

Delhi Sikh Gurdwara Management Committee (Co-option of Members) Rules, 1974

CONTENTS

PART 1 :-

1. Short title and commencement
2. In these rules, unless the context otherwise requires

PART 2 :-

3. Cooption of members
4. Attendance of members
5. .

PART 3 :-

6. Register of Presidents of registered Singh Sabhas
7. Objection to a name in the list
8. Display of List
9. Disposal of objections by the Director
10. .

PART 4 :-

11. Appointment of dates for nomination, etc.
12. Nomination paper
13. .
14. Death of contesting candidate before poll
15. Procedure in contested and uncontested elections
16. Inspection of ballot box
17. Ballot Paper
18. Conduct of election
19. Vote
20. Issue of ballot papers to electors
21. Voting
22. Preferences to be exercised
23. Manner of recording of votes
24. Recording of vote of blind or infirm elected member
25. Directors entry into the polling compartment during the poll
26. Spoilt and returned ballot papers
27. Invalid ballot paper
28. Scrutiny and opening of ballot boxes
29. Arrangements of valid ballot papers in parcels
30. Counting of votes where only one seat is to be filled

- 31. Ascertainment of quota
- 32. General instructions
- 33. Candidates with quota elected
- 34. Transfer of surplus
- 35. Exclusion of candidates lowest on the poll
- 36. Filling the last vacancies
- 37. Provision for re-count
- 338. Result
- 39. Publication

PART 5 :- MISCELLANEOUS

- 40. Admission to the place of polling
- 41. Counting of votes by or under supervision of the Director
- 42. Extension of time for completion of election
- 43. Custody of papers

PART 6 :- DISPUTES REGARDING CO-OPTIONS

- 44. In this part, unless the context otherwise requires
- 45. Election petitions
- 46. Additional contents of petition
- 47. Relief that may be claimed by the petitioner
- 48. Petition to be dismissed
- 49. Procedure before the Court
- 50. Appearance before the Court
- 51. Power of the Court
- 52. Procedure to be followed by the District Judge
- 53. Documentary evidence
- 54. Grounds for declaring elections to be void
- 55. Secretary of voting not to be infringed
- 56. Decision of the Court
- 57. Procedure in case of equality of votes
- 58. Order as to costs
- 59. Communication of order to Director and Transmission of the record of the case
- 60. Deposit of Security
- 61. Costs
- 62. Payment of Costs

PART 7 :- CORRUPT PRACTICES

- 63. The following shall be deemed to be corrupt practices for the purposes of these rules

PART 8 :- ELECTORAL OFFENCES

- 64. Maintenance of Secrecy of voting
- 65. Officers etc., at elections not to act for candidates or to influence voting
- 66. Prohibition of canvassing in or near polling station and of public meeting on election day

- 67. Penalty for disorderly conduct in or near polling station
- 68. Penalty for misconduct at the polling station
- 69. Breaches of official duty in connection with election
- 70. Removal of ballot papers from polling station to foe an offence
- 71. Other offences and penalties therefor

Delhi Sikh Gurdwara Management Committee (Co-option of Members) Rules, 1974

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PART 1

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1. Short title and commencement :-

- (1) These rules may be called the Delhi Sikh Gurdwara Management Committee (Co-option of Members) Rules, 1974.
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. In these rules, unless the context otherwise requires :-

- (a) "Act" means the Delhi Sikh Gurdwaras Act, 1971 (82 of 1971);
- (b) "Committee" means the Delhi Sikh Gurdwara Management Committee established under section 3;
- (c) "Continuing candidate" means any candidate not elected and not excluded from the poll at any given time;
- (d) "count means
 - (i) all the operations involved in the counting of the first preferences recorded for candidates; or
 - (ii) all the operations involved in the transfer of the surplus of an elected candidate; or
 - (iii) all the operations involved in the transfer of the total value of votes of an excluded candidate;
- (e) "Director" means the Director Gurdwara Elections appointed by the Central Government under section 13;
- (f) "elected member" means a member of the Committee elected under the provisions of clause (a) of section 4;
- (g) "Election Officer" means the Election Officer as defined in the

Delhi Sikh Gurdwara Management Committee (Election of Members) Rules, 1974; Framed vide Notification No. F. 18/33/73-Judl Dated 13-2-1974 published in Delhi Gazette Part IV Extraordinary 1974.

(h) "exhausted paper" means a ballot paper on which no further preference is recorded for a continuing candidate, provided that a paper shall also be deemed to have become exhausted whenever

(i) the names of two or more candidates, whether continuing or not, are marked with the same figure and are next in order of preference; or

(ii) the name of the candidate next in order of preference, whether continuing or not, is marked by a figure not following consecutively after some other figure on the ballot paper or by two or more figures;

(iii) "first preference" means the figure 1 set opposite the name of a candidate : "second preference" means the figure 2 set opposite the name of a candidate; and "third preference" means the figure 3 set opposite the name of a candidate, and so on;

(j) "Form" means a Form appended to these rules;

(k) "original vote" in relation to any candidate means a vote derived from the ballot paper on which a first preference is recorded, for such candidate;

(l) "Polling Station" means the place of meeting appointed by the Director for cooption of members under section 14;

(m) "Section" means a section of the Act.

(n) "surplus" means the number of which the value-of the votes, original and transferred, of any candidate exceeds the quota;

(o) "transferred vote" in relation to any candidate, means a vote the value or the part of the value of which is credited to such candidate and which to derived from the ballot paper on which a second or a subsequent preference is recorded for such candidate; and

(q) "unexhausted paper" means a ballot paper on which a further preference is recorded for a continuing candidate.

PART 2

3. Cooption of members :-

At the meeting of the elected members, convened by the Director under section 14, the Director shall proceed for the cooption of

(i) member(s) by draw of lots out of the President of registered, Singh Sabhas; and

(ii) member(s) to represent the Sikh Community of Delhi, as required by sub- clause (i) and sub-clause (iv) of clause (b) of section 4 respectively.

4. Attendance of members :-

The Director shall record the attendance of the members present in the meeting and no elected member shall be admitted to the meeting after commencement and during the proceedings for cooption under sub-clause (iv) of clause (b) of section 4.

5. . :-

(1) The Administrative Officer of the Delhi Sikh Gurdwara Board, after the constitution of the Delhi Sikh Gurdwara Management Committee, shall communicate in writing :

(i) the name of Head Priest of each of the four Akal Takhts Sahib mentioned in sub-clause (ii) of clause (b) of section 4; and

(ii) the name and address of the nominee of Shromani Gurdwara Parbandhak Committee, Amritsar, to the Director, on the day fixed for cooption of members but before the hour fixed for the meeting, under section 14.

(2) The Director shall, at the meeting convened under section 14 read out the names of the Head Priest of each one of the four Akal Takhts Sahib and call upon the members present in the meeting to propose the name of each one of the Head Priest, and on the name being so proposed, the Director shall declare him in the meeting to be duly coopted.

(3) After cooption, if any, referred to in sub-rule (2), the Director shall read out the name of the nominee of the Shromani Gurdwara Parbandhak Committee, Amritsar and call upon the members present in the meeting to propose the name of such nominee and on the name of the said nominee being proposed the Director shall declare him in the meeting to be duly coopted.

PART 3

6. Register of Presidents of registered Singh Sabhas :-

For the purpose of cooption of member(s) from amongst the Presidents of the registered Singh Sabhas of Delhi ;

(1)

(a) the Election Officer shall maintain a list of the registered Singh Sabhas of Delhi and the Presidents thereof in a register in Form C-I in the manner prescribed by these rules.

(b) in order to enable the Election Officer to maintain the register to Form C-I the Register of Firms and Societies, Delhi shall

(i) intimate to the Election Officer the names of the registered Singh Sabhas of Delhi and the names of the Presidents of such Singh Sabhas as on 1st January, 1974 and shall thereafter also inform the Election Officer from time to time immediately about every change in the list of such registered Singh Sabhas and or President thereof;

(ii) also in every subsequent year intimate to him the persons of the registered Singh Sabhas of Delhi as on the 1st January of that year and shall thereafter also inform the Election Officer from time to time immediately about every change in the list of such registered Singh Sabhas or the President thereof;

(2) The President of every such registered Singh Sabha shall be entitled to be registered in the afore-mentioned list in the manner prescribed by these rules.

(3) The Election Officer shall, on receipt of information about change(s), strike out from the register in Form C-I the names of persons who have ceased to be and include therein the name of persons who have become President of the Registered Singh Sabhas of Delhi and similarly strike out and include the name of the registered Singh Sabhas.

(4) The Election Officer shall

(i) when so directed by the Director, prepare a list in Form C-II from register in Form C-I, of the Presidents of the registered Singh Sabhas of Delhi.

Provided that he shall not include the name of a President of a registered¹ Singh Sabha of Delhi, who is an elected member of the Committee.

Provided further that in a case of a casual vacancy the name of person who is already an elected or a co-opted member of the Committee shall not be included in the list in Form C-II,

(ii) display, on the date the Director may specify, the list in Form C-II on the notice board of his office and send a copy thereof to the Delhi Sikh Gurdwara Board and after the constitution of the Delhi Sikh Gurdwara Management Committee to the office of the Committee for display on the notice board of the Board/Committee.

7. Objection to a name in the list :-

(1) An objection, of any name in the list, whether the person is qualified or not qualified shall lie to the Election Officer.

Provided that no objection shall lie unless it is filed with the Election Officer within three days of publication of the list in Form C-II.

(2) Every objection to the inclusion of name shall be

(a) in Form C-III.

(b) preferred only by a person who is an elected member of the Committee.

(3) Every objection shall either be presented to the Election Officer or such other officer as may be designated by him in this behalf;

(4) Election Officer shall

(a) maintain in duplicate the list in Form C-IV, entertain therein the particulars of every objection as and when it is received by him; and

(b) keep exhibited one copy of such list on a notice board in his office.

(5) Any objection which is not lodged within the prescribed period, or in the form and manner, herein specified shall be rejected by the Election Officer.

(6) If the Election Officer is satisfied as to the validity of any objection, he may allow it without further enquiry after the expiry of three days from the date on which he entered in the list exhibited by him under clause (b) of sub-rule (4):

Provided that where before any such objection has been fixed a

demand for enquiry has been made in writing to the Election Officer by any elected member, it shall not be deemed without further enquiry.

(7)

(i) Where an objection is not disposed of under sub-section (5) or sub-rule (6), the Election Officer shall

(a) specify in the list, exhibited by him under clause (b) of sub-rule (4), the date, time and place of hearing of the objection; and

(b) give notice of hearing

(i) in the case of an objection to the inclusion of a name to the objector in Form C-V and to the person objected in Form G-VI; and

(ii) in the case of an objection to a particular or particulars in an entry to the objector in Form C-VII;

(c) cause the notice under sub-clause (b) served either personally or by post under a certificate of posting or by affixing it to the person's residence or last known residence in Delhi.

(8)

(a) The Election Officer shall hold a summary inquiry into every objection in respect of which notice has been given under sub-rule (7) and shall record his decision thereon.

(b) At the hearing, the objector and the persons objected to and any other person who, in the opinion of the Election Officer, is likely to be of assistance to him, shall be entitled to appear and be heard.

(c) The Election Officer may in his discretion

(i) require any objector or person objected to appear in person before him;

(ii) require that the evidence tendered by any person shall be given on oath and administered an oath for the purpose.

(9) If it appears to the Election Officer that owing to inadvertance or error during preparation of the list in Form C-II, the name of any President of a registered Singh Sabha has been left out of it and that remedial action should be taken under this sub-rule, the Election Officer shall

(a) prepare a list in Form C-VIII of the name(s) and other details of

such President(s);

(b) exhibit on the notice board of his office a copy of the list in Form CVIII together with a notice as to the date, time and place at which the inclusion of these names in the list shall be considered, and also publish the list and notice in such other manner as he may think fit; and

(c) after considering any verbal or written objection that may be preferred by an elected member, decide whether all or any of the names should be included in the list in Form C-II.

(10) If it appears to the Election Officer that owing to inadvertance or error or otherwise the names of dead persons have been included in the list in Form C-II and that remedial action should be taken under this sub-rule, the Election Officer shall

(a) prepare a list in Form C-IX of the names and other details of such Presidents;

(b) exhibit on the notice board of his office a copy of the list together with a notice as to the date, time and place at which the question of deletion of these names from the list in Form C-II will be considered and also , publish the list and the notice in such other manner as he may think fit; and

(c) after considering any verbal or written objections that may be preferred, decide whether all or any of the names should be deleted from the list in From C-II.

(11)

(a) The Election Officer shall thereafter

(i) prepare a list of amendments to carry out his decisions under subrules (6), (8), (9) and (10) and to correct any clerical or typing error or other inaccuracies subsequently discovered in the list; and

(ii) publish the list in Form C-II, together with the list of amendments by making a complete copy thereof available for inspection and displaying a notice in Form C-X at his office.

(b) The Election Officer shall for the convenience of all concerned, integrate, subject to any general or special directions issued by the Director in this behalf the list C-II and the list of amendments by drawing out a list in Form C-II-B by including the names with all particulars relating to such Presidents, in such a way that no

change shall be made in the process of such integration in the name of any such person or in any particulars relating to any such person as given in the list in Form C-II or in the list of amendments.

8. Display of List :-

(1) If any change in the list of Singh Sabha(s) and/or the President(s) thereof is received from the Registrar Firms and Societies after the publication of the list in Form C-II under clause (ii) of sub-rule (4) of rule 6, the Election Officer shall, if necessary soon after the publication of the list under clause (b) of sub-rule (11) (i) of rule 7, display at the notice board of his office a list in Form C-II-A containing the names of such Presidents of the registered Singh Sabhas of Delhi and send a copy to the Delhi Sikh Gurdwara Board and after the constitution of the Committee to the office of the Committee' for display at the notice board of the Board/Committee.

(2) The Election Officer shall immediately after the preparation of a list in Form C-II-B and C-II-A forward the same to the Director.

9. Disposal of objections by the Director :-

(1) If any objection is raised in the meeting called under section 14 with regard to any name entered in the list C-II-A, the Director shall dispose of the objection and shall record his decision thereon and integrate the names entered in C-II-A, in accordance with his orders, in the list in Form C-II-B prepared under sub-rule (11)(b) of rule 7.

(2) If it appears to the Director immediately before the draw of lots that the names of any dead persons have been included in the list in Form C-II-B and that remedial action should be taken, the Director shall, after considering any verbal or written objections that may be preferred, decide whether any name may be deleted and in accordance with his decision effect necessary changes in the list in Form C-II-B.

(3) The list prepared under sub-rule (11)(b) of rule 7 with changes, if any effected under sub-rule (1) or sub-rule (2) shall be the list for cooption of members under sub-clause (i) of clause (b) of section 4 and also in case of casual vacancy or vacancies for cooption of a member or two members from amongst the President of the registered Singh Sabhas.

10. . :-

- (1) The Director or any other officer/official authorised by him shall
- (a) have the names of the Presidents of the registered Singh Sabhas of Delhi entered in a list in Form C-II-C from the list referred to in sub-rule (3) of rule 9; and
- (b) in the meeting write the serial number of each such President of the registered Singh Sabha on similar slips of paper and the slip shall be folded so as to prevent recognition and shall mix them.
- (2) The lots shall be drawn at random by the Director or in his presence by such official/officer authorised by him for the purpose.
- (3) The Director shall announce the result of the draw by lots after recording the same in Form C-XI.
- (4) The Director shall, as soon as possible, after such announcement of the draw of lots, cause to be published in the Delhi Gazette the declaration(s) containing the name(s) of the person(s) co-opted as member under sub-clause (i) of clause (b) of section 4.

PART 4

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11. Appointment of dates for nomination, etc. :-

For the election of two members under sub-clause (iv) of clause (b) of section 4, the Director shall by notification in the Delhi Gazette, appoint-

- (a) the last date for making nominations 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 date immediately following the last date for making nominations 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 the candidature which shall be the second day after the date of the scrutiny of nominations or, if that day is a public holiday, the next succeeding day which is not a public holiday;
- (d) the date on which the meeting, for a poll if necessary, shall take place.

12. Nomination paper :-

(1) On the issue of a notification under rule 11, the Director shall give public notice of the intended election in Form C-XII; inviting nominations of candidates for such election and specifying the place at which the nomination papers are to be delivered, which shall be published by displaying it at the notice board of his office and copy of which shall be forwarded to the office of the Delhi Sikh Gurdwara Board, and after the constitution of the Committee to the office of the Committee, for the information of the elected members of the Committee by its display on its notice board.

(2) On or before the date appointed under clause (a) of rule 11 the candidate shall, either in person or by his proposer, between the hours of eleven O1 clock in the forenoon and three O'clock in the afternoon deliver to the Director at the place specified in this behalf in the notice issued under this rule a nomination paper complete in Form C-XIII and subscribed by the candidate himself, as consenting to the nomination and signed by the member as proposer :

Provided that further that no nomination paper shall be delivered to the Director on a day which is a public holiday.

(3) Nothing in this rule shall prevent any candidate from being nominated by more than one nomination paper :

Provided that not more than four nomination papers shall be presented by or on behalf of any candidate or accepted by the Director.

(4) Any person may be nominated as a candidate by an elected member for election to fill a seat if he is qualified to be chosen to fill that seat under the , provisions of the Act.

(5) The Director shall, on receiving the nomination papers under sub-rule (4) inform the person or persons delivering the same of the date, time and place fixed for the scrutiny of nominations and shall enter on the 'nomination paper, its serial number and shall sign thereon a certificate stating the date on which and the hour at which the nomination paper has been delivered to him; and shall as soon as may be thereafter cause to be affixed in some conspicuous place in his office in Form C-XIV a notice of the nomination containing descriptions similar to those contained in the nomination paper, both of the candidate and of the proposer.

(6) On the date fixed for the scrutiny of nominations under rule 11, one proposer for each candidate, but no other person, may attend the meeting at such time and place as has been specified in the notice issued under sub-rule (5) and the Director shall give them all reasonable facilities for examining the nomination papers of all candidates which have been delivered within the time and in the manner laid down in sub-rule (1).

(7) The Director 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 nomination, after such summary, inquiry, if any, as he thinks necessary, reject any nomination on any of the following grounds

(a) that on the date fixed for the scrutiny of nominations the candidate either is not qualified or is disqualified for being chosen as a member under the Act; or

(b) that there has been a failure to comply with any of the provisions of sub-rule (1) or (4); or

(c) that the signatures of the candidates or the proposer on the nomination paper is not genuine.

(8) The Director shall hold the scrutiny on the date appointed in this behalf under clause(b) of rule 11 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 an objection is raised by the Director or is made by any other person the candidate concerned may be allowed time to rebut it not later than the day following the date fixed for scrutiny, and the Director shall record his decisions on the date to which the proceedings have been adjourned.

(9) The Director 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.

(10) Immediately after all the nomination papers have been scrutinised and decisions accepting or rejecting the same have been recorded, the Director shall prepare in Form C-XV a list of validly nominated candidates, that is to say, candidates whose

nominations have been found valid and affix it to his notice board.

(11) The Director's decision on the question whether a candidate should or should not be included in the list of duly nominated candidates shall be final

Provided that nothing contained in clause (b) or clause (c) of sub-rule (7) 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 :

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

(12) The name of every such candidate shall be shown in the said list as it appears in his nomination paper :

Provided that if a candidate considers that his name is incorrectly spelt or as otherwise incorrectly shown in his nomination paper or is different from the name by which he is popularly known, he may, at any time before the list of proposed candidate is prepared, furnish in writing to the Director the proper form, the spelling of his name and the Director shall, on being satisfied as to the genuineness of the request, make the necessary correction or alteration in the list in Form C-XV and adopt that form and spelling in the list of contesting candidates.

(13)

(i) Any candidate may withdraw his candidature by a notice in writing in Form C-XVI which shall be subscribed by him and delivered before three O'clock in the afternoon on the day fixed under clause (c) of rule 11 to the Director either by such candidate in person or by his proposer.

(ii) On receipt of such notice, the Director shall note thereon the date and time at which it was delivered.

(iii) No person who has given a notice of withdrawal of his candidature under clause (i) shall be allowed to cancel the notice.

(iv) The Director shall on being satisfied as to the genuineness of a notice of withdrawal and the identity of the person delivering it

under clause (i); cause the notice to be affixed in Form C-XVII in some conspicuous place in his office.

(14)

(i) Immediately after the expiry of the period within which candidature may be withdrawn under sub-rule (13)(i), the Director shall prepare in Form C-XVIII a list of proposed candidate, that is to say, candidates who were included in the list of validity nominated candidates and who have not withdrawn their candidature within the said period:

Provided that if a candidate whose nomination has been accepted under sub- rule (9) and who has not withdrawn his candidature under sub-rule 13(i) dies and the report of his death is received before the publication of the list of proposed candidates, the Director shall on being satisfied of the fact of the death of the candidate, not include his name in the list of contesting candidates.

(ii) The said list shall contain the names in alphabetical order and the addresses of the contesting candidates and the other particulars, as given in the nomination papers. The alphabetical order shall be determined with reference to the surnames of the candidates having surnames and the names proper of other candidates.

(iii) 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 Director may direct.

(15) The Director shall immediately after its preparation enclose a copy of the list of candidates to be affixed in some conspicuous place in his office.

13. . :-

The Director shall at the meeting convened under section 14 on the day following the day of the publication of the list of candidates proceed for the co- option of a member/members from amongst the contesting candidates in the manner prescribed by these rules.

14. Death of contesting candidate before poll :-

If a contesting candidate dies after the publication of the list in Form C-XVIII and the report of his death is received before the commencement of the poll and the Director is satisfied of the fact

of the death of the candidate, proceedings shall be taken in accordance with provisions of rule 15:

Provided that no further nomination shall be necessary in the case of a person who was the contesting candidate at the time of such report:

Provided further that no person who has given a notice of withdrawal of his candidature under sub-rule (13) (i) of rule 12 before the publication of the list of the contesting candidate shall be ineligible for being nominated as the candidate for the election in question.

15. Procedure in contested and uncontested elections :-

(1) If the number of contesting candidates is two or if in case of casual vacancy/vacancies the number of vacancy/vacancies, the Director shall announce the name (s) of such candidate(s) and declare him/them in the meeting to be duly co-opted.

(2)

(i) If the number of contesting candidates is less than two or if in case of casual vacancy/vacancies the number of candidates is less than the number of vacancy/vacancies to be filled, the Director shall call upon the members present in the meeting to propose name of any person to represent the Sikh community of Delhi, if he is qualified to be chosen as a member under the Act; and if any other member present seconds such a proposal, the Director shall require the member proposing the name to produce a certificate signed by the person so nominated and attested by a Magistrate to the effect that he agreed to such nomination, and if such a certificate is produced, he shall enter the name of the person so nominated in a list in Form C-XIX of the nominated candidates:

Provided that if an objection is raised to the nomination of any candidate, the Director may make a summary enquiry and shall not enter the name of candidate in the list of nominated candidates if he is not satisfied that the candidate represents the Sikh community of Delhi and is not disqualified under sub-section (1) of section 10.

(ii) The Director's decision on the question whether a candidate should or should not be included in the list of duly nominated candidates shall be final.

(3) If the number of candidates exceeds two or if in the case of casual vacancy/vacancies the number of candidates exceeds the number of vacancy vacancies to be filled, the Director shall adjourn the meeting for a sufficient interval to enable suitable arrangements for voting to be made.

16. Inspection of ballot box :-

(1) When the meeting reassembles, the Director shall immediately before the commencement of the poll, allow the members to inspect the ballot box to be used at the poll and demonstrate it to them that it is empty;

(2) Each elected member shall be provided with ballot paper in Form C-XX.

17. Ballot Paper :-

Every ballot paper shall contain the names of the candidates in alphabetical order.

18. Conduct of election :-

(1) The election shall be conducted by the method of proportional representation by means of a single transferable vote as described in these rules.

(2) If any member is unable to write, he may cause any other member to record his vote for him in the manner prescribed.

19. Vote :-

(1) Every elected member shall have only one vote at an election irrespective of the number of seats to be filled.

(2) the voting shall be by ballot.

20. Issue of ballot papers to electors :-

(1) Every ballot paper before it is issued to an elected member shall be serially numbered, stamped on the back with such distinguishing mark as the Director may direct, and every ballot paper, before it is issued, shall be signed in full on its back by the Director.

(2) At the time of issuing a ballot paper to an elected member, the polling officer appointed by the Director shall mark the name of the elected member in the list of members present to indicate that a ballot paper has been issued to him by recording therein the serial

number of the ballot paper issued to that elector.

(3) No elected member present in the polling station shall note down the serial numbers of the ballot papers issued to particular elected members.

21. Voting :-

(1) When an elected member has received a ballot paper, he shall signify in the manner provided by these rules, for whom he desires to vote.

(2) After recording his vote, each elected member shall fold the ballot paper and place it in the ballot box provided for the purpose.

22. Preferences to be exercised :-

An elected member in giving his vote

(a) shall place on his ballot paper the figure 1 in the space opposite the name of the candidate for whom he wishes to vote in the first instance:

(b) may, in addition, place on his ballot paper the figure 2, or the figures 2 and 3 or the figures 2, 3, and 4 and so on in the space opposite the names of other candidates in the order of his preference.

23. Manner of recording of votes :-

Every elected member on receiving a ballot paper shall forthwith

(a) proceed into one of the polling compartments provided for the purpose of recording votes;

(b) there record his vote in accordance with the instructions set out on the ballot paper;

(c) if required, show to the Director the signatures of the Director on the ballot paper;

(d) insert the ballot paper so folded up into the ballot box.

24. Recording of vote of blind or infirm elected member :-

(1) If an elected member is unable through blindness or other physical infirmity to record his vote without assistance, the Director shall permit the elected member to take with him a companion of not less than twenty-one years of age to the voting compartment for recording the vote on the ballot paper on his behalf and in

accordance with his wish, and if necessary for folding the ballot paper so as to conceal the vote and inserting it into the ballot box?

Provided that no person shall be permitted to act as the companion of more than one elector at a poll:

Provided further that before any person is permitted to act as the companion of an elector or any poll under this rule, the person shall be required to declare that he will keep secret the vote recorded by him on behalf of the elected member.

(2) The Director shall keep record in Form C-XXI of all cases under this rule.

25. Directors entry into the polling compartment during the poll :-

(1) If the Director has reason to suspect that an elected member who has entered a voting compartment has remained therein unduly long, he shall enter the voting compartment and take such steps as may be necessary to ensure the smooth and prompt running of the poll.

(2) Whenever the Director enters a polling Compartment under this rule, he shall be accompanied by such of the elected members as he may desire to do so.

26. Spoilt and returned ballot papers :-

If an elected member inadvertently spoils a ballot paper, he may return it to the Director who shall, if satisfied of such inadvertance, give him another ballot paper and retain the spoiled paper, and this spoiled paper shall immediately be cancelled.

27. Invalid ballot paper :-

A ballot paper shall be invalid on which

(a) an elected member signs his name or writes any word or makes any marks by which it becomes recognizable; or

(b) the figure 1 is not marked; or

(c) the figure 1 is set opposite the name of more than one candidate; or

(d) the figure 1 and some other figure is set opposite the name of same candidate; or

(e) which is unmarked or void for uncertainty.

28. Scrutiny and opening of ballot boxes :-

(1) As soon as the poll is over the Director shall

(a) open the ballot box(es), take out from each box and count the ballot papers contained therein; and record their number in a statement;

(b) scrutinise the ballot papers taken out of the ballot box(es); and

(c) separate the ballot papers which he deems valid from those which he rejects as invalid endorsing on each of the latter the word "Rejected" and the ground of rejection.

29. Arrangements of valid ballot papers in parcels :-

After rejecting the ballot papers which are invalid, the Director shall

(a) arrange the remaining ballot papers in parcels according to the first preference recorded for each candidate;

(b) count and record the number of papers in each parcel and the total number; and

(c) credit to each candidate the value of the papers in his parcel.

30. Counting of votes where only one seat is to be filled :-

(1) At any election where only one seat is to be filled, every valid ballot paper shall be deemed to be of the value of 1 at each count, and the quota sufficient to secure the return of a candidate at the election shall be determined as follows

(a) add the values credited to all the candidates under clause (c) of rule 22;

(b) divide the total by 2; and

(c) add 1 to the quotient ignoring the remainder, if any and the resulting number is the quota.

(2) If, at the end of first or any subsequent count, the total value of the ballot papers credited to any candidate is equal to, or greater than, the quota or there is only one continuing candidate, that candidate shall be declared elected.

(3) If, at the end of any count, no candidate can be declared elected, the Director shall

(a) exclude from the poll the candidate who upto that stage has

been credited with the lowest value;

(b) examine all the ballot papers in his parcel and sub-parcels, arrange the un-exhausted papers in sub-parcels according to the next available preferences recorded thereon for the continuing candidate, count the number of papers in each sub-parcel and credit it to the candidate for whom such preference is recorded, transfer the sub-parcel to that candidate, and make a separate sub-parcel of all the exhausted papers; and

(c) see whether any of the continuing candidates has such transfer and credit, secured the quota.

(4) If, when a candidate has to be excluded under clause (a) of sub-rule (3), or more candidate have been credited with the same value and stand lowest on the poll, the candidate for whom the lowest number of original votes are recorded shall be excluded, and if this number also is the same in the case of two or more candidates, the Director shall decide by lot which of them shall be excluded.

31. Ascertainment of quota :-

At any election where more than one seat is to be filled, every valid ballot paper shall be deemed to be of the value of 100, and the quota sufficient to secure the return of a candidate at the election shall be determined as follows

(a) add the value credited to all the candidates under clause (c) of rule 29;

(b) divide the total by a number which exceeds by 1 the number of vacancies to be filled; and

(c) add 1 to the quotient ignoring the remainder, if any, and the resulting number is the quota.

32. General instructions :-

In carrying out the provisions of rule 33 to 37 the Director shall disregard all fractions and ignore all preferences recorded for candidates already elected or excluded from the poll.

33. Candidates with quota elected :-

If at the end of any count or at the end of the transfer of any parcel or sub-parcel of an excluded candidate the value of the ballot papers credited to a candidate is equal to, or greater than the quota, that candidate shall be declared elected.

34. Transfer of surplus :-

(1) If at the end of any count the value of ballot papers credited to a candidate is greater than the quota, the surplus shall be transferred, in accordance with the provisions of this rule, to the continuing candidates indicated on the ballot papers of that candidate as being next in order of the elector's preference.

(2) if more than one candidate have a surplus, the largest surplus shall be dealt with first and the others in order of magnitude :

Provided that every surplus arising on the first count shall be dealt with before those arising on the second count and so on.

(3) Where there are more surpluses than one to be distributed and two or more surpluses are equal, regard shall be had to the original votes of each candidate for whom most original votes are recorded shall have his surplus first distributed; and if the values of their original votes are equal, the Director shall decide by lot which candidate shall have his surplus first distributed.

(4)

(a) If the surplus of any candidate to be transferred arises from original votes only, the Director shall examine all the papers in the parcel belonging to that candidate, divide the unexhausted papers into sub- parcels according to the next preferences recorded thereon and make a separate sub-parcel of the exhausted papers.

(b) He shall ascertain the value of the papers in each sub-parcel and of all the unexhausted papers.

(c) If the value of the unexhausted papers is equal to or less than the surplus, he shall transfer all the unexhausted papers at the value at which they were received by the candidate whose surplus is being transferred.

(d) If the value of the exhausted papers is greater than the surplus, he shall transfer the sub-parcels of unexhausted papers, and the value at which each paper shall be transferred, shall be ascertained by dividing the surplus by a total number of unexhausted papers.

(5) If the surplus of any candidate to be transferred arises from transferred as well as original votes, the Director shall re-examine all the papers in the subparcel last transferred to the candidate,

divide the unexhausted papers into sub-parcels according to the next preference recorded thereon, and then deal with the sub-parcels in the same manner as is provided in the case of sub-parcels referred to in sub-rule (4).

(6) The papers transferred to each candidate shall be added in the form of a sub-parcel to the papers already belonging to such candidate.

(7) All papers in the parcel or sub-parcel of a candidate not transferred under this rule shall be set apart as finally dealt with.

35. Exclusion of candidates lowest on the poll :-

(1) If after all surpluses have been transferred as hereinbefore provided, the number of candidates elected is less than the required number, the Director shall exclude from the poll the candidate lowest on the poll and shall distribute his exhausted papers among the continuing candidates according to the next preferences recorded thereon; and any exhausted papers shall be set apart as finally dealt with.

(2) The papers containing original votes of an excluded candidate shall first be transferred, the transfer value of each paper being one hundred.

(3) The papers containing transferred votes of an excluded candidate shall then be transferred in order of the transfers in which, and at the value at which, he obtained them.

(4) Each of such transfers shall be deemed to be a separate transfer but not a separate count.

(5) If, as a result of transfer of papers, the value of votes obtained by a candidate is equal to or greater than the quota, the count then proceeding shall be completed but no further papers shall be transferred to him.

(6) The process directed by this rule shall be repeated on the successive exclusions one after another of the candidates lowest on the poll until such vacancy is filled either by the election of a candidate with the quota or as hereinafter provided.

(7) If at any time it becomes necessary to exclude a candidate and two or more candidates have the same value of votes and are the lowest on the poll, regard shall be had to the original votes of each

candidate for whom fewest original votes are recorded shall be excluded; and if the values of their original votes are equal, the candidates with the smallest value at the earliest count at which these candidates had unequal values shall be excluded.

(8) If two or more candidates are lowest on the poll and each has the same value of votes at all counts, the Director shall decide by lot which candidate shall be excluded.

36. Filling the last vacancies :-

(1) When at the end of any count the number of continuing candidates is reduced to the number of vacancies remaining unfilled, the continuing candidates shall be declared elected.

(2) When at the end of any count only one vacancy remains unfilled and the value of the papers of some one candidate exceeds the total value of the papers of all the other continuing candidates together with any surplus not transferred, that candidate shall be declared elected.

(3) When at the end of any count only one vacancy remains unfilled and there are only two continuing candidates and each of them has the same value of votes and no surplus remains capable of transfer, the Director shall decide by lot which of them shall be excluded and after excluding him in the manner aforesaid, declare the other candidate to be elected.

37. Provision for re-count :-

(1) Any elected member proposing a candidate may, at any time during the counting of the votes, either before the commencement or after the completion of any transfer of votes (whether surplus or otherwise), request the Director to re-examine and re-count the papers of all or any candidates (not being papers set aside at any previous transfer as finally dealt with) and the Director shall forthwith re-examine and recount the same accordingly.

(2) The Director may in his discretion re-count the votes either once or more than once in any case in which he is not satisfied as to the accuracy of any previous count :

Provided that nothing in this sub-rule shall make it obligatory on the Director to re-count the same votes more than once.

338. Result :-

Upon completion of the counting, the Director shall, subject to the provisions of sub-rule (3) of rule 36, announce the result of election after recording the same in Form C-XXII.

39. Publication :-

(1) The Director shall, as soon as possible after the announcement of co-option of a candidate under rule 15(1) or rule 30 (2), or rule 33 or rule 36 (1) or rule 36 (2), or rule 36 (3) cause to be published in the Delhi Gazette the declaration(s) containing the name(s) of the person(s) co-opted as the member(s) under sub-clause (iv) of clause (b) of section 4.

(2) The Director shall, as soon as possible, after the announcement of co- option (2) under sub-rule (2) and sub-rule (3) of rule 5, cause to be published in the Delhi Gazette the declaration(s) containing the name(s) of person(s) co- opted as member(s) under sub-clause (ii) or sub-clause (iii) of clause (b) of section 4.

PART 5

MISCELLANEOUS

40. Admission to the place of polling :-

The Director shall exclude from the place of polling all persons except

(a) the polling officers and other public servants on duty authorised in writing by him;

(b) elected members; and

(c) such other officers as the Director may from time to time authorise for assisting him in taking the poll.

41. Counting of votes by or under supervision of the Director :-

Notwithstanding the provision of the proceeding rules, at every co-option where a poll is taken, (1) votes shall be counted by or under the supervision of, the Director, and (2) each candidate and one representative of each candidate authorised by the candidate in writing shall have a right to be present at the time of counting.

42. Extension of time for completion of election :-

It shall be competent for the Director for reasons which he considers sufficient to extend the time for the completion of any co-option by making necessary amendments in the notification issued under rule 11.

43. Custody of papers :-

The ballot box(es), the ballot papers used, unused or rejected duly sealed in packets, the list C-II-B of the Presidents of the registered Singh Sabhas of Delhi, the slips for the draw of lots duly sealed in packets and all other papers relating to the co-option shall be made over to the Election Officer and shall thereafter be kept for three months by him unless their retention for a longer period is necessary.

PART 6

DISPUTES REGARDING CO-OPTIONS

44. In this part, unless the context otherwise requires :-

(a) 'candidate' means a person who has been or claims to have been duly nominated as a candidate at any co-option.

(b) 'Costs' means all costs, charges and expenses of, or, incidental to, a trial of an election petition.

(c) 'Court' means the court of the District Judge of Delhi.

(d) 'electoral right' means the right of an elected member to vote or refrain from voting at a co-option;

(e) 'Election petition' means a petition against the co-option under the provisions of sub-clause (i) or sub-clause (iv) of clause (b) of Section 4.

(f) 'High Court' means the High Court of Delhi.

(g) 'Pleader' means any person entitled to appear and plead for another in a civil court and includes an advocate, a Vakil and an Attorney of a High Court.

(h) 'returned candidate' means a candidate whose name has been published under rule 39 as duly co-opted.

45. Election petitions :-

(1) No co-option of a member shall be called in question except by an election petition presented to the Court within fifteen days from the date of publication of the result of the co-option under rule 10 (4) and 39.

(2) An election petition calling in question any such co-option may be presented on one or more of the grounds specified in rule 50,

(a) by any candidate at such co-option under sub-clause (iv) of

clause (b) of Section 4; or

(b) by any person entered as President of the registered Singh Sabhas of Delhi in list in Form C-II as the case may be; or

(c) by any elected member of the Committee.

(3) An election petition

(a) shall contain a concise statement of the material facts on which the petitioner relies;

(b) shall, with sufficient particulars, set forth the ground or grounds on which the co-option is called in question; and

(c) shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908 (5 of 1908) for the verification of pleadings.

46. Additional contents of petition :-

(1) Where the petitioner alleges any corrupt practice, such petition shall, in addition to complying with the provisions of rule 45 also set forth full particulars of that corrupt practice including as full statements as possible of the names of the parties alleged to have committed such corrupt practice and the date and place of commission of each corrupt practice and shall also be accompanied by an affidavit in the prescribed form in support of such corrupt practice and the particulars thereof.

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

47. Relief that may be claimed by the petitioner :-

(1) A petitioner may claim

(a) a declaration that the co-option of one or both the person(s) under rule 10(4) or under rule 39 is void, and

(b) in addition thereto, a further declaration that he himself or any other person/nominated candidate has been duly co-opted.

48. Petition to be dismissed :-

If the provisions of rule 45 or 46 or rule 60 are not complied with, the Court shall dismiss the election petition:

Provided that the petition shall not be dismissed without giving the

petitioner an opportunity of being heard.

49. Procedure before the Court :-

(1) As soon as the Court received the petition, it shall serve on each respondent a notice in such form as it thinks fit directing the respondent(s) to appear before the Court and answer the claim made in the petition on a day to be specified therein.

(2) Any person entered in list in Form C-II in case of petition filed against the co-option under rule 10(3) and any person nominated for co-option under rule 12(5) who is not already respondent shall, upon an application made by him to the Court within fourteen days from the date fixed for the respondents to appear and subject to the provisions of rule 60, be entitled to be joined as a respondent.

50. Appearance before the Court :-

Any appearance, application or act before the Court may be made or done by the party in person or by a pleader duly appointed to act on this behalf:

Provided that it shall be open to the court to direct any party to appear in person whenever the Court considers it necessary.

51. Power of the Court :-

The Court shall have the powers which are vested in a Civil Court when trying a suit in respect of the following matters

- (a) discovery and inspections;
- (b) enforcing the attendance of witnesses and requiring the deposit of their expenses;
- (c) compelling the production of documents;
- (d) examining witnesses on oath;
- (e) granting adjournments;
- (f) reception of evidence taken on affidavit; and
- (g) issuing commissions for the examination of witnesses.

52. Procedure to be followed by the District Judge :-

The procedure provided in the Code of Civil Procedure Rules in regard to suits shall be followed by the Court as far as it can be made applicable, in the trial and disposal of an election petition under these rules.

53. Documentary evidence :-

Notwithstanding anything contained in any other law to the contrary, no document shall be inadmissible in the evidence at the trial of an election petition on the ground that it is not duly stamped or registered.

54. Grounds for declaring elections to be void :-

(1) Subject to the provisions of sub-rule (2) if the Court is of opinion

(a) that on the date of his co-option he was not qualified or was disqualified to be chosen as a member under these rules, or

(b) that any corrupt practice has been committed by such person or by any other person with his consent, or

(c) that any nomination has been improperly rejected, or

(d) that the result of the co-option, in so far as it concerns a co-opted person, has been materially affected

(i) by the improper acceptance of any nomination, or

(ii) by any corrupt practice committed in the interest of such co-opted person by a person other than that candidate or a person acting with the consent of such candidate or agent, or

(iii) by the improper reception or refusal of any vote or reception of any vote which is void, or

(iv) by the non-compliance with the provisions of these rules or any orders made thereunder; the court shall declare the co-option of the returned candidate to be void.

(2) If in the opinion of the Court, a returned candidate has been guilty by an agent of any corrupt practice, but the Court is satisfied

(a) that no such corrupt practice was committed at the co-option by the candidate and every such corrupt practice was committed contrary to orders, and without the consent of the candidate;

(b) that the candidate took all reasonable means for preventing the commission of corrupt practice at the co-option; and

(c) that in all other respects the co-option was free from any corrupt practice on the part of the candidate or any of his agents; then the Court may decide that the Co-option of the recognised

candidate is not void.

55. Secretary of voting not to be infringed :-

No witness or other person shall be required to state for whom he was vested at such co-option.

56. Decision of the Court :-

(1) At the conclusion of the trial of an election petition, the Court shall make an order

(a) dismissing the election petition; or

(b) declaring the co-option of the returned candidate(s) or person(s) co-opted under the provisions of sub-clause (iv) or sub-clause (i) of clause (b) of section 4 to be void; or

(c) declaring the co-option of the returned candidates to be void and the petitioner or any other candidate/person to have been duly co-opted.

(2) If any person who has filed an election petition has, in addition to calling in question the co-option of the returned candidate, claimed declaration that he himself or any other candidate has been duly co-opted and the Court is of opinion

(a) that in fact the petitioner or such other candidate received a majority of the valid votes, or

(b) that but for the votes obtained by the returned candidate the petitioner or such other candidate would have obtained a majority of valid votes, the Court shall, after declaring the co-option of the returned candidates to be void, declare the petitioner or such other candidate, as the case may be, to have been co-opted.

57. Procedure in case of equality of votes :-

If during the trial of a petition, it appears that there is an equality of votes between any candidate at the election and that the addition of a vote would entitle any of those candidates to be declared co-opted, then the Court shall decide between them by lot and proceed as if the one on whom the lot falls had received an additional vote.

58. Order as to costs :-

The Court may, while making an order under rule 56 also fix thereby total amount of costs payable:

Provided that where a petition is dismissed under clause (a) of sub-rule (1) rule 56, the returned candidate shall be entitled to the costs incurred by him in contesting the petition and accordingly the Court shall make an order for costs in favour of the returned candidate.

59. Communication of order to Director and Transmission of the record of the case :-

The Court shall, after announcing the order made by it under rule 56 send a copy of the order to the Director.

60. Deposit of Security :-

(1) The petitioner shall enclose with the petition a receipt showing that a deposit of five hundred rupees has been made by him with the Director or any officer designated by him for the purpose as security for the costs of the petition.

(2) No person shall be entitled to be joined as a respondent unless he has given such security for costs as the Court may direct.

61. Costs :-

Costs, including pleader's fee, shall be in the discretion of the Court and shall be paid out of the security deposit provided for in rule 60.

62. Payment of Costs :-

(1) If in any order as to costs under the provision of this part, there is a direction for the payment of costs by-any party to any person, such costs shall, if they have not been already paid, be paid in full, or so far as possible, out of security deposit made by such party under this part on an application made in writing in that behalf within a period of six months from the date of the order of the Court to the Director by the person in whose favour the costs have been awarded.

(2) If there is any balance left of any of the said security deposit after payment under sub-rule (1) of the costs referred to in that sub-rule, such balance, or where no costs have been awarded or no application as aforesaid has been made within the said period of six months, the whole of the said security deposit may, on an application made in that behalf in writing to the Director by the person by whom the deposit has been made, or if such person dies after making such deposit, by the legal representative of such person, be returned to the said person or to his legal

representative, as the case may be.

PART 7

CORRUPT PRACTICES

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

(1) 'Bribery', that is to say

(A) any gift, offer or promise by a candidate or his agent or by any other person with the consent of a candidate or his agent of any gratification, to any person whosoever, with the object, directly or indirectly including

(a) a person to stand or not to stand as, or to withdraw or not withdraw from being a candidate at an election, or

(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 or not having withdrawn his candidature; or

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

(B) the receipt of, or agreement to receive, any gratification, whether as a motive or a reward

(a) by a person for standing or not standing as, or for withdrawing or not withdrawing from being, a candidate; or

(b) by any person whomsoever from himself or any other person for voting or refraining from voting, or inducing or attempting to induce any elector to vote or refrain from voting, or any candidate to withdraw or not to withdraw his candidature.

Explanation For the purposes of this sub-rule the term 'gratification' is not restricted to pecuniary gratification 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 bonafide 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 agent, or of any other person (with the consent of the candidate or his agent) 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 estracism and ex-communication or expulsion from any caste, creed, sect;

(ii) induces or attempts to induce a candidate or any 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 public action, 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 appeal by a candidate or his agent or by any other person with the consent of a candidate of his agent to vote or refrain from voting on grounds of caste, creed, sect 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 an elected member/a candidate or his agent or by any other person with the consent of an elected member/a candidate or his agent 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 person who is entered in list in Form C II as President of a registered Singh Sabha/or any member of the Sikh Community of Delhi who is a prospective candidate for co-option as a member u-nder sub-clause (iv) of clause (b) of section 4 or in relation to the candidature, or withdrawal from contest of any candidate being a statement reasonable calculated to prejudicate the prospects of that candidate's co-option.

(5) The holding of any meeting in which intoxicating liquor is served.

(6) The issuing of any circular, placard or poster having a reference to the co-option which does not bear the name and address of the

printer and publisher thereof

(7) The obtaining or procuring or abetting or attempting to obtain or procure by a candidate or his agent or by any other person with the consent of a candidate or his agent any assistance for the furtherance of the prospects of that candidate's election from any person

(a) in the service of the Gurdwara as defined in clause (f) of section 2 of the Delhi Sikh Gurdwaras Act, 1971, or

(b) in the service of the Government and belonging to any of the following classes, namely

(i) gazetted officers;

(ii) stipendary judges and magistrates;

(iii) members of the Armed Forces of the Union;

(iv) members of the Police Forces;

(v) excise officers;

(vi) revenue officers other than villages revenue officers known as lambardars or by any other name whose duty is to collect land revenue and who are remunerated by a share of or commission on the amount of land revenue collected by them but who do not discharge any police functions; and

(vii) Such other class of persons in the service of the Government as may be prescribed by the Administrator.

Explanation For the purpose of this rule, a person shall be deemed to assist in the furtherance of the prospects of a candidate's co-option if he acts as an agent of that candidate.

PART 8

ELECTORAL OFFENCES

64. Maintenance of Secrecy of voting :-

(1) Every officer or clerk, or other person who performs any duty in connection with the recording or counting of votes at a co-option 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-rule (1) shall be punishable with imprisonment for a term which may extend to three months, or with fine, or with both.

65. Officers etc., at elections not to act for candidates or to influence voting :-

(1) No person who is an election officer or an officer or clerk appointed by the Director to perform any duty in connection with co-option or a member of a police force shall in the conduct or management of such co-option do any act for the furtherance of the prospects of any of the election of a candidate or for the furtherance of the prospects person in the co-option by draw of lot(s)

(2) No such person as aforesaid shall endeavour

(a) to persuade any person to give, his vote at the 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.

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

66. Prohibition of canvassing in or near polling station and of public meeting on election day :-

(1) No person, shall, on the date or dates on which the poll is taken, 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 votes; or

(b) soliciting the vote of any member; or

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

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

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

(2) No person shall convene, hold or attend any public meeting

within one hundred metres of the polling station during the period of forty-eight hours ending with the hour fixed for the meeting called under section 14 for the co- option of members.

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

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

67. Penalty for disorderly conduct in or near polling station :-

(1) No person shall, on the date or dates on which a poll is taken at the 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 a megaphone or a loud-speaker, or

(b) shout or otherwise act in a disorderly manner, within or at the entrance or 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 so as to interfere with the work of the officer and other persons on duty at the polling station.

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

(3) If the Director has reasons 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-rule (1) and may seize any apparatus used for such contravention.

(5) An offence punishable under this Section shall be cognizable.

68. Penalty for misconduct at the polling station :-

(1) Any person who during the poll at the polling station or during

the proceedings for the drawing of lots, misconducts himself or fails to obey the lawful directions of the Director may be removed from the polling station by the Director or by any police officer on duty or by any person .authorised in this behalf by the Director.

(2) The powers conferred by sub-rule (1) shall not be exercised so as to prevent any member who is otherwise entitled to vote at the 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 Director, 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-rule (3) shall be cognizable.

69. Breaches of official duty in connection with election :-

(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 proceeding 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 election officer and any other person appointed to perform any duty in connection with the aforementioned co-option; and the expression "official duty" shall for the purpose of this rule be construed accordingly.

70. Removal of ballot papers from polling station to foe an offence :-

(1) Any person who at an election fraudulently takes or attempts to take a ballot paper out of the 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 with fine which may extend to five hundred rupees, or with both.

(2) If the Director has reasons to believe that any person is committing or has committed an offence punishable under sub-rule (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 Director 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-rule (1) shall be cognizable.

71. Other offences and penalties therefor :-

(1) A person shall be guilty of an electoral offence if at any such co-option 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 the Director; or

(c) fraudulently defaces or fraudulently destroys any ballot paper or the official mark on any ballot paper; or

(d) without due authority supplies any ballot paper to any person or receives any ballot paper from 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 due authority destroys, takes, opens or otherwise interferes with any ballot box or ballot papers then in use for the purpose of the co-option.

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

(2) Any person guilty of an offence under this rule shall

(a) if he is an Election Officer or any other officer or clerk employed on official duty in connection with the election, be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

(b) if he is any other person, be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

(3) 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 any co-option or part of a cooption including the counting of votes or to be responsible after the co-option for the used ballot papers and other documents in connection with such cooption.

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

(5) No court shall take cognizance of any offence under rule 61, or under rule 65, or under clause (a) of sub-rule (2) of this rule unless there is a complaint made by order of, or under authority from the Director.