
DELHI AGRICULTURAL PRODUCE MARKETING (ELECTION) RULES, 1978

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DELHI AGRICULTURAL PRODUCE MARKETING (ELECTION) RULES, 1978

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PART 1

GENERAL

1. Short Title and Commencement :-

(i) These rules may be called the Delhi Agricultural Produce Marketing (Election) Rules, 1978.

(ii) They shall come into force at once.

2. Definitions :-

In these rules unless the context otherwise requires :

(i) Act : means the Delhi Agricultural Produce Marketing (Regulation) Act, 1976.

(ii) Ballot Box : includes any box, bag or other receptacle used for the insertion of ballot paper by voters.

(iii) Constituency : means an Agriculturist constituency, Traders and Commission Agents constituency and Weighmen and Measurers constituency and each shall be treated as a constituency of a different class.

(iv) Counting Agent : means a person appointed by the candidate to be his counting agent, with the previous approval of the Returning Officer of the constituency.

(v) Director : means a person appointed as the Director of Agricultural Marketing for the Union Territory of Delhi.

(vi) Election Agent : means a person appointed by a candidate to be his election agent with the previous approval of the Returning Officer of the constituency.

(vii) Elector list : means list of electors prepared under these rules.

(viii) Elector : in relation to a constituency means a person whose name is entered in the electors list of that constituency, for the

time being in force.

(ix) Electoral Registration Officer : means an officer appointed under rule 4 as an Electoral Registration Officer of a constituency and would include Asstt. Electoral Registration Officer also.

(x) Form : means a form appended to these rules.

(xi) Licensed : means licensed to operate as a market functionary in any market or market area under the Act.

(xii) Marked copy of 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.

(xiii) Polling station : means the place fixed for the poll for election to a market committee.

(xiv) Polling Officer : means a polling officer appointed by the Director for the purpose of these rules.

(xv) Polling Agent : means a person appointed as a polling agent by a candidate at a polling station on the day of poll under these rules.

(xvi) Public Holiday : means any holiday which is a public holiday for the purpose of section 25 of the Negotiable Instruments Act, 1881 (26 of 1881).

(xvii) Presiding Officer : means a presiding officer appointed by the Director for the purpose of these rules.

(xviii) Qualifying date : in relation to the preparation or revision of every electoral roll means the date as may be specified by the Director.

(xix) Returning Officer : means a returning officer appointed by the Director for the purposes of these rules and would include Asstt. Returning Officer also.

(xx) Section : means section of the Delhi Agricultural Produce Marketing (Regulation) Act, 1976.

(xxi) Voter : means an elector who has voted.

3. Division of Market Area in the Constituencies :-

(i) For the purposes of election of six members by agriculturists, two members by traders and commission agents and one member

by weighmen and measurers, as provided by clauses (a), (b) and (c) of sub-section 1 of section 9 of the Act every market area shall consist of :

(a) Agriculturist constituency;

(b) Traders and commission agent constituency; and

(c) Weighmen and measurers constituency,

(ii) The market area shall, for the purposes of electing six agriculturists, be divided into six single member constituencies, each returning one candidate and there shall be separate election of each constituency. Each constituency shall consist of such number of villages or other area as may be determined by the Director :

Provided that if fifty per cent of the members representing agriculturists are required to be nominated from the neighbouring States Haryana, Himachal Pradesh, Jammu and Kashmir, Punjab, Rajasthan and Uttar Pradesh as required under sub-clause (a) of sub-section 1 of section 9 of the Act, the agriculturists constituency of that market area shall be divided in three single member constituencies in the manner referred to above :

Provided further that if the representation from the neighbouring States is less than fifty per cent in any market committee, the number of agriculturists constituencies may be increased so as to form the total number of members of six.

(iii) The trade and commission agents constituency and weighmen and measurers constituency shall consist of the whole of the market area.

4. Electors" List :-

(i) The Director shall appoint an Electoral Registration Officer for each constituency who shall be an officer of Delhi Administration.

(ii) The Electoral Registration Officer shall cause to be prepared lists of electors separately for each of the constituencies specified in rule 3 in a market area in Hindi. For this purpose a central place in the constituency shall be declared by the Director as the Office of the Electoral Registration Officer for the registration of electors and may issue a notice specifying the names of the constituency, area of the constituencies and the qualification of electors and requiring

them if necessary, to get themselves registered with the Electoral Registration Officer for this purpose within such time as may be specified in the said notice :

Provided that, where a person qualified to vote in a trader constituency is a firm or body corporate (including a cooperative society) such firm or body nominate a person (being a person who is either a partner of the firm or a member of the managing committee in the case of a cooperative society or a person duly authorised by any other body corporate) to vote on its behalf and intimate the name of that person to the Electoral Registration Officer within such time as may be specified in that behalf for being included in the list of electors representing that firm or society :

Provided further that if such firm or society is holding more than one licence, nevertheless, it shall not nominate more than one person as aforesaid.

(iii) No person shall be entitled to have his name entered in the list of electors for more than one constituency.

(iv) Persons entitled to be enrolled as electors shall be 21 years of age or above on the qualifying date to be specified by the Director.

(v) Every such list shall be revised before each general election, at least six months before the date on which the term of the Market Committee is due to expire :

Provided that the Director may, in the case of electors for the trader constituency and weighmen and measurer constituency, direct the revision of such list or lists also at any other time before any general election is due.

5. Preparation of List of Electors of Agriculturist Constituency :-

(i) The Director shall cause to be prepared lists of electors entitled to have their names entered in the list of electors of Agriculturist Constituency.

(ii) The lists shall be divided into parts each consisting of electors of a village or group of contiguous villages, which shall be numbered consecutively. The number of electors included in any part shall not ordinarily exceed eight hundred.

(iii) The names of electors in each part of the said list shall be

arranged according to Khasra of the revenue estate of the land cultivates in a village by each agriculturist and where any agriculturist cultivated more than one Khasra number, his name shall be entered only in respect of all such lands.

(iv) The Director shall cause to be prepared a draft electors list showing names, age and the Khasra of the revenue estate of the land cultivated by him in a village on the basis of record of rights in Form C-4 maintained under Delhi (Land Reforms Act) or any other record maintained by or on behalf of the Administrator containing the particulars of persons cultivating agricultural land. The concerned Revenue Authority shall supply to the Director or any other officer authorised by him, necessary particulars required under this sub-rule and within such time as is specified in this behalf.

(v) Every list of electors shall show full name, age, residence and serial number of elector and the nature of his qualifications.

6. Inviting Objections :-

(i) As soon as the draft electors" lists are ready, the concerned Electoral Registration Officer shall publish them by making a copy thereof available for inspection at a specified place in or near the area to which it relates and displaying a notice in Form 1 :

(ii) Every claim for the inclusion of a name in the electors" list and every objection to inclusion of name or to any particular or particulars therein shall be lodged with the concerned Electoral Registration Officer within a period of thirty days from the date of publication of the draft electors" list under sub-rule 1 : Provided that the Director may, by an order extend the period of such publication.

(iii) Every claim shall be :

(a) in form 2 or 2A as the case may be;

(b) signed by the person desiring his name to be included in the electors" list.

(iv) Every objection to the inclusion of a name in the electors" list shall be :

(a) in form 3;

(b) preferred only by a person whose name is already included in

the electors" list.

(v) Every objection to a particular or particulars in an entry in the electors" list shall be :

(a) in form 4; and

(b) preferred only by the person to whom that entry relates

(vi) Every claim or objection shall :

(a) be presented to the Electoral Registration Officer concerned; or

(b) be sent by Registered post to the Electoral Registration Officer,

(vii) The Electoral Registration Officer shall :

(a) maintain in duplicate a list each of claims in form 5; of objections to the inclusion of name in form 6; and of objections to particulars in form 7.

(b) shall exhibit one copy of each such list on a notice board in his office.

(viii) Every claim or objection which is not lodged within the period or not in "the form and manner herein specified, shall be rejected by the Electoral Registration Officer.

(ix) If the Electoral Registration Officer is satisfied as to the validity of any claim or objections he may allow it without further enquiry after the expiry of one week from the date on which it is entered in the list exhibited by him under clause (b) of sub-rule (vii) :

Provided that where before any such claim or objection has been allowed a demand for enquiry has been made in writing to the Electoral Registration Officer by an elector of the relevant portion of the electoral list, it shall not be allowed without further enquiry.

(x) Where a claim or objection is not disposed of Under sub-rules (VIU) and (ix) the Electoral Registration Officer shall :

(a) specify in the lists exhibited by him under clause (b) of sub-rule (Oil), the time and place of hearing of the Claim Or Objection ."

(b) give notice of hearing :

(i) in the case of a claim to an elector in Form 8;

(ii) in the case of an objection as to the inclusion of a name, to the objector in Form 9 and to the person objected to in Form 10; and

(iii) in the case of an objection to a particular or particulars in an entry, to the objector in Form 11.

(xi) The Electoral Registration Officer, after hearing the evidence, if any, adduced on behalf of the parties and after further enquiry, if any, shall pass order on the claim or objection and the order of the Electoral Registration Officer relating to such claim or objection shall be final.

(xii) The Electoral Registration Officer shall cause the lists to be amended in accordance with the order passed under sub-rule (xi) and shall cause them to be published finally in Hindi in such manner as he may deem fit by issuing notice in Form 12. The final list together with all relevant records shall be sent to the Director forthwith.

(xiii) Copies of such final lists including the final list of amendment and additions shall be made available for inspection and sale in whole or in part in the office of the Director or at any other place as the Director may specify, in this behalf.

(xiv) The list of electors finalised under sub-rule (xii) shall remain in force and continue in operation as the list of electors for the purpose of General Election or any subsequent bye-election, until it is revised as provided by these rules.

7. Electors" List to be Conclusive :-

Subject to any disqualification incurred by a person, the electors list published finally under rule 6 (xii) shall be conclusive evidence for the purpose of determining whether any person is qualified to be elected at any election.

8. Person Qualified to be Elected :-

Every person whose name is entered in the list of electors of any constituency shall, unless disqualified under these rules, be qualified to be elected.

9. Right to Vote :-

Except as expressly provided by these rules, every person who is for the time being, entered in the list of Electors of any constituency shall be entitled to vote in that constituency.

10. Disqualification for Voting :-

(i) No person shall be allowed to vote at any election in any

constituency, if he is subjected to any disqualification under these rules.

(ii) No person shall vote in more than one constituency.

(iii) No person shall at any election vote in the same constituency more than once, notwithstanding that his name may have been entered in the list of Electors for that constituency more than once; and if he does so, all his votes in that constituency shall be void.

(iv) No person shall vote at any election, if he is confined in a prison whether under a sentence or otherwise; or is in lawful custody of the police.

11. Election of Chairman or Representative of Cooperative Societies :-

If there are more than one cooperative societies doing the business of marketing of declared agricultural produce or operating as processor in the market area, the Director shall call upon such societies, if they so desire, to communicate the names of their Chairman or in the absence of Chairman, their representative by a specified date for being elected to the Market Committee. On receipt of the names- of the Chairman or the representatives of the societies, as the case may be, the Director shall appoint a Presiding Officer under whose supervision the election shall be conducted. The Director shall direct them to elect one of them to be a member of the Market Committee. Such an election may be held by ballot on a date, place and hour to be fixed by the Director. In case of equality of votes, the election shall be made by draw of lots.

12. Disqualification of Membership :-

(i) A person shall be disqualified for being chosen as or for being a member of a Market Committee :

(a) If he has been convicted by a court in India of any offence and sentenced to imprisonment for a term exceeding six months unless such disqualification has been removed by an order of the Administrator.

(b) If he has not attained the age of 21 years on the "qualifying date"; or

(c) If he is an undischarged insolvent; or

(d) If he is of unsound mind and stands so declared by a

competent court; or

(e) If he is deaf-mute; or

(f) If he has failed to pay any fees or charges due to the Market Committee; or

(g) If he is a Government servant or a servant of the Board or any Market Committee or local authority or public undertaking or holds a licence from such Committee other than that of a trader or cooperative society commission agent or measurer and weighman; or

(h) If he has committed breach of the Act or the rule or bye-laws made thereunder more than once and has been convicted under this Act by a competent court; or

(i) If he has failed to make payments to sellers within 24 hours.

(ii) A person shall not be chosen as a member :

(a) representing the traders" constituency and weighmen and measurers constituency-if he does not ordinarily reside in the market area or if the licence issued to him, is cancelled or suspended or not renewed.

(b) representing agriculturists constituency-if his main income is not from agriculture or possesses a trader"s, commission agent"s or broker"s licence or has interest in a joint family or firm which has a trader"s or commission agent"s or broker"s or weighmen and measurer"s licence.

Explanation : For the purpose of this sub-rule, a person shall be deemed to be ordinarily residing in the market area, if he resides in such area for not less than 180 days in a calendar year.

(iii) As a representative of weighmen and measurer, if he has ceased to be a weighman or measurer or if his licence has been cancelled or suspended or not renewed.

(iv) A person shall be disqualified for being a member of the Market Committee as a representative of any institution, if he or a firm of which he is a partner or body corporate (other than the cooperative societies) in which he is a Director, or a Joint Family of which he is a member does business as a trader, commission agent, weighman or measurer.

13. Appointment of Returning Officer :-

For every constituency, for every election to fill seat or seats in the Market Committees, the Director shall designate or nominate a Returning Officer who shall be an officer of Delhi Administration : Provided that nothing in this rule shall prevent the Director from designating or nominating the same person to be Returning Officer for more than one constituency.

14. Appointment of Presiding Officers for Polling Stations :-

The Returning Officer shall appoint a presiding officer for each polling station and such polling officer or officers as he thinks necessary but he shall not appoint any person who has been employed by or on behalf of, or has been otherwise working for a candidate in or about the election :

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 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 Returning Officer, accordingly :

Provided further that nothing in this rule shall prevent the Returning Officer from appointing the same person to be the Presiding Officer for more than one polling station in the same premises.

15. General Duties of the Presiding Officer :-

It shall be the general duty of the Presiding Officer at a polling station to keep order there and to see that the poll is fairly conducted.

16. Duties of a Polling Officer :-

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

17. Election Agents :-

A candidate at an election may appoint in Form 19 any one person other than himself to be his election agent and when any such appointment is made, notice of the appointment shall be given by forwarding the same in duplicate to the Returning Officer who shall return one copy thereof to the election agent after affixing thereon his seal and signature in token of his approval of the appointment.

18. Disqualifications for being an Election Agent :-

Any person, who is for the time being disqualified under these rules for being a member of the Committee or for voting at election shall, so long as the disqualification subsists, also be disqualified for being an election agent at any election.

19. Functions of Election Agents :-

An election agent may perform such functions in connection with the election as are authorised by the candidate to be performed by an election agent and as provided in these rules.

20. Appointment of Polling Agents :-

(i) A contesting candidate or his election agent may appoint one agent and two relief agents to act as polling agents of such candidate at each polling station.

(ii) Every such appointment shall be made in Form 20 and shall be made over to the polling agent for production at the polling station.

21. Appointment of Polling Agents :-

(i) A contesting candidate or his election agent may appoint one counting agent at each polling station and not more than two persons as his counting agents with the Returning Officer in Form 21 in duplicate, one copy of which shall be forwarded to the Returning Officer, while the other copy shall be made over to the counting agent for production before the Presiding Officer not later than one hour before the time fixed for counting under rule 51 (i).

(ii) A person acting as a polling agent for a candidate at a polling station can also be appointed as counting agent at that polling station by the same candidate or his election agent.

22. Order for General Election of Market Committee :-

(i) A general election shall be held for the purpose of constituting a new Market Committee on the expiration of the duration of the existing Market Committee or on its supersession.

(ii) For the said purpose, the Director shall by an order call upon all the constituencies in a market area to elect members in accordance with the provisions of these rules before the date specified by him in the order.

23. Appointment of Dates for Nomination etc. :-

(i) As soon as the order calling upon a constituency to elect a member or members is issued, the Director shall, by notification in the Official Gazette, appoint :

(a) the last date for making nominations, which shall be the seventh day after the date of issue of the said order or, if that day is a public holiday, the next succeeding day which is not a public holiday;

(b) the date for the scrutiny of nominations, which shall be the day immediately following the last date for making nomination or if that day is a public holiday, the next succeeding day which is not a public holiday;

(c) the last date for the withdrawal of candidatures which shall be the second day after the date for scrutiny of nominations or if that day is a public holiday, the next succeeding day which is not a public holiday;

(d) the date or dates on which a poll shall, if necessary, be taken which shall be a date not earlier than the twentieth day after the last date for the withdrawal of candidature and the hours of poll.

(e) the date before which the election shall be completed.

(ii) The Director shall, not less than 35 days before the date fixed for the poll, publish in Hindi the dates so appointed by means of notice in newspaper circulated in the market area and put copies of such notice on the notice board of the Market Committee and the village chopals and at other conspicuous places in the village included in the market area.

24. Nomination of Candidate :-

(i) Any person may be nominated as a candidate for election to fill a seat, if he is qualified to be chosen to filled seat under the provisions of these rules.

(ii) Every nomination paper presented under rule 25 shall be completed in Form 13.

(iii) A nomination paper shall be supplied by the Returning Officer or an officer authorised by him, in this behalf to an elector on demand.

25. Presentation of Nomination Paper and Requirements for Valid Nomination :-

(i) On or before the date specified under clause (a) of sub- rule (i) of rule 23, each candidate either in person or by his proposer, shall deliver between the hours of 11.00 A.M. and 3.00 P.M. to the Returning Officer during the period and at the place specified in the order made under rule 23, a nomination paper completed as provided by rule 24 and signed by the candidate and by an elector of the constituency as proposer.

(ii) Any person who is not subject to any disqualification as an elector under these rules and whose name is entered in the list of electors for the constituency for which the candidate is nominated, may subscribe as proposer, but shall not subscribe as proposer for more than one candidate.

(iii) On the presentation of a nomination paper, the Returning Officer shall satisfy himself that the names and numbers of the candidate and his proposer as entered in the nomination paper are the same as those entered in the list of electors :

Provided that the "Returning Officer spermmN) ct cand sA Xwxv error in novmnatiox paper in regard to the said names or numbers to be corrected in order to bring them into conformity with the corresponding entries in the lisi of electors and where necessary any clerical or printing error in the said entriei shall be overlooked.

(iv) A nomination paper received after the date and the time specific under sub-rule (1) of rule 23 and sub-rule (1) of rule 25 respectively shall be rejected.

(v) Where the candidate is an elector of a different constituency, a certified copy of the relevant entries in such list of electors shall, unless it has been filed along with a nomination paper, be produced before the Returning Officer at the time of scrutiny.

(vi) Nothing in this rule shall prevent a candidate from being nominated by more than one nomination paper for election in the same constituency subject to the maximum of four nomination papers.

26. Symbol of Election :-

(i) The Director shall by order paste on the notice board of the Market Committee and specify the symbols that may be chosen by candidates at an election in any constituency and the restrictions to which their choice shall be subject.

(ii) Where at any such election more nomination papers than one are delivered on behalf of a candidate the declarations as to symbols made in the nomination paper first delivered and no other declaration as to symbol shall be taken into consideration even if that nomination paper has been rejected.

27. Deposits :-

A candidate shall not be deemed to be duly nominated for election from a constituency unless he deposits or causes to be deposited with the Returning Officer, a sum of rupees one hundred in cash at the time of nomination : Provided that, where a candidate has been nominated by more than one nomination paper for election in the same constituency not more than one deposit shall be required of him under this rule.

28. Notice of Nomination and Time and Place for the Scrutiny :-

The Returning Officer shall on receiving the nomination paper under sub-rule (i) of rule 25 inform the person or persons delivering the same, of the day, time and place fixed for the scrutiny of nomination, and shall enter on the nominations paper its serial number and shall sign thereon a certificate stating the date on which and the hours at which the nomination paper has been delivered to him and shall as soon as may be thereafter cause to be fixed in some conspicuous place in his office a notice of the nomination in Form 14 containing descriptions similar to those contained in the nomination paper both of the candidate and of the proposer.

29. Scrutiny of Nominations :-

(i) On the date specified for the scrutiny of nominations under rule 23(b) the candidates, one proposer of each candidate and one other person duly authorised, in writing, by each candidate may attend at the time and place specified in this behalf, under rule 28 and the Returning Officer shall give them all reasonable facilities for examining the nomination papers of all candidates which have been delivered as required by sub-rule (i) of rule 25.

(ii) The Returning Officer shall then examine the nomination papers and shall decide all objections which may be made to any nomination, and may, either on such objection or on his own motion, after such summary enquiry, if any, as he thinks necessary, reject any nomination on any of the following grounds :

(a) that the candidate is disqualified for being chosen to fill the seat under these rules;

(b) that the proposer is disqualified from subscribing a nomination paper under these rules;

(c) that there has been a failure to comply with any of the provisions of rule 25 or 27;

(d) that the signature of the candidate or the proposer on the nomination paper is not genuine.

(iii) Nothing contained in clause (c) or (d) of sub-rule (2) shall be deemed to authorise the rejection of the nomination of any candidate on the ground of any irregularity in respect of a nomination paper, if the candidate has been duly nominated by means of another nomination paper in respect of which no irregularity has been committed.

(iv) The Returning Officer shall not reject any nomination paper on the ground of any defect which is not of a substantial nature.

(v) The Returning Officer shall hold the scrutiny on the date specified, in this behalf, under rule 28 and shall not allow any adjournment of the proceedings except when such proceedings are interrupted or obstructed by riot or open violence or by causes beyond his control :

Provided that in case objection is raised before the Returning Officer by any person at any time of scrutiny, the candidate concerned may be allowed time to rebut it not later than the next day, and the Returning Officer shall record his decision on the date to which the proceedings have been adjourned.

(vi) The Returning Officer 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.

(vii) For purposes of this rule, the production of a certified copy of an entry made in the list of electors of the relevant constituency by a candidate/proposer shall be conclusive evidence of the right of any elector named in that entry to stand for elector unless it is proved that the candidate is otherwise disqualified.

(viii) Immediately, after all the nomination papers have been

scrutinised and decision accented, on rejecting, the same have been recorded, the Returning Officer shall, subject to the provisions of rule 31 prepare a list of validly nominated candidates whose nomination have been found valid in Form 15 and cause it to be affixed on the Notice Board and shall also record the date on which, and the time at which, the list was so affixed.

30. Withdrawal of Candidature :-

(i) Any candidate may withdraw his candidature by notice in Form 16 subscribed by him and delivered to the Returning Officer.

(ii) The notice shall be delivered to the Returning Officer before 3 o'clock in the afternoon on the last day fixed for withdrawal of candidature.

(iii) The notice may be delivered either by the candidate in person or by his proposer who has been authorised, in this behalf, in writing by the candidate.

(iv) No person who has given a notice of withdrawal of his candidature under sub-rule (i) shall be allowed to cancel the notice.

(v) The Returning Officer shall, on being satisfied as to the genuineness of a notice of withdrawal and the identity of the person delivering it under sub-rule (i) cause notice to be affixed on the notice board, in his office in Form 17.

31. Preparation of List of Contesting Candidates :-

(i) Immediately after the expiry of the period within which candidates may be withdrawn under sub-rule (i) of rule 30, the Returning Officer shall prepare and publish in Form 18 a list of contesting candidates, that is to say, candidates whose nomination papers have been finally accepted and who have not withdrawn their candidature within the specified period.

(ii) The said list shall, subject to the provisions of sub-rule (i) contain the names and addresses of the contesting candidates in Hindi as given in the nomination papers and the symbol allotted to each one of them. The names shall be arranged in the said list in the order of the receipt of the nomination papers.

(iii) Where a poll becomes necessary, the Returning Officer shall consider the choice of symbol expressed by the contesting candidates in their nomination papers and subject to any general or

special directions issued in this behalf by the Director :

(a) allot different symbols to each contesting candidate, as far as practicable, of 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.

(iv) The allotment by the Returning Officer of any symbol to a candidate shall be final.

(v) Every candidate shall forthwith be informed of the symbol allotted to him and be supplied with a specimen thereof by the Returning Officer.

32. List of Contesting Candidates to be Fixed on Notice Board :-

The Returning Officer shall, immediately after its preparation, cause a copy of the list of candidates to be affixed on the notice board in his office and shall also supply a copy to each of the contesting candidates and to the Market Committee and the Director the same day.

33. Death of Candidate before Poll :-

If a contesting candidate dies and a report of his death is received by the Returning Officer before the commencement of the poll, the Returning Officer shall, upon being satisfied of the fact of the death, countermand the poll and the Returning Officer shall report the fact to the Director and all proceedings with reference to the election shall be commenced anew in all respects as if for a new election :

Provided that,-

(a) no further nomination shall be necessary in the case of a person who was contesting candidate at the time of the countermanding of the poll;

(b) no person, who has given a notice of withdrawal of his candidature under sub-rule (i) of rule 30 before the countermanding of the poll, shall be ineligible for being nominated as a candidate for the election after such countermanding.

34. Uncontested Election :-

In any constituency, if there is only one candidate whose

nomination has been accepted, the Returning Officer shall forthwith declare him or them to be duly elected to fill in the seat or seats, as the case may be.

35. Contested Elections :-

In cases other than these covered by rule (34), a poll shall be taken.

36. Manner of Voting at Elections :-

(i) At every election, where a poll is to be taken votes shall be given by ballot in the manner hereinafter provided and no votes shall be received by proxy.

(ii) Every elector from a traders" constituency shall have as many votes as there are members to be elected in the constituency but he shall not have more than one vote per candidate. Every elector in an agriculturist and weighman and measurer constituencies shall have only one vote.

37. Ballot Box :-

Every ballot box shall be of such design as may be approved by the Director.

38. Form of Ballot Paper :-

(i) Every ballot paper shall be in Form 22

(ii) The names of the candidates shall be arranged on the ballot paper in the same order and in the same language in which they appear in the list of contesting candidates.

(iii) 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 as may be decided upon by the Returning Officer.

39. Supply of Material to the Polling Station :-

The Returning Officer shall provide for each polling station necessary number of ballot boxes, sufficient number of ballot paper, three copies of the list of electors, a list of contesting candidates and such other papers, stationery and forms as may be necessary.

40. Identification of Voters :-

(i) 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 list of electors and then call out the serial number, name and other particulars of the elector.

(ii) In deciding the right of a person to obtain a ballot paper the Presiding Officer or the Polling Officer shall overlook merely clerical or printing errors in an entry in the list of electors, if he is satisfied that such person is identical with the elector to whom such entry relates.

41. Challenging of Identity :-

(i) Any polling agent may challenge the identity of a person claiming to be a particular elector by first depositing a sum of five rupees in cash with the Presiding Officer. For each such challenge the Presiding Officer shall issue a receipt thereof to the challenger.

(ii) On such deposit being made the Presiding Officer shall :

(a) warn the person challenged of the penalty for personation;

(b) read the relevant entry in the electors list in full and ask him whether he is the person referred to in that entry;

(c) enter his name and address in the list of challenged votes in Form 25;

(d) require him to affix his signature in the said list.

(iii) The Presiding Officer shall thereafter hold a summary enquiry into the challenge and may for that purpose :

(a) require the challenger to adduce evidence in proof of the challenge and the person challenged to adduce evidence in proof of his identity;

(b) put to the person challenged any question or questions necessary for the purpose of establishing his identity and require him to answer them on oath; and

(c) administer an oath to the person challenged and any other person offering to give evidence.

(iv) If, after the enquiry, 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.

(v) 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 (i) be forfeited to the Market Committee concerned and in any other case, he shall return it to the challenger at the conclusion of the enquiry.

42. Issue of Ballot Paper :-

(i) No ballot paper shall be issued to any election before the hour fixed for the commencement of the poll.

(ii) No ballot paper shall be issued to any elector after the hour fixed for the closing of the poll except those who are present inside the polling station at the time of the closing of the poll. Such electors shall be allowed to record their votes even after the poll closes.

(iii) As soon as the identity of the elector is established, his left hand fore-finger shall be marked with indelible ink on the root of the nail or if the left hand is missing, on the forefinger of the right hand and if such mark already exists, the elector shall not be allowed to vote.

(iv) Every ballot paper shall, before issue to an elector, be stamped on the top-right corner with such distinguishing mark as the Director may direct.

(v) The Presiding Officer shall sign on the reverse of all the ballot papers to be issued to electors at the polling stations. At the time of issuing a ballot paper to an elector the polling officer concerned shall record the serial number thereof against the entry relating to the elector in the copy of the list of electors set apart for the purpose.

(vi) Save as provided in sub-rule (v), no person in the polling station shall note down the serial number of the ballot paper issued to a particular elector.

43. Voting Procedure :-

(i) The elector on receiving the ballot paper shall forthwith :

(a) proceed to one of the polling compartments;

(b) there 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 paper so as to conceal his vote;
 - (d) if required, show *he Presiding Officer the distinguishing mark on the ballot paper;
 - (e) insert the folded ballot paper into the ballot box; and
 - (f) quit the polling station.
- (ii) Every elector shall vote without undue delay.
- (iii) No elector shall be allowed to enter a polling compartment when another elector is inside it.

44. Recording of Vote by Blind or Infirm Voter :-

- (i) If owing to blindness or other physical infirmity an elector is unable to recognise the symbols on the ballot paper or to make a mark thereon, the Presiding Officer shall record the vote on the ballot paper in accordance with the wishes of the elector, fold it so as to conceal the vole and insert it into the ballot box.
- (ii) While acting under this rule, the Presiding Officer shall observe as much secrecy as is feasible. He shall keep a brief record of each such instance in Form 23B, but shall not indicate therein the manner in which any vote has been given.

45. Spoilt and Returned Ballot Papers :-

- (i) An elector, who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on returning it to the Presiding Officer and- on satisfying him of the inadvertence, be given another ballot paper and the ballot paper so returned shall be marked "Spoilt-cancelled" by the Presiding Officer.
- (ii) 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 so returned shall be marked as "returned-cancelled" by the Presiding Officer.
- (iii) All ballot papers cancelled under sub-rule (i) or sub- rule (ii) shall be kept in a separate packet.

46. Tendered Votes :-

- (i) If a person representing himself to be an elector asks for a ballot paper after another person has already voted as such elector, he

shall on satisfactorily answering questions relating to his identity as the Presiding Officer may ask, be entitled, subject to the following provisions, to cast a ballot paper (hereinafter referred to as a "tendered ballot paper" in the same manner as any other elector.

(ii) Every such person shall, before being supplied with a tendered ballot paper, sign his name against the entry relating to him in the tendered voter list in Form 23A.

(iii) A tendered ballot paper shall be the same as the other ballot papers used at the polling station except that it shall be :

(a) of the last serial in the bundles of ballot paper issued for use at the polling station; and

(b) endorsed on the back with the words "tendered ballot paper" by the Presiding Officer in his own hand and signed by him and affixed with a distinguishing mark.

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

47. Closing of Poll :-

(i) The Presiding Officer shall close a polling station at the hour fixed on that behalf under rule 23(i)(d) and shall not thereafter admit any elector into the polling station : Provided that, all electors present inside the polling station before it was closed shall be allowed to cast their vote.

(ii) If any question arises whether an elector was present at the polling station before it was closed it shall be decided by the Presiding Officer and his decision shall be final.

48. Adjournment of Poll in Emergencies :-

(i) If, at election the proceedings at any polling station are interrupted or obstructed by any riot or open violence, or if at an election it is not possible to take the poll at any polling station on account of any natural calamity, or any other sufficient cause, the Presiding Officer for such polling station or the Returning Officer shall inform the candidates or their agents in writing about the station and announce the adjournment of the poll to a date to be notified later, and where the poll is adjourned by a Presiding

Officer, he shall forthwith inform the Returning Officer concerned.

(ii) Where a poll is adjourned under sub-rule (i) the Returning Officer, shall immediately report in writing the circumstances to the Director and the candidates concerned and shall as soon as may be, appoint the date on which the poll shall recommence and fix the polling station at which and the hours during which the poll will be taken and shall not count the votes cast at such election until such adjourned poll shall have been completed.

(iii) In every such case as aforesaid, the Returning Officer in such manner as he may deem fit shall notify the date, place and hours of polling fixed under sub-rule (ii).

49. Procedure on Adjournment of Poll :-

(i) If the poll at any polling station is adjourned under rule 48 provisions of rule 53 to 55 shall as far as practicable apply as if the poll was closed at the hour fixed in that behalf under rule 23(1) (d).

(ii) When an adjourned poll is recommended under sub-rule (ii) of rule 48 the voters who have already voted at the poll so adjourned shall not be allowed to vote again.

(iii) The Returning Officer shall provide the Presiding Officer at the polling station at which such adjourned poll is held, with the sealed packet containing the marked copy of the list of the electors and a new ballot box.

(iv) The Presiding Officer shall open the sealed packet in the presence of the polling agents and use the marked copy of the list of electors for recording the serial number of the ballot papers issued to voters at the adjourned poll.

(v) The provisions of the Act and these Rules shall apply to every such recommended poll as they apply to the original poll.

50. Fresh Poll in Case of Destruction, etc., of Ballot Boxes :-

(i) If at any election :

(a) any ballot box used at a polling station unless fully taken out of the custody of the Presiding Officer is accidentally destroyed or lost, or is damaged or tampered with to such an extent, that the result of the poll at that polling station cannot be ascertained;

(b) any such error or irregularity in procedure as is likely to vitiate the poll is committed at the polling station, the Presiding Officer shall forthwith report the matter to the Returning Officer.

(ii) The Returning Officer thereupon shall after taking all material circumstances into account, either :

(a) declare the poll at that polling station to be void, appoint a day, fix the hours for taking a fresh poll at that polling station and notify the day so appointed and the hours so fixed in such manner as may deem fit, or

(b) if satisfied that the result of a fresh poll at that polling station will not, in any way, affect the result of the election or the error or irregularity in procedure, is not material, issue such directions to the Presiding Officer under intimation to the candidates or their agents as he may deem proper for the further conducting and completion of the election,

(iii) The provisions of the Act and these rules shall apply to every such fresh poll as they apply to the original poll.

PART 2

COUNTING OF VOTES

51. Scrutiny and Rejection of Ballot Papers :-

(i) The counting of votes will be taken up soon after the poll is over at the respective polling stations.

(ii) The ballot box or boxes used at the polling station shall be shown by the Presiding Officer to such of the polling agents as are present at that time, that the seals and boxes are intact.

(iii) Thereafter, the boxes shall be opened and the ballot papers taken out of such ballot box shall be arranged in convenient bundles and scrutinised.

(iv) The Presiding Officer shall reject a ballot paper-

(a) if it bears any mark or writing by which the voter can be identified; or

(b) if no vote is recorded thereon; or

(c) if votes are given on it in favour of more candidates than there are vacancies to be filled in;

(d) if the mark indicating the vote thereon is placed in such manner

as to make it doubtful to which candidate the vote has been given;
or

(e) if it is spurious ballot paper; or

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

(g) if it bears a serial number or is of a design, different from the serial number, or design of the ballot papers authorised for use at the polling station; or

(h) if it does not bear the mark which it should have borne under the provisions of sub-rule (v) of rule 42 :

Provided that :

(i) where a Presiding Officer is satisfied that any such defect as is mentioned in clause (g) or (h) has been caused by any mistake or failure on the part of the Polling Officer the ballot paper shall not be rejected merely on the ground of such defect;

(ii) a ballot paper shall not be rejected merely on the ground that the mark indicating the vote is indistinct or made more than once, if the intention that the vote shall be for a particular candidate clearly appears from the way the paper is marked.

(v) Before rejecting any ballot paper under sub-rule (2) the Presiding Officer shall allow such counting agent present a reasonable opportunity to inspect the ballot paper but shall not allow him to handle it or any other ballot paper,

(vi) The Presiding Officer shall record on every ballot paper which he rejected the letter "R" and the grounds of rejection in abbreviated form either in his own hand or by means of a rubber stamp.

(vii) All ballot papers rejected under this rule shall be bundled together.

52. Counting of Votes :-

(i) Every ballot paper which is not rejected under rule 51 shall be counted as one valid vote for all such candidates as there are marks subject to the number of vacancies :

Provided that no cover containing tendered ballot shall be opened and no such paper shall be counted.

(ii) After the counting of ballot papers contained in all the ballot boxes used at a polling station has been completed the Presiding Officer shall make the entries in a result sheet in Form 26 and announce the particulars.

(iii) The valid ballot papers thereafter shall be bundled together and kept along with the bundle of rejected papers in a separate packet which shall be sealed and on which shall be recorded the following particulars, namely :

(a) the name of the constituency;

(b) the particulars of the polling station where the ballot papers have been used; and

(c) the date of counting.

53. Account of Ballot Papers :-

The Presiding Officer shall, at the close of the poll, prepare a ballot paper account in Form 24 and enclose it in a separate cover with the words "Ballot Paper Account " superscribed thereon.

54. Sealing of Other Packets :-

(i) The Presiding Officer shall then make into separate packets :

(a) the marked copy of the list of electors,

(b) the unused ballot papers,

(c) the used ballot papers,

(d) the cancelled ballot papers,

(e) the cover containing the tendered ballot papers and the list of tendered ballot papers,

(f) the list of challenged votes; and

(g) the keys and locks used on the ballot boxes;

(h) Receipt Book for challenged votes;

(i) Cash received on account of challenged votes (to be handed over to Returning Officer);

(j) spoilt ballot papers;

(k) ballot papers returned by electors without use.

(ii) Each such packet shall be sealed with the seals of the Presiding Officer and of those candidates or their agents, if any present, who may desire to affix their seals thereon.

55. Transmission of Board Boxes, Packets etc. :-

(i) The Presiding Officer shall then deliver or cause to be delivered to the Returning Officer at such place as the Returning Officer may direct :

(a) the ballot paper account;

(b) the sealed packets referred to in rule 54; and

(c) all other papers used at the poll.

(ii) The Returning Officer shall make adequate arrangements for the safe transport of all packets and other papers and for their safe custody till they are deposited with the Director.

(iii) The Returning Officer after receiving the result in Form 26 in respect of all the polling stations of the constituency under his charge, shall compile the result and declare the candidate securing the majority of votes as elected. He shall also prepare a return of election in Form 27 and send copies thereof to the Director.

56. Counting to be Continuous :-

The Presiding Officer shall, as far as practicable, provide continuously with the counting of votes and shall, during any intervals when the counting has to be suspended, let the ballot papers, packets and other papers relating to the election sealed with his own seal and the seals of such candidates or their agents as may desire to affix their seals and shall cause adequate precautions to be taken for their safe custody.

57. Re-commencing of Counting after Fresh Poll :-

(i) If a fresh poll is held under rule 50 the Presiding Officer shall after completion of that poll commence the counting of votes immediately.

(ii) The provisions of rules 52 and 56 shall apply so far as may be to such further counting.

58. Recount of Votes :-

(i) After the completion of the counting the Returning Officer shall record in the result sheet in Form 26 the total number of votes

polled by each candidate and announce the same.

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

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

(iv) Every decision of the Returning Officer under sub-rule (iii) shall be in writing and contain the reasons therefor.

(v) If the Returning Officer declares under sub-rule (iii) to allow the application either in whole or in part, he shall :

(a) count the ballot papers again in accordance with his decision;

(b) amend the result sheet in Form 26 to the extent necessary after such recount; and

(c) announce the amendments so made by him.

(vi) After the total number of votes polled by each candidate has been announced under sub-rule (i) or sub-rule (v), the Returning Officer shall complete and sign the result sheet in Form 26 and no application for a recount shall be entertained thereafter :

Provided that no step under this sub-rule shall be taken on the completion of the counting until the candidates and their agents present at the completion thereof have been given a reasonable opportunity to exercise the right referred by sub-rule (ii).

59. Power to Declare Persons Elected in Certain Contingencies :-

If at any election after counting of votes is completed, an equality of votes is found to exist between any candidates, the addition of one vote will entitle any of these candidates to be declared elected and the Returning Officer shall decide between those candidates on whom the lot falls and who had received an additional vote.

60. Declaration of Result :-

The Returning Officer shall then, subject to the provisions of rule 58, if and so far as they apply to the particular case, and if he has been so empowered by the Director thereunder declare to be

elected the candidate to whom the highest number of valid votes have been given, complete and certify the return of election in Form 27 and send signed copies thereof to the Director as soon as possible.

61. Publication of Names of Members :-

(i) On receipt of election returns under rule 60 the Director shall publish the names of all elected members by causing a list of such names (together with their permanent addresses and the names of the "constituencies from which they are elected) to be pasted on the notice board or at any prominent place in the office. He shall also get the said list published in the Official Gazette.

(ii) The Director shall also publish the names of members falling under clauses (c), (d), (e), (i) and (g) of sub-section 1 of section 13 by causing a list of such names (together with their permanent addresses) to be pasted on the notice board or at any, prominent place in his office.

62. Return or Forfeiture of Candidate's Deposit :-

(i) The deposit made under rule 27, shall either be returned to the person making it or his legal representative or be forfeited to the Market Committee in accordance with the provisions of this rule.

(ii) Except in cases hereafter mentioned in this rule, deposit shall be returned as soon as practicable after the result of the election is declared.

(iii) If the candidate is not shown in the list of contesting candidates, or if he dies before the commencement of the poll, the deposit shall be returned as soon as practicable after the publication of the list, or after his death to his legal heir

(iv) Subject to the provisions of sub-rule (iii), the deposit shall be forfeited if at an election where a poll has been taken the candidate is not elected and the number of valid votes polled by him does not exceed one-tenth of the total number of valid votes polled by all the candidates in the constituency.

63. Production, Inspection and Disposal of Election Papers :-

(i) While in the custody of the Director :

(a) the packets of unused ballot papers;

(b) the packets of used ballot papers whether valid, tendered or rejected; and

(c) the packet of marked copies of the list of electors shall not be opened and their contents shall not be inspected by or produced before any person or authority except under the order of the Director or the Administrator.

(ii) All other papers relating to the election shall be open to public inspection.

(iii) The packets referred to in sub-rule (i) shall be retained for a period of six months and shall thereafter be destroyed subject to any directions to the contrary given by the Director.

(iv) All other papers relating to the election shall be retained until such time as is fixed by the Director, in this behalf, and shall thereafter be destroyed subject to any direction to the contrary given by the Director.

64. Casual Vacancies in Market Committee :-

When the seat of a member elected to a Market Committee becomes vacant or is declared vacant or his election including bye-election to the Market Committee is set aside, the Director shall fix the date to fill the seat and the provisions of these rules shall thereupon mutatis mutandis apply accordingly.

65. Determination of Election Disputes :-

(i) If the validity of any election, including bye-election of a member of Market Committee is brought into question by a person qualified either to be elected or to vote at the election to which such question refers such person may, within seven days after the date of the declaration of the result of the election file a petition in the form of a memorandum in writing to the Director along with a fee of Rs. 100 to be deposited in cash.

(ii) On receipt of an application under sub-rule (i) the Director shall, after giving an opportunity to the applicant to be heard and after making such enquiry as he deems fit, pass an order confirming or amending the declared result of election or setting the election aside. If the Director sets aside the election of that member he shall as early as possible arrange for holding a fresh election for the concerned constituency.

(iii) Any person aggrieved by the decision of the Director may,

within seven days from the date on which the decision is communicated to him, appeal to the Administrator against such decision, and the decision of the Administrator on appeal, shall be final.

66. Election Papers to be Forwarded to the Director :-

(i) The Returning Officer shall in separate sealed packets forward to the Director all papers relating to election including :

- (a) the ballot papers counted as valid;
- (b) the ballot papers rejected as invalid;
- (c) the unused ballot papers;
- (d) the spoilt ballot papers;
- (e) tendered ballot papers;
- (f) ballot paper returned by the electors without use;
- (g) list of tendered votes; (h) account of ballot papers; (i) list of challenged votes;
- (j) the marked copy of the electoral roll;
- (k) receipt book for challenged votes;
- (l) result of election for each polling station in Form 26;
- (m) result of each constituency in Form 26 (by Returning Officer); and
- (n) return of election in Form 27.

(ii) Each packet shall bear a note as to its contents and name of constituency and election.

67. Declaration of Disqualification :-

(i) If at any time, the Director, after such enquiry as he considers necessary and after giving an opportunity to the member concerned to be heard is satisfied that any member of a Market Committee elected under these rules or nominated under the Act :

- (a) was subject to any of the disqualifications mentioned in rule 12 on the date of his election or nomination or;
- (b) has incurred any of the disqualifications mentioned in rule 12

after his election or nomination; or

(c) has ceased to be a member representing an agriculturists' constituency, a firm, corporate body or a Co-operative Marketing and Processing Society of which he is a representative, the Director shall declare the election or nomination of such member invalid or such member shall cease to be member of the Market Committee,

(ii) Any person aggrieved by the decision of the Director may within seven days from the date on which such decision is communicated to him, appeal to the Administrator against such decision.

68. Expenditure in Connection with Incidental to Elections

:-

All expenditure incurred by the Director or Returning Officer in connection with incidental to an election of members of a Market Committee shall be defrayed in accordance with the provisions of section 12 of the Act by the Director.

69. Election of the Representatives of Institutions :-

(i) The members of the local authorities within whose jurisdiction the market area is situated shall elect one representative to serve on the Market Committee from amongst members of the local authority as the case may be before the date fixed by the Director in this behalf.

(ii) The members of the Metropolitan Council shall elect one member from amongst its members to represent the interest of the consumers before the date fixed by the Director, in this behalf.

(iii) The Board shall recommend a panel of six names to the Administrator for nomination of two members as provided under sub-section (1) (g) of section 9 of the Act, before the date fixed by the Director, in this behalf. The panel of names received under sub-rule (iii) shall not be binding upon the Administrator.

(iv) The representatives to be elected under sub-section (1) (c), (d) and (f) of section 9 of the Act shall be elected before the date or dates fixed by the Director, in this behalf.

70. Inspection of Election Record and Fees thereof :-

All the election records/papers except for the following shall be open to inspection and copies thereof can be obtained on such fees as may be fixed by the Director :

- (a) used ballot papers;
- (b) unused ballot papers; and
- (c) working copy of electoral roll used at the polling station.

71. Electoral Offences Promoting Enmity Among Public in Connection with Election :-

Any person who in connection with an election under these rules promotes or attempts to promote on grounds of caste and community, feelings of enmity or hatred among electors of a market area shall be punishable with a fine which may extend to two hundred and fifty rupees.

72. Prohibition of Public Meetings on the Day Preceding the Election Day and on the Election Day :-

(i) No person shall convene, hold or attend any public meeting in any polling area during the period of forty-eight hours ending with the hour fixed for the conclusion of the poll for election in that polling area.

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

73. Restriction on the Printing of Pamphlets, Posters etc. :-

(i) No person shall print or publish, or cause to be printed or published, any election pamphlet-poster which does not bear on its face the names and addresses of the printer and the publisher thereof.

(ii) For the purpose of this rule :

(a) any process for multiplying copies of a document, other than copying it by hand, shall be deemed to be printing and the expression "Printer" shall be construed accordingly, and

(b) election pamphlet or poster means any printed pamphlet, hand bill or other document distributed for the purpose of promoting or prejudicing the election of a candidate or group of candidates or any placard or poster having reference to an election, but does not include any hand bill, placard or poster merely announcing the date, time, place and other particulars of an election meeting or routine instructions to election agents or workers,

(iii) Any person who contravenes provision of sub-rule (i) shall be punishable with fine which may extend to two hundred and fifty rupees.

74. Maintenance of Secrecy of Voting :-

(i) 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 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.

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

75. Officers etc., at Elections not to act for Candidates or to Influence Voting :-

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

(ii) No such person as aforesaid, and no member of a police force, shall endeavour :

(a) to persuade any person to give his vote at an election; or

(b) to dissuade any person from giving his vote at an election; or

(c) to influence the voting of any person at an election in any manner.

(iii) Any person who contravenes the provisions of sub-rule (i) or sub-rule

(ii) shall be punishable with fine which may extend to two hundred and fifty rupees.

76. Prohibition of Canvassing in or near Polling Stations :-

(i) 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, namely :

(a) canvassing for vote; or

(b) soliciting for vote on any elector; or

(c) persuading any elector not to vote for any particular candidate, or

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

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

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

77. Penalty for Disorderly Conduct in or near Polling Station

:-

(i) No person shall, on the date or dates on which a poll is taken at any polling station :

(a) use or operate within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof, any apparatus for amplifying or reproducing the human voice such as megaphone or a loudspeaker;

(b) shout or otherwise act in a disorderly manner, within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof, so as to cause annoyance to any person visiting the polling station for the poll or as to interfere with the work of the officers and other persons on duty at the polling station.

(ii) Any person who contravenes, or wilfully aids or abets the contravention, or the provisions of sub-rule (i) shall be punishable with fine which may extend to two hundred and fifty rupees.

(iii) 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.

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

for such contravention.

78. Penalty for Misconduct at the Polling Station :-

(i) 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.

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

(iii) If any person who has been so removed from a polling station re-enters the polling station without permission of the Presiding Officer, he shall be punishable with fine which may extend to two hundred and fifty rupees.

79. Penalty for Failure to Observe Procedure for Voting :-

If any elector to whom a ballot paper has been issued, refuses to observe the procedure prescribed for voting, the ballot paper issued to him shall be liable for cancellation. The person committing such act shall be punishable with fine which may extend to two hundred and fifty rupees.

80. Breaches of Official Duty in Connection with Election :-

(i) 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 two hundred rupees.

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

(iii) The persons to whom this rule applies are the Returning Officer, Presiding Officers, Polling Officers and any other person - appointed to perform any duty in connection with 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 purpose of this rule be construed accordingly but shall not include duties imposed otherwise than by or under these rules.

81. Penalty for Govt. Servants for acting as Election Agent,

Polling Agent or Counting Agent :-

If any person in the service of the Government acts as an election agent or a polling agent or counting agent of a candidate at an election, he shall be punishable with fine which may extend to two hundred and fifty rupees.

82. Removal of Ballot Papers from Polling to be an Offence :-

(i) Any person who at any election fraudulently takes or attempts to take, ballot paper, out of a polling station or wilfully aids or abets the doing of any such acts shall be punishable with fine which may extend to two hundred and fifty rupees.

(ii) 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-rule (i), 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 do so.

(iii) Any ballot paper found upon the person arrested in 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.

83. Offences and Penalties thereof :-

(i) A person shall be guilty of an electoral offence if at any election, he :

(a) fraudulently defaces or fraudulently destroys any nomination paper; or

(b) fraudulently defaces, destroys or removes any list, notice or other documents affixed by or under the authority of a returning officer; or

(c) fraudulently defaces or fraudulently destroys any paper or the official work or any ballot paper or any declaration of identity or official envelopes used in connection with voting by postal ballot; or

(d) without due authority supplies any ballot paper to any person

or is in possession of any ballot paper; or

(e) fraudulently puts into any ballot box anything other than the ballot paper which he is authorised by law to put in; or

(f) without the authority destroys, takes, opens or otherwise interferes with any ballot box or ballot paper other than in use for the purpose of the election; or

(g) fraudulently or without the authority, as the case may be, attempts to do any of the foregoing acts or wilfully abets the doing of any such acts.

(ii) Any person guilty of an electoral offence under this rule shall be punished with a fine upto Rs. 250/- (Rupees two hundred and fifty).

(iii) For the purpose 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 in doing the counting of votes or to be responsible at 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.