

---

## **RULES FOR THE ELECTION OF COMMISSIONERS OF MUNICIPAL BOARDS UNDER ASSAM MUNICIPAL ACT, 1956**

### CONTENTS

1. Short title and commencement
2. Interpretation
3. Form and language of electoral roll
4. Electoral roll for each ward of the municipality
5. No person to be registered in more than one ward
6. Order of names in the electoral rolls
7. Preparation of revision of electoral rolls
8. Publication of draft electoral rolls
9. .
10. .
11. Period for lodging claims and objections
- 11A. .
12. Forms for claims and objections
13. Manner of making and lodging claims and objections
14. Rejection of claims and objections not within time, etc
15. Register of claims and objections
16. .
17. Final publication of Electoral Rolls
18. Annual revision of Electoral Rolls
19. Fixation of the election day
20. Publication of the date of election
21. Fixation of a fresh date in case the required number of commissioners not elected
22. Fixation of the last dates for making nomination
23. Nomination of candidates for election
24. Deposit by candidate for election
25. Choice of symbols by candidates
26. Scrutiny of nominations
27. Withdrawal of candidature
28. Allotment of symbols
29. Preparation and publication of list of contesting candidates
30. Appointment of election agent
31. Disqualification for being an election agent
32. Revocation of the appointment or death of an election agent
33. Functions of election agent
34. Appointment of polling agent
35. Revocation of the appointment of a polling agent
36. Functions of the polling agents
37. Attendance of a candidate or his election agent at polling stations, and performance by him of the functions of polling agent

38. Non-attendance of polling agents
39. Provisions of polling stations for each ward
40. Appointment of Presiding Officers and Polling Officers (or polling station)
41. General duty of the Polling Officer
42. Duties of a Polling Officer
43. Design of ballot boxes
44. Design of ballot paper
45. Polling station and polling compartment
46. Ballot boxes and other election materials to be provided at the polling station
47. Admission to polling station
48. Preparation of the ballot boxes for the poll
49. Facilities for women electors
50. Death of candidate before poll
51. Procedure in contested and uncontested elections
52. Manner of voting at elections
53. Right to vote
54. Method of voting
55. .
56. Adjournment of poll in emergencies
57. Fresh poll in the case of destruction, etc., of ballot boxes
58. Identification of electors
59. Issue of ballot papers to electors
60. Casting of votes
61. Recording of votes of illiterate and infirm electors
62. Instructions for recording votes to be explained by the presiding officer when requested
63. Return of ballot papers by an elector
64. Presiding officers entry into polling compartment during poll
65. Ballot papers found outside ballot boxes
66. Tendered votes
67. Challenged votes
68. Manner of voting by electors employed on duty at polling stations
69. Manner of voting by persons subjected to preventive detention
70. Sealing of ballot boxes, etc. after poll
71. .
72. Transmission of ballot boxes, etc., to the Magistrate
73. Transport of ballot boxes and packets and their custody
74. Disposal of ballot boxes, etc., on adjournment of poll
75. Recommencement of an adjourned poll
76. Place, date and time for the counting of votes
77. Admission to the place fixed for counting
78. Scrutiny and opening of ballot boxes
79. Scrutiny and rejection of ballot papers
80. Counting of votes and ballot papers
81. .
82. Counting of ballot papers of electors employed on duty at polling station

83. Counting to be continuous
84. Recommencement of counting after fresh poll
85. Recounting of votes
86. Equality of votes
87. Declaration of result of election
88. Publication of the result of election
89. Prohibition of public meeting on the election day
90. Disturbances at election meetings
91. Maintenance of secrecy of voting
92. Officer, etc., at elections not to act for candidates or to influence voting
93. Prohibition of canvassing in or near polling stations
94. Penalty for disorderly conduct in or near polling stations
95. Penalty for misconduct at the polling station
96. Penalty for illegal hiring or procuring of conveyances at elections
97. Breaches of official duty in connection with elections
98. Removal of ballot papers from polling station to be an offence
99. Other offences and penalties therefor
100. Penalty for "corrupt practice"
101. Election petitions
102. Parties to the petition
103. Contents of petition
104. Relief that may be claimed by the petitioner
- 104A. .
105. Destruction of used and unused ballot papers
106. Preservation of election papers
107. .
108. .
109. .
110. .
111. Delegation of powers to officers
112. Procedure for reservation for women
113. Procedure for reservation for the Scheduled Castes and Scheduled Tribes
114. Ceiling of election expenditure for candidates
115. Model code of conduct
116. Magistrate to be available for election work

#### **SCHEDULE 1 :- Corrupt practices**

### **RULES FOR THE ELECTION OF COMMISSIONERS OF MUNICIPAL BOARDS UNDER ASSAM MUNICIPAL ACT, 1956**

In exercise of the powers conferred by sub-S. (2) (i) of S. 301 of the Assam Municipal Act, 1956 (Assam Act XV of 1957), and in supersession of all previous rules, on the subject, the Governor of Assam is pleased to make the following rules, the same having been previously published as required under sub-S. (4) of S. 301 of

the said Act.

### **1. Short title and commencement :-**

(1) These rules may be called the Rules for the Election of Commissioners of Municipal Boards under the Assam Municipal Act, 1956 (Act XV of 1957).

(2) They shall come into force at once.

### **2. Interpretation :-**

In these rules, unless the context otherwise requires,

(a) "Act" means the Assam Municipal Act, 1956 (Assam Act XV of 1957) ;

(b) "Board" means a Municipal Board ;

(c) "bye-election" means an election held under Ss. 22 and 31 of the Act ;

(d) "corrupt practice" means any act deemed to be a corrupt practice under the provisions of Schedule I ;

(e) "Form" means a form appended to these rules ;

(f) "general election" means any election other than bye-election ;

(g) "prescribed date" shall be the 1st January of the year for which the Municipal Electoral Rolls are prepared.

(h) "State Election Commission" means the Election Commission constituted by the Governor of Assam and as referred to in Art. 2,43-ZA of the Constitution of India ; (i) "Magistrate" includes the District Magistrate, Sub-divisional Magistrate and any Magistrate to whom either such Magistrate has made over any duties under these rules.

### **3. Form and language of electoral roll :-**

"The Electoral Roll" for each ward shall be prepared in such form and in such language or languages as the State Election Commission may direct.

### **4. Electoral roll for each ward of the municipality :-**

There shall be an electoral roll for every ward and every person who is for the time being included in the electoral roll for any such ward shall be entitled to vote in that ward.

### **5. No person to be registered in more than one ward :-**

No person shall be entitled to be registered in the electoral roll for more than one ward in the same municipality.

**6. Order of names in the electoral rolls :-**

The names of votes in each ward shall be arranged holding-wise.

**7. Preparation of revision of electoral rolls :-**

(i) No person who does not fulfil the electoral qualifications as required by S. 14 of the Act on the prescribed date, shall be entitled to be a voter for any election held within the year,

(iii) The State Election Commission shall prepare in Form I appended to these rules, a preliminary electoral roll for the municipality, containing the names of all persons qualified to vote under the Act and sub-R. (i) above and after causing it to be printed shall publish the same as soon as may be and not less than sixty days before the date fixed for the general election at his office if the same is situated within the limits of the municipality or at the Government office or public building so situated and at such other places as he may think fit and shall send copies of the roll to the Chairman, Municipal Board with a request for its publication in the municipal office.

(iv) The name of each voter shall be entered in the preliminary and final electoral rolls in Form 1 appended to these rules for the ward of municipal voters in which he ordinarily resides.

**8. Publication of draft electoral rolls :-**

As soon as preliminary electoral rolls has been published by the State Election Commission, the Magistrate shall give public notice, as widely as possible, within the municipality that the roll has been prepared and may be inspected during working days and hours at such places as he may announce in the notice ;

Provided that if any public holiday excepting a Sunday intervenes between that of publication of the preliminary electoral roll and the last date of filing claims or objections under R. 11, the roll shall be kept ready for inspection by the public even on such holiday between the hours of 10 a.m to 5 p. m. ;

Provided that non-compliance of the provisions of these rules by the Chairman of the Municipal Board for any reason whatsoever shall not vitiate the election if the Magistrate himself had given due publicity to the preliminary electoral rolls.

**9. . :-**

he State Election Commission may, by an order in writing, appoint suitable persons to assist him in preparing the Preliminary Electoral Roll in respect of any ward or wards.

**10. . :-**

Any paper to be delivered to or demanded by the Magistrate or the Chairman under these rules shall be deemed to have been delivered to the Magistrate or to the Chairman if it is delivered to any officer of the municipality authorised in this behalf in the municipal office during working hours, and the Chairman shall, by an order in writing, so authorise an officer and have a copy of such order posted on the municipal notice board for the information of the public.

**11. Period for lodging claims and objections :-**

Any claim for the insertion of a name in the electoral roll or any objection to any entry in the Preliminary Electoral Roll shall be preferred to the Magistrate in respect of the Preliminary Electoral Roll within ten days of its publication. The Magistrate shall not entertain any claim or objection received after 5 p. m. on the tenth day :

Provided that if the seventh day is a public holiday, claims and objections may be filed till 5 p. m. on the day immediately following the public holiday.

**11A. . :-**

Publication of claims and objections Immediately after expiry of the period of lodging claims and objections under R. 11, the Magistrate shall prepare and publish a list of claims and objections and shall cause a copy of the list to be affixed in a conspicuous place in his office and at such other places as he may think fit. The Magistrate shall give public notice as widely as possible within the municipality that the list has been so published and may be inspected during the working hours between 10 a.m. and 5 p.m. on any day which is not a public holiday for a period of three days from the date of its publication.

**12. Forms for claims and objections :-**

Every claim shall be in Form II and every objection shall be in Form III.

**13. Manner of making and lodging claims and objections :-**

(i) A claim or objection shall be addressed to the Magistrate and shall either be presented to him or to such other officer as may be designated in that behalf by the Magistrate.

(iii) Where any person desires the transfer of his name from the Electoral Roll of one ward to that of another he shall prefer to the Magistrate, first an objection to the inclusion of his name in the former Roll, and secondly, a separate claim for the inclusion of his name in the latter Roll.

(iv) Any claim or objection shall be in writing and signed by the objector and shall state grounds on which it is based, and where it relates to an entry in the Preliminary Electoral Roll shall give reference to, or the particulars of that entry.

**14. Rejection of claims and objections not within time, etc :-**

Any claim or objection which is not lodged within the period or in the manner herein specified or is lodged by a person not entitled to lodge the same shall be rejected.

**15. Register of claims and objections :-**

A register of claims and objections shall be maintained by the Magistrate or officer to whom claims and objections may be presented under sub-R. (i) of R. 13.

**16. . :-**

Inquiry into claims and objections Notice of claims and objections

(i) The Magistrate shall, in the case of a claim, cause a notice to be served in Form II (Part II), appended to these rules, on the claimant or his agent and shall commence the hearing of claims for entering fresh names into the Electoral Rolls from the day following the last date of publication of the list of claims and objections and shall hear them from day to day without intervention.

(iii) The hearing shall continue from day to day without intervention but the hearing of any particular objection may be adjourned from time to time.

(iv) The Magistrate shall hold summary inquiry into the claims and objections and the objector may produce evidence considered by the Magistrate to be relevant by such inquiry and cause them to be produced by an agent authorised in writing in this behalf.

(v) It shall be the duty of the Chairman to produce all relevant and

necessary documents or papers within his power and control as may be required by the Magistrate and shall also render all possible assistance to the Magistrate in discharge of his duties.

(vi) The Magistrate shall, after the inquiry if any, pass orders on each of the claims or objections, as the case may be, either allowing or disallowing the same and the Preliminary Electoral Rolls shall be emended in accordance with such orders. The amendments shall be authenticated by the Magistrate.

**17. Final publication of Electoral Rolls :-**

The Rolls thus authenticated shall be called the Final Electoral Rolls which, after being printed with necessary re-numbering serially, shall be published by the State Election Commission not less than thirty days before the election day in the same manner as the Preliminary Electoral Roll.

**18. Annual revision of Electoral Rolls :-**

(1) Final Electoral Rolls shall be revised by the State Election Commission in the month of January each year, and as amended from time to time, shall remain valid for all elections held at any time till the next general election held under S. 26(1) of the Act.

(2) The Magistrate shall fix a date for annual revision of the Electoral Rolls within the month of January each year and publish the same in the official Gazette, at the municipal office and at such other places as the Magistrate may deem fit inviting claims and objections within the period specified in the notice.

(3) The Magistrate shall hear the claims and objections filed within the specified period after giving sufficient opportunity for hearing, in a summary manner and after having considered the evidence produced by the parties shall pass such orders as he may deem fit allowing or disallowing the objections or the claims, as the case may be, and the Electoral Rolls shall be amended in accordance with such orders. The amendments shall be authenticated by the Magistrate.

(4) The Electoral Rolls as amended shall be printed and published within thirty days of the authentication of the Rolls, at the municipal office and at such other places as the Magistrate may deem fit.

**19. Fixation of the election day :-**



The State Election Commission shall fix a date for election in all cases of election whether bye-election or general election :

**20. Publication of the date of election :-**

The Magistrate shall communicate the date fixed for any election and also forward copies of Final Electoral Rolls to the Chairman who shall forthwith publish the same in the manner prescribed by R. 4 of the miscellaneous rules published with Notification No. LML. 56/58, dated the 24th June 1958. The date shall also be published in the official Gazette by the Magistrate.

**21. Fixation of a fresh date in case the required number of commissioners not elected :-**

If the electorate of any ward in any municipality fails to elect the required number of commissioners in any election the State Election Commission shall fix a date for a fresh election for the ward concerned :

Provided that no further revision of Electoral Rolls shall be necessary in such election and no date for revision of Electoral Rolls need be fixed.

**22. Fixation of the last dates for making nomination :-**

The last date for making nomination shall be the fifth day after the publication of the final Electoral Rolls :

Provided that if the last date is a public holiday, the next succeeding day which is not a public holiday shall be deemed to be the last date.

**23. Nomination of candidates for election :-**

(1) Any person whose name appears in the Final Electoral Roll and not disqualified under S. 15 of the Act may be nominated as candidate for election to fill any seat in any ward of the municipality by the candidate in person or by his proposer between the hours of 11 o'clock in the forenoon and 3 o'clock in the afternoon delivering to the Magistrate in his office nomination paper completed in the prescribed Form No. IV appended to these rules and signed by the candidate and by an elector of the ward as proposer.

(3) Nothing in this rule shall prevent any candidate from being nominated by more (than one nomination paper for election in the same ward.

## **24. Deposit by candidate for election :-**

(2) If a candidate by whom or on whose behalf the deposit has been made withdraws his candidature within the prescribed time or if the nomination of any such candidate is rejected, the deposit shall be returned to the candidate. If any candidate dies before the commencement of the poll, any such deposit shall be returned to his legal representative.

(3) If a duly nominated candidate by whom a deposit has been made under sub-R. (1) of this rule is not elected and the number of votes polled by him does not exceed one-sixth of the total number of votes polled or in the case or ward returning more than one member, one sixth of the total number of votes polled divided by the total number of members to be elected, the deposit shall be forfeited to the Municipal Board.

(4) For the purpose of sub-R. (3), the number of votes polled shall be deemed to be the number of ballot papers, other than the rejected ballot papers, counted.

(5) The deposit made by a candidate where it is not forfeited under sub-R. (3), shall be returned to such candidate after publication of the election in the official Gazette.

## **25. Choice of symbols by candidates :-**

(1) Free and reserved symbols as prescribed from time to time by the Election Commission, under R. 5 of the Conduct of Election Rules, 1961, shall not be used in municipal elections. Any symbol, other than above mentioned free and reserved symbols, shall be used in municipal elections, reserved symbols may only be used by candidate provided candidate is sponsored by recognised party of the reserve symbols.

## **26. Scrutiny of nominations :-**

(1) The day for the scrutiny of nomination papers shall be the second day after last day of making the nominations.

(2) Scrutiny shall be made by the Magistrate in his office from 10 a. m. to 4 p. m. on the scrutiny day and may adjourn to the following office day if the scrutiny cannot be completed within the scrutiny day.

(3) The candidates or their agents authorised in writing in that

behalf may attend the scrutiny and the Magistrate shall give them all reasonable opportunities for examining nomination papers of all candidates delivered within the time and in the manner laid down in R. 23.

(5) Nothing contained in Cls. (b) and (c) above shall be deemed to authorise the rejection of the nomination of any candidate on the grounds of irregularity in respect of a nomination paper, if the candidate has been duly nominated by means of other nomination paper in respect of which no irregularity has been committed.

(6) The Magistrate shall not reject any nomination paper on the ground of any defect which is not of a substantial character.

(7) The Magistrate shall endorse on each nomination paper his decision accepting or rejecting the same and, if the nomination paper is rejected, shall record in writing a brief statement of his reasons for such rejection.

(8) For the purpose of this rule, a certified copy of an entry in the Electoral Roll for the time being in force of a ward shall be conclusive evidence of the fact that the person referred to in that entry is an elector in that ward.

(9) Immediately after all the nomination papers have been scrutinized and declarations accepting or rejecting the same have been recorded, the Magistrate shall prepare a list of validly nominated candidates, that is to say, candidates whose nominations have been found valid, and affix it in the notice board of the municipal office. The list of validly nominated candidates shall be in Form V appended to these rules.

## **27. Withdrawal of candidature :-**

(1) The last date for the withdrawal of the candidature shall be the third day after the publication of the list of validly nominated candidates. Any candidate may withdraw his candidature by a notice in Form VI appended to these rules in writing and signed by the candidate himself and deliver to the Magistrate in his office within 11 a. m. and 3 p. m. within the period as prescribed above. All such notices must be filed in duplicate.

(2) No person who has given notice of withdrawal of his candidature under sub-R. (1) shall be allowed to cancel the notice,

(3) The Magistrate shall, on receiving a notice of withdrawal under

sub-R. (1), as soon as may be thereafter, cause a notice of withdrawal in Form VII appended to these rules to be affixed in some conspicuous place in the municipal office.

**28. Allotment of symbols :-**

(1) If in any ward a poll becomes necessary under sub-R. (1) of R. 51, the Magistrate shall, simultaneously with the preparation of the list of contesting candidates under sub-R. (1) of R.29. consider the choice as respects symbols expressed by the contesting candidates in their nomination papers and shall, subject to any general or special direction issued in this behalf by the Magistrate, (a) allot a different symbol to each contesting candidate, in conformity as far as practicable with his choice ; and (b) if more contesting candidates than one have indicated their preference for the same symbol, decide by lot to which of such candidates the symbol will be allotted. (2) The allotment by the Magistrate of any symbol to a candidate shall be final. (3) Every candidate or his election agent shall forthwith be informed of the symbol allotted to the candidate and be supplied with a specimen thereof by the Magistrate.

**29. Preparation and publication of list of contesting candidates :-**

(1) Immediately after the expiry of the period within which candidatures may be withdrawn under sub-R.

(1) of R. 27, the Magistrate shall prepare and publish in Form VIII appended to these rules a list of contesting candidates, that is to say, candidates who were included in the list of validly nominated candidates and who have not withdrawn their candidature within the period as prescribed above.

(2) The said list shall contain the names in alphabetical order and the address of the contesting candidate as given in the nomination papers together with such other particulars as may be prescribed. The alphabetical order referred to shall be determined with reference to the surnames of the candidates having surnames and the names proper of all other candidates.

(3) The list of contesting candidates shall be prepared in such language or languages as the State Election Commission may direct. If the list is prepared in more languages than one, the names of candidates therein shall be arranged alphabetically according to the script of such one of those languages as the Magistrate may direct.

(4) The Magistrate shall, immediately after its preparation, cause a copy of the list of contesting candidates to be affixed in some conspicuous place in municipal office and shall supply a copy thereof to each of the contesting candidates or his election agent.

**30. Appointment of election agent :-**

A candidate may appoint any person other than himself to be an election agent and when any such appointment is made a notice of the appointment shall be given to the Magistrate not later than two days after the publication of the list of contesting candidates. Any appointment of an election agent shall be made in Form IX appended to these rules.

**31. Disqualification for being an election agent :-**

No person shall be appointed an election agent who is disqualified from being a candidate under S. 15 of the Act.

**32. Revocation of the appointment or death of an election agent :-**

(1) A candidate may revoke the appointment of an election agent by a notice in Form X appended to these rules, signed by the candidate himself and filed before the Magistrate and such revocation shall operate from the date on which it is lodged before the Magistrate.

(2) In the event of such revocation or of the death of an election agent before completion of the election the candidate may appoint in the same manner as prescribed above another person to be his election agent.

**33. Functions of election agent :-**

An election agent may perform all the functions which the candidate may perform except where anything is required by the Act or by these rules to be done by the candidate himself and shall also bear corresponding responsibilities.

**34. Appointment of polling agent :-**

A contesting candidate or his election agent may appoint one polling agent and another relief agent at each polling station. All such appointments shall be made in writing in Form XI signed by the candidate or his election agent and delivered before the Magistrate at least one day before the day of election.

**35. Revocation of the appointment of a polling agent :-**

The candidate or his election agent may revoke the appointment of the polling agent by a notice signed by the candidate or his election agent, as the case may be, and deliver before the Magistrate before the election day and in case of such revocation or death of the polling agent the candidate or his election agent may appoint another person in the same manner as prescribed above.

**36. Functions of the polling agents :-**

The polling agent may perform such functions in connection with the poll as authorised by or under the Representation of the People Act, 1951 to be performed by the polling agent.

**37. Attendance of a candidate or his election agent at polling stations, and performance by him of the functions of polling agent :-**

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

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

**38. Non-attendance of polling agents :-**

Where any act or thing is required or authorised by or under these rules to be done in the presence of the polling agent or agents, 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.

**39. Provisions of polling stations for each ward :-**

(2) The poll shall be held at the time and at the polling stations so fixed.

(3) Notice of such time and such polling station shall be given by beat of drum in all the wards and shall also be published at the municipal office and such other places as the Magistrate may deem fit.

**40. Appointment of Presiding Officers and Polling Officers (or polling station) :-**

(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 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 Magistrate to perform such functions during any such absence

(4) References in these rules to the Presiding Officer shall, unless the context otherwise requires, be deemed to include any person performing any function which he is authorized to perform under sub-R. (2) or sub- R. (3), as the case may be.

**41. General duty of the Polling Officer :-**

It shall be the general duty of the Polling Officer at a polling station to keep order thereat and to see that the poll is fairly taken.

**42. Duties of a Polling Officer :-**

It shall be the duty of the Polling Officers at a polling station to assist the Presiding Officer for such station in the performance of his functions.

**43. Design of ballot boxes :-**

(1) Every ballot box shall be of such design and colour, as may be approved by the State Election Commission.

(2) It shall be so constructed that a ballot paper can be inserted therein during the poll only but cannot be withdrawn therefrom without the box being unlocked or the seals being broken.

**44. Design of ballot paper :-**

(1) Every ballot paper shall be in Form XII appended to these rules and the particulars therein shall be printed in such language of languages as the State Election Commission may direct.

(2) The ballot paper shall contain the names of the candidates in the order in which they appear in the list of contesting candidates in Form VIII.

(3) 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.

(4) The ballot papers shall be serially numbered, the serial number

being printed or written on the back of the ballot paper.

**45. Polling station and polling compartment :-**

(2) Every polling station shall contain a compartment (hereinafter referred to as "polling compartment") in which electors can mark the ballot paper screened from observation by any other person.

**46. Ballot boxes and other election materials to be provided at the polling station :-**

(2) The official mark shall be kept secret until the commencement of the polling.

**47. Admission to polling station :-**

(3) Any question that may arise as to whether an elector shall, for the purpose of the proviso to sub-R. (2), be deemed to be present at the polling station before it is closed, shall be decided by the Presiding Officer whose decision shall be final.

**48. Preparation of the ballot boxes for the poll :-**

(1) The Presiding Officer at each polling station shall, immediately before the commencement of the poll, allow the candidate and their agents who may be present at such station to inspect each ballot box to be used at the poll and demonstrate to them that it is empty.

(2) The Presiding Officer shall thereafter secure and seal each ballot box in such manner that the slit for insertion of ballot papers remain open and shall allow the candidates or their agents who may be present to affix, if they so desire, their own seals as well.

(3) The seals used for securing a ballot box shall be affixed in such manner that it shall not be possible to open the box without breaking them.

(4) Every ballot box after having been secured and staled in accordance with sub-Rr. (2) and (3) shall be placed for the receipt of ballot papers in view of the Presiding Officer, the candidates and their agent.

**49. Facilities for women electors :-**

(1) Where a separate polling station has not been provided for women electors in a polling area, the Presiding Officer may direct that men and women electors shall be admitited into the polling



station alternately in separate batches.

(2) The Magistrate or the Presiding Officer may appoint a woman to serve as an attendant at any polling station to assist women electors and also to assist the Presiding Officer generally in taking the poll in respect of women electors, and in particular, to help in searching any woman elector in case it becomes necessary. General procedure at election

**50. Death of candidate before poll :-**

If a contesting candidate dies before the commencement of the poll the State Election Commission, upon being satisfied of the fact of the death of the candidate, countermand the poll and proceedings with reference to the election shall be commenced anew in all respects as if for a new election ;

Provided that no further nomination shall be necessary in case of a person who was a contesting candidate at the time of the countermanding of the poll,

**51. Procedure in contested and uncontested elections :-**

(1) If the number of contesting candidates is more than the number of seats to be filled, a poll shall be taken.

(2) If the number of such candidates is equal to the number of seats to be filled, the Magistrate shall forthwith declare all such candidates to be duly elected to fill these seats.

**52. Manner of voting at elections :-**

At every election where a poll is taken votes shall be given by ballot in the manner prescribed in sub-R. (1) of R. 60 and no vote shall be received by proxy.

**53. Right to vote :-**

(1) No person who is not, and except as expressly provided in these rules, every person who is, for the time being entered in the electoral roll of any ward shall be entitled to vote in that ward.

(2) No person shall vote at an election in more than one ward of a municipality, 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, all his votes in that ward shall be void.

(4) No person shall vote at any election if he is confined in a prison, whether under a sentence of imprisonment or transportation or otherwise, or is 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.

**54. Method of voting :-**

(1) In plural member wards every elector shall have as many votes as there are commissioners to be elected, but no elector shall give more than one vote to any one candidate.

(2) If an elector gives more than one vote to any one candidate in contravention of the provision of sub-R. (1), then at the time of counting of votes not more than one of the votes given by him to such candidate shall be taken into account and all other votes given by him to such candidate shall be rejected as void. The Poll

**55. . :-**

ime for poll The time for polling shall be from 8 a. m. to 4 p. m. Indian standard time.

**56. Adjournment of poll in emergencies :-**

If at an election, the proceedings at any of the polling stations are interrupted or obstructed by a riot or open violence, or if it is not possible to take the poll at any polling station or such place on account of any natural calamity or any other sufficient cause, the Presiding Officer of such polling station shall announce the adjournment of the poll to a date to be notified later, and shall immediately report to the State Election Commission the circumstances which compelled him to adjourn the poll. The State Election Commission shall, as soon as may be, fix a date for a fresh polling in the particular station and publish the same in the official Gazette, at the municipal office and at such other places as he may deem necessary.

**57. Fresh poll in the case of destruction, etc., of ballot boxes :-**

If at any election any ballot box used at the polling station or at a place fixed for the poll is unlawfully taken out of the custody of the Presiding Officer, or in any way tampered with or accidentally or intentionally destroyed, lost or damaged and the State Election Commission is satisfied that in consequence thereof the result of

the poll at that polling station or place cannot be ascertained, he shall

- (a) declare the polling at that polling station or places to be void ;
- (b) report the matter forthwith to the State Election Commission ;
- (c) fix with the approval of the State Election Commission a day for fresh poll at the polling station concerned ;
- (d) the provisions of the Act and of any rules or order made thereunder shall apply to every such fresh poll as they apply to the original poll.

**58. Identification of electors :-**

- (1) The Presiding Officer may employ at the polling station such person as he thinks fit to help in the identification of the electors or to assist him otherwise in taking the poll.
- (2) As each elector enters the polling station, the Presiding Officer or the Polling Officer authorised by him in this behalf shall check the elector's name and other particulars with the relevant entry in the electoral roll and call out the serial number, name and other particulars of the elector.
- (3) Any candidate or his agent may challenge the identity of a person claiming to be a particular elector and where such challenge is made the procedure laid down in R. 67 shall be followed.

**59. Issue of ballot papers to electors :-**

- (1) After the identity of an elector is established a ballot paper shall be issued to him.
- (2) Every ballot paper shall, before issue to an elector, be stamped with such distinguishing mark as the Magistrate may direct.
- (3) At the time of issuing any ballot paper to an elector, the presiding officer or polling officer shall record, in such manner as the Magistrate may direct, the serial number thereof against the entry relating to the elector in a copy of the electoral roll set apart for the purpose thereafter in these rules referred to as "the marked copy of the electoral roll".

**60. Casting of rates :-**

- (1) The elector on receiving (fie ballot paper shall forthwith proceed

to one of the polling compartments and there make mark on the ballot paper opposite the name of the candidate or each of the candidates for whom he intends to vote in accordance with the instructions set out in the ballot paper and fold it so as to conceal his vote, and after showing to the presiding officer the distinguished mark on the ballot paper so folded into the ballot box in the presence of the presiding officer.

(2) Every elector shall vote without undue delay and shall quit the polling station as soon as he has inserted his paper into the ballot box.

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

**61. Recording of votes of illiterate and infirm electors :-**

(1) If owing to illiteracy or blindness or other physical infirmity, an elector is unable to read the ballot paper or make a mark thereon, the presiding officer shall record the vote in the ballot paper in accordance with the wishes of the elector and fold it up so as to conceal the vote.

(2) The elector shall then himself or with the assistance of the presiding officer insert the ballot paper into the ballot box.

(3) While acting under this rule the presiding officer shall observe as much secrecy as is feasible and shall keep a brief record of each of such instances but shall not indicate therein the manner in which any vote has been given.

**62. Instructions for recording votes to be explained by the presiding officer when requested :-**

The presiding officer at a polling station shall when he is so requested by an elector, explain to him the instructions contained on the ballot paper for the recording of votes

**63. Return of ballot papers by an elector :-**

(1) If an elector decides not to use ballot paper after he has obtained the same he shall return it to the presiding officer.

(2) Every such ballot paper shall be marked as "cancelled" and kept in a cover set apart for the purpose and the presiding officer shall keep a record of all such ballot papers.

**64. Presiding officer's entry into polling compartment during**

**poll :-**

(1) If the presiding officer, has reason to suspect that an elector who has entered the polling compartment has remained inside unduly long, he shall enter the polling compartment and take such steps as may be necessary to ensure the smooth and prompt progress of the poll.

(2) Whenever the presiding officer enters the polling compartment under this rule, he shall be accompanied by such of the candidates or their agent as desired to do so.

**65. Ballot papers found outside ballot boxes :-**

If any ballot paper which has been issued to an elector has not been inserted by him into any ballot box but is found anywhere in or near the polling station, it shall be cancelled and dealt with in a manner similar to that laid down in R. 63.

**66. Tendered votes :-**

(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, after duly answering such question as the presiding officer may ask, be supplied with ballot paper in Form XIII (hereafter in these rules referred to as a 'tendered ballot paper').

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

(3) Such person shall thereafter record on the ballot paper the name or names of the candidate or candidates for whom he wishes to vote ; but if owing to illiteracy or any other reasons he is unable to make such record, the presiding officer shall do so in accordance with his wishes.

(4) The procedure laid down in sub-R. (3) shall be followed with due regard to secrecy.

(5) Every such tendered ballot paper shall forthwith be placed in a separate cover which shall be sealed and all such covers containing tendered ballot papers shall be kept in a separate packet.

**67. Challenged votes :-**

(1) Every candidate or his agent making a challenge under sub-R.

(3) of R. 58 shall deposit a sum of two rupees in cash with the presiding officer for each such challenge.

(3) The presiding officer shall thereafter hold a summary enquiry into the challenge and may for that purpose require the challenger to adduce evidence in proof of the challenge and the person challenged to adduce evidence in proof of his identity.

(4) After such enquiry if the presiding officer is of the opinion that the challenge has not been established, he shall allow the person challenged to vote and if he is further 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-R. (1) be forfeited to Government.

(5) After such enquiry if the presiding officer is of the opinion that the challenge has been established he shall not allow the person challenged to vote and shall return the deposit made under sub-R. (1) to the challenger after the close of the poll on the day on which it was made.

(6) The presiding officer shall in every case, whether or not the person challenged is allowed to vote, make a note of the circumstances in the list of challenged votes.

**68. Manner of voting by electors employed on duty at polling stations :-**

(1) A presiding officer, a polling officer, any other public servant or a polling agent, who is an elector in a ward and is by reason of his being on duty at a polling station unable to vote at the polling station where he is entitled to do so may on application be allowed to record his vote in that ward from the polling station of his posting.

(2) Every such application shall be addressed to the Magistrate, shall specify the name of the elector, his address and his electoral roll number and shall be made at least three days or such less period as the Magistrate may in any particular case allow, before the date fixed for the poll.

(3) If the Magistrate is satisfied that the applicant is entitled to vote under sub-R. (1), he shall issue a ballot paper and a certificate specifying the ward or the polling station in which the applicant is entitled to vote.

(4) Every such person shall mark on the ballot paper opposite the name or names of the candidate or candidates for whom he wishes to vote.

(5) Every such ballot paper shall forthwith be placed in a separate cover which shall be sealed and all such covers shall be kept in a separate packet.

**69. Manner of voting by persons subjected to preventive detention :-**

(1) An elector, if he is subjected to preventive detention under any law for the time being in force, may on application be allowed to record his vote from the place of his detention.

(2) Any such elector may, within fifteen days from the date of the publication of the notification calling upon a ward to elect a member or members, give notice in writing to the Magistrate of his intention to give his vote in that election.

(3) Every such notice shall specify the name of the elector, his address and his electoral roll number and the particulars regarding his place of detention.

(4) If the Magistrate is satisfied that the person who has given notice under sub-R. (2) is under preventive detention and is entitled to vote at the election, he shall issue a ballot paper and a certificate specifying the ward or polling station in which the applicant is entitled to vote.

(5) Every officer under whose care or through whom a ballot paper is sent shall ensure that the same is delivered to the addressee without delay.

(6) Any such elector who has received a ballot paper and desires to vote shall record his vote in presence of the Superintendent of the Jail or the Commandant of the detention camp in which the elector is under detention, in accordance with the instructions contained in the back of the ballot paper ; he shall then secure the same in cover and hand it over to the Superintendent of the Jail or the Commandant, as the case may be, for transmission to the Magistrate.

**70. Sealing of ballot boxes, etc. after poll :-**

(1) As soon as practicable after the close of the poll, the presiding

officer shall close the slit of each 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 candidate or his agent who may be present to seal the same,

(2) All the ballot boxes shall thereafter be sealed and secured.

(4) Each such packet shall be sealed with the seals of the presiding officer as also of such candidates or their agents as may desire to affix their seal thereon.

**71.** :-

Account of ballot papers The presiding officer shall, at the close of the poll, prepare a ballot paper account in Form XVI.

**72. Transmission of ballot boxes, etc., to the Magistrate :-**

As soon as may be after the ballot boxes and packets have been sealed in accordance with Rs. 70 the presiding officer shall deliver or cause to be delivered to the Magistrate at such place as the Magistrate may direct

- (a) the ballot boxes ;
- (b) the packet referred to in R. 70 ;
- (c) the ballot paper account; and
- (d) all other papers used at the poll.

**73. Transport of ballot boxes and packets and their custody :-**

The Magistrate shall make adequate arrangements for the safe transport of all ballot boxes, packets and other papers referred to in R. 72 and for their safe custody until the commencement of the counting of votes.

**74. Disposal of ballot boxes, etc , on adjournment of poll :-**

If the poll is adjourned under R. 56 at any polling station, the provisions of Rr. 70, 71 and 72 shall, as far as practicable, apply as if the poll was closed at the hour fixed in that behalf under R. 55.

**75. Recommencement of an adjourned poll :-**

(1) At an adjourned poll under R. 56, the electors who have already voted at the poll so adjourned shall not be allowed to vote again.

(2) The Magistrate shall provide the presiding officer of the polling station at which such adjourned poll is held with sealed packets



containing the marked copy of the electoral roll as also a set of new ballot boxes.

(3) The presiding officer shall, before the recommencement of the poll, open in the presence of such candidates and their agents as may be present the sealed packets referred to in sub-R. (2) and shall use the marked copy of the electoral roll for recording the serial numbers of ballot papers, issued to electors at such adjourned poll.

(4) The provisions of Rr. 43 to 49 and 58 to 74 shall apply in relation to the conduct of poll at an adjourned poll as they apply in relation to the poll before it was so adjourned.

#### **76. Place, date and time for the counting of votes :-**

(1) On the day following the election day, and if it is a public holiday on the next following re-opening day, the Magistrate shall commence counting of votes of each ward at a time as per direction of State Election Commission in the presence of (he candidate or his election agent or any other agent (hereinafter called "counting agent") authorised by the candidate in writing in this behalf and shall give notice in writing to each candidate and his election agent of the place and time at which the votes shall be counted.

(2) If for any unavoidable reason the Magistrate is unable to proceed with the counting of votes on the date and at the time and place fixed under sub-R. (1) he shall immediately report to the State Election Commission which shall thereupon order postponement of the counting and fix another date and time and if necessary another place for the counting of votes, and the Magistrate shall give notice thereof in writing to each candidate and his election agent.

#### **77. Admission to the place fixed for counting :-**

(2) No person who has been employed by or on behalf of, or has been otherwise working for, a candidate in or about the election shall be appointed under Cl. (a) of sub-R. (I).

(3) Any person who during the counting of votes misconducts himself or fails to obey the lawful directions of the Magistrate may be removed from the place where the votes are being counted by the Magistrate or by any Police officer on duty or by any person authorised in this behalf by the Magistrate.

### **78. Scrutiny and opening of ballot boxes :-**

(1) On the date and at the time and place fixed under R. 76, the Magistrate shall, before he commences the counting, read out the provisions of R. 91 to such persons as may be present.

(2) The Magistrate shall decide which particular counting agent or agents of candidates shall attend the counting of ballot papers contained in any particular ballot box.

### **79. Scrutiny and rejection of ballot papers :-**

(1) The ballot papers taken out of each ballot box shall be arranged in convenient bundles and scrutinised.

(3) Before rejecting any ballot paper under sub-R. (2), the Magistrate shall allow each candidate, his election agent and one of his counting agents who may be present, reasonable opportunity to inspect the ballot paper but shall not allow them to handle it or any other ballot paper.

(4) The Magistrate shall endorse the letter 'R' on every ballot paper which he rejects and shall keep a brief record in Form XVII of every case of rejection.

(5) All rejected ballot papers in respect of each candidate shall be kept in a separate packet.

### **80. Counting of votes and ballot papers :-**

(2) The Magistrate shall maintain a result sheet in Form XVIII in respect of all ballot papers taken out of the ballot boxes.

(3) After the counting of ballot papers, or, as the case may be, of votes recorded on ballot papers, contained in all the ballot boxes used at a polling station has been completed and the entry in respect thereof made in Form XVIII, the Magistrate shall announce the particulars in such entry.

(6) Each packet of rejected ballot papers referred to in sub-R. (5) of R. 79 shall be sealed and the particulars specified in sub R. (5) shall be recorded thereon.

### **81. . :-**

Scrutiny and rejection of ballot papers of electors employed on duty at polling station. The procedure laid down in Rr. 79 and 80 shall be followed.

**82. Counting of ballot papers of electors employed on duty at polling station :-**

(1) The Magistrate shall count all valid votes given in favour of each candidate, record the total thereof in the result sheet in Form XVIII and announce the same.

**83. Counting to be continuous :-**

The Magistrate shall, as far as practicable, proceed continuously with the counting and shall during any intervals when the counting has to be suspended keep the ballot papers, packets and all other papers relating to the election sealed with his own seal and the seals of such candidates or election agents as may desire to affix their seals and take sufficient precautions for their safe custody during such intervals.

**84. Recommencement of counting after fresh poll :-**

(1) After a fresh poll, if any, held under R. 57 has been completed, the Magistrate shall recommence the counting of votes on the date and at the time and place which have been fixed by State Election Commission in that behalf and of which notice has been previously given to the candidates and their election agents.

(2) The provisions of Rr. 78, 79 and 80 shall apply as far as may be to such further counting.

**85. Recounting of votes :-**

(1) After the completion of the counting the Magistrate shall record in the result sheet in Form XVIII the total number of votes polled by each candidate and announce the same.

(2) After such an announcement has been made, a candidate or, in his absence, his election agent may apply in writing to the Magistrate for a recount of all or any of the ballot papers already counted stating the grounds on which he demands such recount.

(3) On such an application being made, the Magistrate shall decide the matter and may allow the application in whole or in part or may reject it in total if it appears to him to be frivolous or unreasonable.

(4) Every decision of the Magistrate under sub-R. (3) shall be in writing and contain the reasons therefor.

(6) After the total number of votes polled by each candidate has been announced under sub-R. (1) or sub-R. (5), the Magistrate

shall otherwise complete and sign the result sheet in Form XVIII and no application for a recount shall be entertained thereafter.

**86. Equality of votes :-**

If, after the counting of the votes is completed, an equality of votes is found to exist between any candidates and the addition of one vote will entitle any of those candidates to be declared elected, the Magistrate shall forthwith decide between those candidates by lot, and proceed as if the candidate on whom the lot falls had received an additional vote.

**87. Declaration of result of election :-**

(1) On the completion of the result sheet in Form XVIII the Magistrate shall, subject to the provisions of R. 86 so far as it applies to the particular case, forthwith declare the candidate or candidates to whom the largest number of valid votes has been given to be elected.

(2) Candidate elected from more than one ward. If a person is elected to more than one seat in a municipality, then unless within five days he resigns all but one of the seats by writing under his hand addressed to the Magistrate, all the seats shall become vacant.

**88. Publication of the result of election :-**

The Magistrate shall communicate the result of the election to the State Election Commission concerned who shall publish the same in the official Gazette as required under sub-S. (2) of S. 26 of the Act. Electoral offences

**89. Prohibition of public meeting on the election day :-**

(1) No person shall convene, hold or attend any public meeting within any polling area on the date or dates on which a poll is taken for an election in that polling area

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

**90. Disturbances at election meetings :-**

(1) Any person who, at a public meeting to which this rule applies, acts or incites others to act, in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting

was called together, shall be punishable with fine which may extend to two hundred and fifty rupees.

(2) This rule applies to any public meeting of a political character held in any ward between the date of the issue of a notification under these rules calling upon the ward to elect a member or members and the date on which election is held.

(3) If any Police Officer reasonably suspects any person of committing an offence under sub-R. (1), he may, if requested so to do by the Chairman of the meeting, require that person to declare to him immediately his name and address and, if that person refuses or fails so to declare his name and address, or if the Police Officer reasonably suspects him of giving a false name or address, the Police Officer may arrest him without warrant.

### **91. Maintenance of secrecy of voting :-**

(1) Every officer, clerk, agent or other person who performs any duty in connection with the recording or counting of votes at an election shall maintain and aid in maintaining, the secrecy of the voting and shall not, except for some purpose authorised by or under any law, communicate to any person any information calculated to violate such secrecy.

(2) Any person who contravenes the provisions of sub-R. (1) shall be punishable with imprisonment for a term which may extend to three months or with fine or with both.

### **92. Officer, etc., at elections not to act for candidates or to influence voting :-**

(1) No person who is a Magistrate or a Presiding Officer or Polling Officer at an election, or an officer or clerk appointed by the Magistrate or the Presiding Officer to perform any duty in connection with an election shall, in the conduct or the management of the election, do any act (other than the giving of vote) for the furtherance of the prospects of the election of a candidate.

(3) Any person who contravenes the provisions of sub-R. (1) or sub-R.(2) shall be punishable with imprisonment which may extend to six months or with fine or with both.

### **93. Prohibition of canvassing in or near polling stations :-**

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

(3) An offence punishable under this rule shall be cognizable.

**94. Penalty for disorderly conduct in or near polling stations :-**

(2) Any person who contravenes, or wilfully aids or abets the contravention of, the provisions of sub-R. (1) shall be punishable with imprisonment which may extend to three months or with fine or with both.

(3) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under this rule, he may direct any police officer to arrest such person, and thereupon the police officer shall arrest him.

(4) Any police officer may take such steps, and use such force, as may be reasonably necessary for preventing any contravention of the provisions of sub-R. (1), and may seize any apparatus used for such contravention.

**95. Penalty for misconduct at the polling station :-**

(1) Any person who, during the hours fixed for the poll at any polling station, misconducts himself or fails to obey the lawful directions of the presiding officer may be removed from the polling station by the presiding officer or by any police officer on duty or by any person authorised in this behalf by such presiding officer.

(2) The powers conferred by sub-R. (1) shall not be exercised so as to prevent any elector who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

(3) If any person, who has been so removed from a polling station, re- enters the polling station without the permission of the presiding officer he shall be punishable with imprisonment for a term which may extend to three months or with fine or with both.

(4) An offence punishable under sub-R. (3) shall be cognizable.

**96. Penalty for illegal hiring or procuring of conveyances at elections :-**

If any person is guilty of any such corrupt practice as is specified in item 5 of Schedule I at or in connection with an election, he shall

be punishable with fine which may extend to two hundred and fifty rupees.

**97. Breaches of official duty in connection with elections :-**

(1) If any person to whom this rule applies is without reasonable cause guilty of any act or omission in breach of his official duty, he shall be punishable with fine which may extend to five hundred rupees.

(2) No suit or other legal proceedings shall lie against any such person for damages in respect of any such act or omission as aforesaid.

(3) The persons to whom this rule applies are the Magistrate, presiding officers, polling officers and any other person appointed to perform any duty in connection with the preparation of an electoral roll, the receipt of nominations or withdrawal of candidatures, or the recording or counting of votes at an election ; and the expression "official duty" shall for the purposes of this rule be construed accordingly, but shall not include duties imposed otherwise than by or under these rules or by or under the Act.

**98. Removal of ballot papers from polling station to be an offence :-**

(1) Any person who at any election fraudulently takes, or attempts to take, a ballot paper out of a polling station, or wilfully aids or abets the doing of any such act, shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to five hundred rupees or with both.

(2) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under sub-R (1), such officer may, before such person leaves the polling station, arrest or direct a police officer to arrest such person and may search such person or cause him to be searched by a police officer : Provided that when it is necessary to cause a woman to be searched, the search shall be made by another woman with strict regard to decency.

(3) Any ballot paper found upon the person arrested on search shall be made over for safe custody to a police officer by the presiding officer, or when the search is made by a police officer, shall be kept by such officer in safe custody.

(4) An offence punishable under sub-R. (1) shall be cognizable.

**99. Other offences and penalties therefor :-**

(3) For the purposes of this rule, a person shall be deemed to be on official duty if his duty is to take part in the conduct of an election or part of an election including the counting of votes or to be responsible after an election for the used ballot papers and other documents in connection with such election, but the expression "official duty" shall not include any duty imposed otherwise than by or under these rules or by or under the Act.

(4) An offence punishable under Cl. (b) of sub-R. (2) shall be cognizable.

**100. Penalty for "corrupt practice" :-**

Whoever commits a corrupt practice at an election shall be punishable with a fine not exceeding five hundred rupees.  
Presentation of election petitions

**101. Election petitions :-**

No election shall be called in question except by an election petition presented in accordance with the provisions of S. 16 of the Act.

**102. Parties to the petition :-**

A petitioner shall join "as respondents to his petition

(a) where the petitioner, in addition to claiming a declaration that the election of all or any of the returned candidates is void, claims a further declaration that he himself or any other candidate has been duly elected, all the contesting candidate's other than the petitioner, and where no such further declaration is claimed, all the returned candidates ; and

(b) any other candidate against whom allegations of any corrupt practice are made in the petition.

**103. Contents of petition :-**

(2) Any schedule of annexure to the petition shall also be signed by the petitioner and verified in the same manner as the petition.

**104. Relief that may be claimed by the petitioner :-**

A petitioner may, in addition to claiming a declaration that the election of all or any of the returned candidates is void, claim a further declaration that he himself or any other candidate has been duly elected.



**104A. . :-**

Every appeal under Cl. (c) of the second proviso to S. 16 of the Act, shall be

- (i) in the form of a memorandum signed by the appellant and verified in the manner prescribed for verification of pleadings in the Civil Procedure Code, 1908, and presented by the appellant or his pleader or by his duly authorised agent;
- (ii) accompanied by a certified copy of the order appealed from ;
- and

**105. Destruction of used and unused ballot papers :-**

On the expiry of sixty days from the date of the declaration of the result of the election, or if an election petition has been filed under S. 16 of the Act, as soon as possible after the disposal of the petition, the ballot papers in the ballot boxes and the sealed books containing unused ballot papers shall be destroyed in the presence of such officer as the Magistrate may appoint for this purpose.

**106. Preservation of election papers :-**

Documents mentioned below shall be preserved in the following manner ;

- (1) Preliminary electoral rolls and claims and objections with a reference to it in the office of Municipal Board for three years ;
- (2) Final electoral roll as authenticated by the Magistrate for twelve years in the office of the Municipal Board ;
- (3) Nomination papers in the office of the Magistrate till the expiry of the period of appeal or till disposal of the appeal, if any, preferred and thereafter in the office of the Municipal Board for three years ;
- (4) Election petitions and proceedings and orders of the Judge thereon in the office of the Judge for three years. Miscellaneous

**107. . :-**

In a Municipality where the Magistrate is the Chairman, the duties assigned to the Chairman in these rules shall be discharged by the Vice-Chairman.

**108. . :-**

If in any case such a course appears to the State Government to be necessary it may direct that the Magistrate shall perform all or any

of the duties assigned by these rules to the Chairman or the Board at a meeting :

Provided that the Magistrate shall always perform such duties for the purpose of the first election in newly created municipality.

**109. . :-**

No person having directly or indirectly by himself or his partner or otherwise any share or interest in any contract or employment with, by or on behalf of the Board or holding any office of profit under the Board shall directly or indirectly engage in canvassing for votes or otherwise assist in the election of any candidate otherwise than by giving his own vote. Any breach of this rule will render an employee liable to dismissal and any such contract liable to be determined without compensation, without prejudice to any other remedies civil or criminal that may be open to the Board.

**110. . :-**

AH costs incurred in the preparation, printing and publication of the electoral rolls, the publication of notices, the holding of elections or the taking of any other necessary action under these rules, shall be payable by the Board out of the Municipal Fund. In the case of a newly created municipality in which no municipal fund has been formed, the Magistrate of the district shall advance such sums as may be required, and such sums shall be recoverable from the Municipal Board within six months.

**111. Delegation of powers to officers :-**

The State Election Commission may, by order in writing, direct that any powers conferred or any duty imposed on the State Election Commission under these rules shall under such conditions, if any, as may be specified in the direction be exercised or discharged by such officer or class of officers as may be specified.

**112. Procedure for reservation for women :-**

The State Government shall, prior to the conduct of elections, determine the wards which will elect women commissioners, in accordance with the provisions of the Act, in such a manner by rotation as the State Government may, by order, publish in the official Gazette.

**113. Procedure for reservation for the Scheduled Castes and Scheduled Tribes :-**

The State Government shall determine the wards which will elect Scheduled Castes/Scheduled Tribes commissioners in accordance

with the provisions of the Act in such a manner by rotation as the State Government may, by order, publish in the official Gazette.

**114. Ceiling of election expenditure for candidates :-**

The State Government shall, in consultation with the State Election Commission, fix ceiling of expenditure to be incurred by the candidate for election purposes. The candidate shall submit the accounts of election expenditure with supporting documents to the State Election Commission within ninety days from the date of announcement of result.

**115. Model code of conduct :-**

The State Election Commission shall, in consultation with all the political parties, prepare the model code of conduct for observance by the political parties and the candidates during the election.

**116. Magistrate to be available for election work :-**

The State Government when so requested by the State Election Commission, make available to the State Election Commission services of such number of Magistrates as may be necessary for the performance of any duties in connection with an election including preparation of electoral rolls and such Magistrates shall act as per direction and supervision of the State Election Commission.

**SCHEDULE 1**

**Corrupt practices**

**SCHEDULE I**

**[Rule 2 (d)]**

**Corrupt practices**

Corrupt practices. The following shall be deemed to be corrupt practices for the purposes of these rules :

(1) Bribery, that is to say, any gift, offer or promise by a candidate or his agent or by any other person, of any gratification to any person whomsoever, with the object, directly or indirectly of inducing

- a. a person to stand or not to stand as or to withdraw from being a candidate or to retire from contest, at an election ;
- b. an elector to vote or refrain from voting at an election, or as a reward to

(i) a person for having so stood or not stood or for having withdrawn his candidature or for having retired from contest ; or

(ii) an elector for having voted or refrained from voting.

Explanation. For the purposes of this clause the term "gratification" is not restricted to pecuniary gratifications or gratifications estimable in money and it includes all forms of entertainment and all forms of employment for reward but it does not include the payment of any expenses bona fide incurred at, or for the purpose of, any election.

(2) Undue influence, that is to say, any direct or indirect interference or attempt to interfere on the part of the candidate or his agents, or of any other person, with the free exercise of any electoral right :

Provided that

(a) without prejudice to the generality of the provisions of this clause any such person as is referred to therein who

(i) threatens any candidate, or any elector, or any person in whom a candidate or an elector is interested, with injury of any kind including social ostracism and ex-communication or expulsion from any caste or community ; or

(ii) induces or attempts to induce a candidate or an elector to believe that he, or any person in whom he is interested, will become or will be rendered an object of divine displeasure or spiritual censure,

shall be deemed to interfere with the free exercise of the electoral right of such candidate or elector within the meaning of this clause ;

(b) a declaration of public policy, or a promise of publication, or the mere exercise of a legal right without intent to interfere with an electoral right, shall not be deemed to be interference within the meaning of this clause.

3. The systematic appeal by a candidate or his agent or by any other person to vote or refrain from voting on grounds of caste, race, community or religion or the use of, or appeal to, religious symbols, or the use of or appeal to, national symbols, such as the national flag or the national emblem, for the furtherance of the prospects of that candidate's election.
4. The publication by a candidate or his agent or by any other person, of any statement of fact which is false, and which he either believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate, or in relation to the candidature or withdrawal, or retirement from contest, of any candidate, being a statement reasonably calculated to prejudice the prospects of that candidate's election.
5. The hiring or procuring, whether on payment or otherwise, of any vehicle or vessel by a candidate or his agent or by any other person, for the conveyance of any elector (other than the candidate himself, the members of his family or his agent) to or from any polling station provided under R. 39 for the poll:

Provided that the hiring of a vehicle or vessel by an elector or by several electors at their joint costs for the purpose of conveying him or them to and from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause if the vehicle or vessel so hired is a vehicle or vessel

not propelled by mechanical power ;

Provided further that the use of any public transport vehicle or vessel or any tramcar or railway carriage by any elector at his own cost for the purpose of going to or coming from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause.

Explanation. In this clause, the expression "vehicle" means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise and whether used or drawing other vehicles or otherwise.

(6) The obtaining or procuring or abetting or attempting to obtain or procure by a candidate or his agent or, by any other person, any assistance (other than the giving of vote) for the furtherance of the prospects of that candidate's election, from any person in the service of the Government and belonging to any of the following clauses, namely :

- a. gazetted officers ;
- b. stipendiary Judges and Magistrates ;
- c. members of the armed forces of the Union ;
- d. members of the police force ;
- e. excise officers :
- f. revenue officers including village accountants, such as patwaris, lekbpals, talatis. karnams and the like but excluding other village officers ; and
- g. such other class of persons in the service of the Government as may be certified by the State Government.

Explanation. (1) In this Schedule the expression "agent" includes an election agent, a polling agent and any person who is held to have acted as an agent in connection with the election with the consent of the candidate.

(2) For the purpose of item (6), a person shall be deemed to assist in the furtherance of the prospects of candidate's election if he acts as an election agent, or a polling agent or a counting agent of that candidate.