his thumb-impression thereto and may further require such person to produce evidence of identification.

(4) If the applicant for the ballot paper on being questioned in the manner provided in Rule 45 gives unqualified answer to the first question in the affirmative and to the second in the negative, he shall be allowed to vote after he has been informed of the penalty for personation. If, after the inquiry, the Presiding Officer considers that the challenge has not been established, he shall allow the person challenged to vote; and if he considers that the challenge has been established, he shall debar the person challenged, from voting.

(5) If the Presiding Officer is of the opinion that the challenge is frivolous or has not been made in good faith, he shall direct that the deposit made under sub-rule (1) be forfeited to the Municipality/Nagar Panchayat and in any other case, he shall return it to the challenger at the conclusion of the enquiry.

(6) The Presiding Officer shall, at the close of the poll, forward to the Election Officer the statement mentioned in sub- rule (2) enclosed in the packet containing the list of challenged votes.

(7) The Election Officer may immediately make such investigation as may be necessary and take steps to prosecute the person or persons whom he believes to be guilty of the offence of personation. He shall however, stay investigation if notice of an election petition filed before the Election Tribunal and relating to the case under investigation is received and shall resume the investigation after the disposal of the said petition. If it is found as a result of the judicial trial connected with the prosecution that the offence of personation has not been proved, the Election Officer shall order forfeiture of deposit to the Municipal Council/Nagar Panchayat. In coming to a decision on this point the Election Officer shall be guided by the facts and conclusions recorded at the trial. If there is no such judicial trial, the Election Officer shall in his discretion, decide whether having regard to the relevant circumstances, the deposit shall be declared to have been forfeited to the Municipal Council/Nagar Panchayat, the deposit as has not been declared to have been forfeited shall be returned to the person who made the deposit.

48. . :-

(1) An elector who has inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used as a ballot paper may on returning it to the presiding officer and satisfying him of the inadvertence obtain another ballot paper in place of the spoilt one the later on being marked as "Spoilt : cancelled" by the Presiding Officer.

(2) If an elector, after obtaining a ballot paper decides not to use it, he shall return it to the Presiding Officer, and the ballot paper and the Counterfoil thereof shall be marked as Returned: Cancelled' by the Presiding Officer.

(3) All ballot papers cancelled under sub-rule (1) and sub-rule (2) shall be kept in a separate packet.

49. . :-

(1) A Presiding Officer, Polling Officer, public servant, polling agent or election agent who being entitled to vote in the wards if duly appointed or authorised for duty at a polling station at which he is

not ordinarily entitled to record his vote, may apply to the Election Officer concerned for a certificate entitling him to record his vote at the polling station where he is employed. The said certificate shall be in Form XV.

(2) If a Presiding Officer, Polling Officer, Public servant, polling agent or election agent is on duty at a polling station not relating to the ward in which he is entitled to record his vote, the Election Officer shall in addition to the certificate mentioned above, furnish the Presiding Officer concerned with particulars regarding x x x the names to and serial number and symbols assigned to the candidates, standing for election to that ward, together with a ballot paper relating to such ward and an envelope.

(3) The Election Officer shall in either case immediately send a copy of the certificate to the Presiding Officer of the polling station as the which the person, to whom the certificate is issued is ordinary entitled to record his vote.

(4) A person in possession of a Certificate in the form prescribed in sub-rule (1) shall deliver the Certificate to the Presiding Officer who shall thereupon issue to the person; ballot paper in the same manner as to any other elector. Such ballot paper shall be dealt with in the following manner--

(i) If the polling station at which the person is on duty relates to the ward in which he is entitled to vote, then the provisions contained in Rules 40 and 42 shall apply. The Presiding Officer shall at the end of the poll send the certificate to the Election Officer along with the statement mentioned in sub-rule (5) of Rule 52.

(ii) If the polling station at which the person is on duty be not in the ward in which he is entitled to vote, the Presiding Officer shall issue the ballot paper x x x x with instructions similar to those contained in item (ii) of Rule 40. The person shall proceed into the polling compartment and mark the ballot paper x x x x and place in an envelope. He shall then stick the envelope and hand over the cover to the Presiding Officer. The Presiding Officer shall make up into separate packets for each ward, the covers in which votes have been so recorded, the connected certificate being fastened to the covers, seal up each such packet in the manner specified in Rule 52 and forward the same to the Election Officer.

(1)

(a) Where the proceedings at any polling station are seriously interrupted or obstructed by any riot or open violence or otherwise or where a large number of electors are unable to attend the poll at a polling station by reason of natural calamities such as flood or fire, or any other sufficient cause the Presiding Officer shall stop the poll, pending the receipt of the order of the Election Authority. The fact that the poll has been so stopped shall be immediately announced by the Presiding Officer to the persons present at the polling station.

(b) If the Presiding Officer considers it necessary to stop polling for a short interval due to heavy rain or dislocation of work in the polling booth for some reason or other etc., or disturbance of peace in the neighbourhood of the polling booth due to high tension among the public, he can do so by informing the public to that effect under intimation to the Election Officer. In such an event, the poll can be resumed and continued beyond the period fixed for the poll to the extent of the time for which the poll was stopped.

(2) Where a Presiding Officer stops a poll under sub-rule (1) (a), he shall observe the procedure laid down in Rule 52 and forth with make a full report of the circumstance to the Election Officer who shall forward the same expeditiously with his remarks thereon, if any, to the Election Authority.

(3) The Election Authority shall thereupon under the direction of the State Election Commissioner order--

(a) that the poll be continued at the polling station for the number of hours for which it was not held on the previous occasion, provided that not less than 50% of the voters have cast their votes; or

(b) that the proceedings at the poll held at the polling station on the previous occasion be ignored and that a fresh poll be held at such polling station for the full number of hours for which it should have been held on the previous occasion. Any order passed by the Election Authority under this sub-rule shall be final.

(4) Any order passed under sub-rule (3) shall--

(a) state--

(i) the date on which and the hours between which the

continuation poll or the fresh poll, as the case may be, shall be held; and

(ii) the date on which and the place and hour at which, the Election Officer will commence the counting of the votes under Rule 54; and

(b) be published in the manner laid down in Rule 5 not less than seven days before the date fixed for the continuation poll or for the fresh poll, as the case may be.

(5)

(a) Where an order is passed under clause (a) of sub-rule (3) for the continuation of the poll, the Election Officer shall proceed afresh under sub-rule (1) of Rule 31 and return to the Presiding Officer appointed under that sub-rule, all the packets received by him under sub-rule (2) of this rule.

(b) The Presiding Officer shall open the packets just before the commencement of the continuation poll in the presence of such persons as may be present at the polling station and commence such poll precisely at the hour fixed therefor in the order passed by the Election Authority under clause (a) of sub-rule (3).

(c) At the continuation poll, the Presiding Officer shall allow only such electors to vote who did not vote on the previous occasion.

(6) Where an order is passed under clause (b) of sub-rule (3) for holding a fresh poll, the Election Officer shall proceed afresh under sub-rule (1) of Rule 31 and a fresh poll shall be held at the polling station concerned in accordance with the provisions of these rules in all respects as if it were being held at such polling station for the first time.

Explanation :- There shall be no fresh nominations in cases falling under this sub-rule.

(7) Notwithstanding anything contained in this rule, if a candidate dies at any time before orders are passed by the election authority under sub-rule (3) or at any time after the passing of such orders but before the commencement of continuation poll or of the fresh poll, as the case may be, the Election Officer shall upon being satisfied of the fact of the death of the candidate, intimate such fact to the Election Authority and stop all further proceedings in connection with the election and start election proceedings afresh in all respects as if for a new election to the (seat) concerned:

Provided that no fresh nomination shall be necessary in the case of the remaining candidates who stood nominated at the time when poll was stopped.

51. . :-

(1) If at any election a ballot box is unlawfully taken out of the custody of the Election Officer or the Presiding Officer and is in any way tampered with or is either accidentally or internationally destroyed or lost, the election to which such ballot box relates shall be void but only in respect of the polling at the polling stations or station at which such ballot box was used and no further:

Provided that where a polling station has more than one polling booth and any such ballot box as aforesaid was used at one polling booth, the election to which such ballot box relates shall be void but only in respect of the polling at the polling booth at which such box was used and not further.

Provided further that if at any election any such error or irregularity in procedure as is likely to vitiate the poll is committed at the polling station or at a place fixed for the poll, such election shall also be void but only in respect of the polling at the polling station or place and no further.

(2) Whenever the election at any polling station or at any polling booth shall become void under sub-rule (1), the Election Officer shall, as soon as practicable after the act or event causing such violence has come to his knowledge, report the matter to the Election Authority. The Election Authority shall, with the previous approval of the State Election Commissioner, appoint a day for the taking of a fresh polling in such polling station or in such polling booth, as the case may be, and fix the hours for the taking of a fresh polling in such polling station or in such polling booth, as the case may be, and fix the hours for the taking of such poll. The votes cast at such election shall be counted along with the votes cast at the original poll.

(3) In every such case as aforesaid the Election Officer shall take a fresh poll in such polling station or in such polling booth, as aforesaid, on the day so appointed by the Election Authority and shall notify the day so appointed and the hours of polling so fixed in such manner as the State Election Commissioner may direct and the provisions of the Act and of any rules or orders made thereunder shall apply to every such fresh poll as they apply to the

original poll.

52. . :-

(1) The Presiding Officer shall close the polling station at the hours appointed for closing under Rule 5 or sub-rules 1(b) and (4) of Rule 50 as the case may be, and shall not thereafter admit any elector into a polling station: Provided that all electors present at the polling station before it is closed shall be allowed to cast their votes.

(2) If any question arises as to whether any elector shall, for the purpose of the proviso to sub-rule (1) be deemed to be present within the polling station before it is closed, the question shall be referred to the Presiding Officer whose decision shall be final.

(3) The Presiding Officer of each polling station, as soon as practicable after the close of the poll, shall close the slit of the ballot box and where the box does not contain any mechanical device for closing the slit, he shall seal up the slit and also allow any polling agent present to put his seal. The ballot box thereafter be sealed and secured.

(4) The Presiding Officer of each polling station as soon as practicable after the close of the poll shall, in the presence of any candidate, polling agent or election agent, who may be present, make up into separate packets and seal with his own seal and the seals of such candidates or agents as may decide to affix their seals:

(i) the tendered ballot papers;

(ii) the unused ballot papers with counterfoil or foils;

(iiA) the Counterfoils of issued ballot papers including tendered ballot papers;

(iii) the spoilt ballot papers;

(iv) the marked copy of the electoral roll;

(v) the tendered votes list;

(vi) the list of challenged votes with the statement or statements mentioned in sub-rule (3) of Rule 47;

(vii) the covers referred to in clause (ii) of sub-rule (4) of Rule 49; and

(viii) any other paper directed by the Election Officer in a sealed cover.

(5) Each packet shall be numbered and shall bear a note as to contents, the name of the polling station and name and number of the ward. Where no vote has been recorded at any polling station, the Presiding Officer shall submit a nil report together with the statement in Form XVI referred to in sub-rule 6.

(6) The packets shall be accompanied by a statement in a separate cover in form XVI, made by the Presiding Officer, showing the number of ballot papers in the ballot boxes, unused, spoilt and tendered ballot papers. x x x x

53. . :-

(1) The Presiding Officer shall then as soon as may be, deliver the ballot boxes and all such packets and papers used at the polling station or cause them to be delivered to the Election Officer at such places as he may direct.

(2) The Election Officer shall make adequate arrangements for the safe transport of all ballot boxes, packets and other papers referred to in this rule from polling stations and for their safe custody until the commencement of the counting of votes.

54. . :-

(1) The counting of votes shall commence on the day and at the place and hour appointed in that behalf. Votes shall be counted by or under the supervision of the Election Officer. Each candidate, the election agent of each candidate and counting agent of each candidate shall have a right to be present at the time of counting. No other person shall be allowed to be present except such person as the Election Officer may appoint to assist him in counting votes and no person shall be appointed to assist in counting votes who has been employed by or on behalf of any candidate for any purpose whatsoever connected with the election.

(2) The Election Officer shall, before commencing to count the votes, read out the provisions of Section 18 of the Act to such persons as may be present and shall then count and check all the ballot boxes placed for the counting of votes and satisfy himself that all such ballot boxes as contain the ballot papers which are to be counted at such place have been received and accounted for.

(3) The Election Officer shall allow the candidates and their election agents and counting agents present at the counting, reasonable opportunities to inspect the ballot boxes and their seals for satisfying themselves that they are in order.

(4) If any ballot box is found by the Election Officer to have been tampered or interfered with or destroyed or lost, or if at any time, before counting of votes is completed and ballot papers used at a polling station or at a place fixed for the poll are unlawfully taken out of the custody of the Election Officer or are accidentally or intentionally destroyed or lost or are damaged or tampered with to such an extent that the result of the poll at that polling station or place cannot be ascertained the Election Officer shall postpone the counting of votes and shall follow the procedure laid down in Rule 51. After the fresh poll under that rule has been completed, he shall recommence the counting on the date and the time and place appointed by him in this behalf, of which notice has been previously given to the candidates and their counting agents.

(5) The ballot boxes relating to all polling stations in a ward and all envelopes pertaining there to enclosed which may have been received shall be opened one after another according to the serial number of the polling station. The election officer shall take out the ballot papers from all the ballot boxes. The ballot papers so taken out shall be mixed, counted and record the total number of votes counted by the candidates concerned in a statement.

(6) The Election Officer shall allow the candidates and their agents reasonable opportunities to inspect without handling, all ballot papers which in his opinion are liable to be rejected. He shall endorse the word rejected' on every ballot paper which is rejected. If any candidate or agent present questions the correctness of the rejection, he shall also record on the ballot papers the grounds for the rejection.

(7) The Election Officer shall, as far as practicable, proceed continuously with the counting of the votes; and shall, during any necessary intervals during which the counting has to be suspended, place the ballot papers, packets and other documents relating to the election under his own seal and the seals of such candidates or agents as may desire to affix them and shall cause adequate precautions to be taken for their custody.

(1) A ballot paper shall be rejected if--

(a) the mark is not made thereon; or

(b) the mark is set opposite the name of more than one candidate or is so placed as to render it doubtful to which candidate it is intended to apply; or

(c) the mark and some other figures or set opposite the name of the same candidate; or

(d) it bears any mark of writing by which the elector can be identified; or

(e) is a spurious one; or

(f) it is so damaged or mutilated that its identity as a genuine ballot paper cannot be identified; or

(g) bears the marks belonging to a ward different from that of the ballot box in which it is found:

Provided that a ballot paper shall not be rejected under clause

(e) if the Election Officer is satisfied beyond reasonable doubt that the ballot paper was the one issued by the presiding officer of the polling station concerned.

(2) A postal ballot paper which is not duly marked, or on which--

(a) more than one mark is placed against any candidate's name; or

(b) the mark is set opposite the name of more than one candidate or is so placed as to render it doubtful to which candidate it intended to apply.

(c) a mark is placed in such a manner as to make it doubtful to which candidate it has been given; or

(d) the signature of the voter is not duly attested shall be invalid.

(3) The decision of the Election Officer as to the validity of a ballot paper or a postal ballot paper shall be final subject only to reversal on an election petition.

56. . :-

(1) After the Election Officer has completed the scrutiny and counting of votes, he shall prepare a return of the results of the

polling in Form XVII and shall, subject to the provisions of Rule 60 declare that the candidate who has secured the largest number of valid votes has been duly elected.

(2) Any candidate or his agent shall, on application be permitted to take a copy of an extract from the return in Form XVII.

57. . :-

(1) The Election Officer shall not open the sealed packets containing tendered ballot papers and the marked copy of the electoral roll. He shall verify the statement submitted by the presiding officer under sub-rule (6) of Rule 52 by comparing it with the number of accepted ballot papers, rejected papers and unused ballot papers in his possession.

(2) The Election Officer shall then make up into separate bundles in respect of each candidate--

(i) such of the ballot papers as have been accepted as valid; and

(ii) the remaining ballot papers which have been rejected as invalid. He shall then make up both the bundles into one packet and seal the packet with his own seal. He shall also reclose and reseal each of the other packets which were opened by him and record on each such packet a description of its contents. Disposal of ballot papers

58. . :-

(1) In case the Commissioner is not Election Officer, the Election Officer shall after declaring the results, forward a copy of the return to the Commissioner of the Municipality concerned and shall hand over to the Officer authorised by the Election Authority the packets of the ballot papers whether counted, rejected or tendered and the counterfoils of the used ballot papers. These packets shall not be opened and their contents shall not be inspected or produced except under the orders of election tribunal or other competent Court.

(2) The Officer so authorised shall retain the packets and the marked copies of the electoral roll for a year and shall then, unless otherwise directed by the orders of an election tribunal or other competent court, cause them to be destroyed.

59. . :-

(1) If any person has been elected for more wards than one, he shall by notice in writing signed by him, intimate to the Election Officer the ward for which he chooses to serve. Such intimation shall reach the Election Officer within seventy-two hours of the declaration of the results of elections in the last ward for which such person stood as a candidate.

(2) On receipt of the intimation, the Election Officer shall declare the said person to have been elected for the ward chosen by him. In default of such intimation, the Election Officer shall declare him to have been elected for any one of the wards. In either case, election proceedings shall be started afresh for filling up the vacancy in the other ward or wards for which such person has been elected.

59A. . :-

x x x x

60. . :-

If there is an equality of votes between any two or more candidates, the Election Officer, shall, after notice to the candidates concerned decide by drawing lots which candidate or candidates shall be declared to have been elected. The Election Officer, shall permit the contesting candidates if they so desire, to sign on the chits before drawing lots.

61. . :-

(1) The name or names of the candidate or candidates duly elected shall be forwarded without delay by the Election Officer to the Director of Printing and Stationery, Government Central Press, Hyderabad for publication in the Andhra Pradesh and shall also be published on the notice board of the Municipal Office.

(2) The Election Officer shall send a list of elected candidates to the Election Authority and the Collector concerned and also to the Revenue Divisional Officer concerned in case of first, second and third grade municipalities together with their address.

62. . :-

For the purpose of the Andhra Pradesh Municipalities Act, 1965 the date on which a candidate is declared by the Election Officer under these rules to have been elected to a Municipal Council shall be the date of election of the candidate irrespective of the date of publication of the result in the Gazette.

63. . :-

(1) If any question arises as to the interpretation of these rules otherwise than in connection with an enquiry held under the rules for the decision of disputes as to the validity of an election, the question shall be referred to the State Election Commissioner whose decision shall be final:

Provided that the State Election Commissioner shall not entertain any petition relating to irregularities that arise from the time of calling for nominations and till the declaration of results. Such cases shall be decided by the Election Tribunal.

(2) Pending the decision of the State Election Commissioner on any such reference made to them or the issue of final orders on any enquiry which the State Election Commissioner may institute upon receipt of information that an election is being or about to be held in contravention of the rules, it shall be lawful for the State Election Commissioner to direct the stay of the election proceedings at any stage thereof prior to the declaration of the results. Any election held continued in contravention of the orders of the State Election Commissioner under this rule, shall be void and of no effect whatsoever.

(3) Unless it is otherwise ordered by the State Election Commissioner, election proceedings stayed under this rule shall on cancellation of the stay order, proceed from the stage at which they were stayed on fresh dates to be fixed.

(4) If any difficulty arises as to the holding of any election under these rules, the State Election Commissioner may, by order, do anything not inconsistent with these rules which appears to them necessary for the proper holding of the election.

64. . :-

Notwithstanding anything contained in the foregoing rules, the State Election Commissioner or the Election Authority may, for special reasons empower the Election Officer to fix dates and periods other than those specified or fixed by order under these rules, for all or any of the stages of the election proceedings connected therewith.

65. . :-

Notwithstanding anything contained in these rules prescribing the periods for various stages of elections, if due to any unexpected

cause or any holiday is declared, the next working day shall be deemed to have been fixed for that purpose and the subsequent period will be reduced to that extent.

66. Maximum election expenses :-

(1) No expenses, exceeding such amount, as may be specified by the State Election Commission by notification, from time to time, shall be incurred or authorised to be incurred by a contesting candidate or his election agent, if any, or on account of or in connection with the conduct and management of an election to the office of Member of a Ward.

(2) Every candidate at an election shall, either by himself or by his election agent, keep a separate and correct day to day account of all expenditure in connection with election, incurred or authorised to be incurred by him, or by his election agent between the date on which he has been nominated and the date of declaration of the result thereof, both dates inclusive.

(3) It shall be competent for the State Election Commission to issue such instructions, as they may deem necessary, for the purposes of carrying out the provisions of sub-rules (1) and (2) thereof.