

## **Bombay Provincial Municipal Corporations (Registration of Electors) Rules, 1994**

### CONTENTS

1. Short title
2. Definitions and Interpretation
3. Appointment of Electoral Registration Officers and Assistant Electoral Registration Officers
4. Preparation of lists of persons qualified to vote
5. Ward Rolls
6. Contents of Ward Rolls
7. Notice calling for information
8. Publication of draft Municipal Electoral Roll
9. Claims and objections
10. Procedure for Claims and objections
11. Manner of lodging claims and objections
12. Procedure to be adopted by the Electoral Registration Officer
13. Rejection of certain claims and objections
14. Acceptance of claims and objections without inquiry
15. Notice of hearing claims and objections
16. Inquiry into claims and objections
17. Inclusion of names inadvertently omitted
18. Deletion if names
19. Removal of multiple entries of a voter from the ward rolls
20. Publication of final Municipal Electoral Roll
21. Appeal from orders deciding claims and objections
22. Staff to be made available
23. Breach of official duty in connection with the preparation etc of electoral rolls
24. Making false declarations
25. Revision of roll

## **Bombay Provincial Municipal Corporations (Registration of Electors) Rules, 1994**

Where as the Government of Gujarat is satisfied that there are sufficient reasons which render it necessary to take immediate action to make rules to provide for registration of electors in Municipal Corporation and to dispense with the previous publication thereof under the proviso to sub-section (2) of section 456 of the Bombay Provincial Municipal Corporations Act, 1949 (Bom. LIX of 1949); Now, Therefore, in exercise of the powers conferred by sub-

section (1) of section 456 read with sub-section (2) of section 14 of the Bombay Provincial Municipal Corporations Act, 1949 (Bom. LIX of 1949) the Government of Gujarat hereby makes the following rules namely:

**1. Short title :-**

These Rules may be called the Bombay Provincial Municipal Corporation (Registration of Electors) Rules, 1994 .

**2. Definitions and Interpretation :-**

(1) In these rules unless the context otherwise requires

(a) "Act" means the Bombay Provincial Municipal Corporations Act, 1949 ;

(b) "Electoral Registration Officer" means an officer appointed under rule 3 and includes an Assistant Electoral Registration Officer;

(c) "form" means a form appended to these rules;

(d) "municipal electoral roll" means the electoral roll of the City prepared in the manner provided for in these rules.

(e) "qualifying date" means the first day of January of the year for which the municipal electoral roll is being prepared.

(f) "section" means a section of the Act.

(2) The Bombay General Clauses Act, 1904 (Bom.1 of 1904) shall apply for the interpretation of these rules.

**3. Appointment of Electoral Registration Officers and Assistant Electoral Registration Officers :-**

(1) The State Election Commission shall for the preparation and revision of municipal electoral roll for the City, appoint one or more officers as Electoral Registration Officer.

(2) To assist the Electoral Registration Officer, the State Election Commission may appoint one or more officers as Assistant Electoral Registration Officer for the whole or any part of the City.

(3) An Assistant Electoral Registration Officer, subject to such limitations as the Electoral Registration Officer may impose shall discharge all or any of the functions and exercise all or any of the powers of the Electoral Registration Officer under these rules within the jurisdiction.

#### **4. Preparation of lists of persons qualified to vote :-**

(1) The Electoral Registration Officer of the City, upon being so directed by the State Election Commission, shall prepare and publish in accordance with the provisions of these rules a list of persons entitled to be enrolled as voters in the municipal electoral roll of the City.

(2) An Electoral Registration Officer, may employ such persons as he thinks fit for the preparation and revision of the municipal electoral roll.

#### **5. Ward Rolls :-**

The municipal electoral roll for the City shall be prepared in separate parts which shall be called ward rolls, for each ward containing the names of persons entitled to be enrolled as voters in that ward.

#### **6. Contents of Ward Rolls :-**

In the ward rolls, the following information shall be entered under the heading of streets viz. the municipal census number or survey number or final plot number or bouse number or any other description of his residence; and full name, age and sex of the persons who are entitled to be enrolled under the provisions of sub-section (1) of section 8 of the Act.

Provided that where such person is

(i) a company, the name of any individual member of such company authorised in that behalf.

(ii) a firm, the names of all the partners of such firm, registered under the Partnership Act, 1932 (IX of 1932);

(iii) any other association or body of individuals, the name of the individual member of such association or body of individuals, or

(iv) an Hindu undivided family possessing the requisite business premises or taxation qualification, the names of all adult coparceners of such family,

#### **7. Notice calling for information :-**

(1) The Electoral Registration Officer may, before preparing the municipal electoral roll, by public notice call upon every owner or occupier of any building or any other person to furnish him such information as he may consider necessary for the preparation of the

municipal electoral roll.

(2) The Electoral Registration Officer may also call upon by specific notice in writing, any occupier or owner of any building or any other person to furnish him such information as he may consider necessary for the preparation of the municipal electoral roll.

(3) Every person to whom a notice has been issued under sub-rule (1) or (2) shall furnish full and true information within seven days from the date of notice.

(4) The Electoral Registration Officer shall verify and scrutinize the particulars furnished under sub rules (1) and (2) by a house to house inquiry or in such other manner as he may think fit.

### **8. Publication of draft Municipal Electoral Roll :-**

(1) The Electoral Registration Officer shall publish the draft Municipal Electoral Roll prepared as aforesaid, by causing a copy thereof to be displayed for public inspection in a conspicuous place in the main office of the municipal corporation and at such other places as he may decide, and keep it so displayed for a period of fifteen days. A copy thereof shall also be made available to any person requiring the same on payment of such fees as may be prescribed by the Electoral Registration Officer.

(2) The Electoral Registration Officer shall send a copy of the draft municipal electoral rolls to the State Election Commission.

(3) The Electoral Registration Officer shall on the day on which the list is published under sub.rule (1) give notice, by advertisement in any two local newspapers of the fact of publication, the place of publication and the places at which and the fee for which copies of it may be obtained.

### **9. Claims and objections :-**

Every claim for the inclusion of a name in the municipal electoral roll and every objection to an entry therein shall be lodged within a period of fifteen days from the date of publication of the draft municipal electoral, roll under Rule 8 :

Provided that Electoral Registration Officer on being directed by the State Election Commission shall by notification in the Official Gazette extend the aforesaid period for the City or any part thereof.

## **10. Procedure for Claims and objections :-**

(1) Every claim under rule 9 shall be in Form A duly signed by the person desiring his name to be included in the ward roll of municipal electoral roll and shall be countersigned by another person whose name is already included in ward roll of the ward in which the claimant desires his name to be included.

(2) Every objection to the inclusion of a name in the ward roll of municipal electoral roll shall be preferred in Form B only by a person whose name is already included in the ward roll and shall be countersigned by another persons whose name is already included in the ward roll of the municipal electoral roll in which the name objected to appears.

(3) Every objection to a particular in any entry in the roll shall be preferred in Form C only by the person to whom that entry relates.

## **11. Manner of lodging claims and objections :-**

Every claim or objection shall either be presented to the Electoral Registration Officer or to such other officer as may be designated by him in this behalf or by registered post in the Electoral Registration Officer.

## **12. Procedure to be adopted by the Electoral Registration Officer :-**

The Electoral Registration Officer shall

(a) maintain separate list for claims and objections filed In Forms A, B and C and enter therein the particulars of every claims or objection as and when it is received by him; and

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

## **13. Rejection of certain claims and objections :-**

Any claim or objection which is not lodged within the time, or in the form and in the manner prescribed shall be rejected by the Electoral Registration Officers.

## **14. Acceptance of claims and objections without inquiry :-**

Where the Electoral Registration Officer is satisfied as to the validity of any claim objection he may allow it without further inquiry after the expiry of one week from the date of exhibition of the list under rule 12 :

Provided that where before any such claim or objection as been allowed a demand for idquiry has been made in writing by any person, the Electoral Registration Officer shall not allow such claim or objection without further inquiry.

**15. Notice of hearing claims and objections :-**

(1) Where a claim or objection is not disposed of under rule 13 or rule 14, the Electoral Registration Officer shall

(a) fix date, time and place of hearing of the claim or objection specified in the list exhibited under rule 12; and

(b) give notice of the hearing either by post or by affixing it to the person's residence or land known residence within the City.

**16. Inquiry into claims and objections :-**

(1) Tbe Electoral Registratratiion Officer shall hold a summary inquiry into even claim or objection in respect of which notice has been given under rule 15 and shall record his decision thereon.

(2) At tbe hearing tbe claimant or as the case may be, the objector and tte person objected to and any other person who, in the opinion of the Electoral Registration Officer is likely to be of assistance to him, shall be allowed to appear and be heard.

(3) Tbe Electoral Registration Officer may in his discretion require that the evidence tendered by any such person shall be given on affidavit.

**17. Inclusion of names inadvertently omitted :-**

(1) If it appears to the Electoral Registration Officer that owing to inadvertence or error during preparation, tbe names of any electors have been left out in the ward roll and that remedial action should be taken under this rule, he shall

(a) prepare a list of the names and other detailes to such electors;

(b) exhibit on the notice board of his office a copy of the list together with a notice as to the time and place at which the inclusion of these names in tbe roll will be considered, and also published the list and the notice in such other manner as be may think fit ; and

(c) after considering any objections that may the preferred,

(2) If any statement under Rule 7 is received after the publication of the draft municipal electoral roll under Rule 8, the electoral registration officer may direct the inclusion of the names of the electors covered by the statements in the appropriate parts of the said roll.

**18. Deletion if names :-**

If it appears to the Electoral Registration Officer at any time before the final publication of the municipal electoral roll that owing to inadvertence or error or otherwise, the names of dead persons or of persons who have ceased to be. or are not ordinarily residents in the City or of persons who are otherwise not entitled to be registered in that roll have been included in the said roll and that remedial action should be taken under this rule, he shall

(a) prepare a list of the names and other details of such electors;

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

(c) after considering any objections that may be preferred, decide whether all or any of the names should be deleted from the roll:

Provided that before taking any action under this rule the Electoral Registration Officer shall make every endeavour to give such person a reasonable opportunity to show cause why the action proposed should not be taken in relation to him.

**19. Removal of multiple entries of a voter from the ward rolls :-**

(1) The Electoral Registration Officer shall not enter the name of any individual more than once in any ward roll notwithstanding the fact that such individual is entitled to have name entered in such list in more than one capacity or possesses more than one of the requisite qualification referred to in section 8.

(2) The Electoral Registration Officer shall not retain the name of any person in more than one ward roll.

(3) If the name of any person is entered as a voter in more than one ward roll

(a) such person may, by notice in writing, give to the electoral registration officer within fifteen days of the publication of the roll choose from which one of those wards he prefers to be an elector. Thereupon the electoral registration officer shall delete the name of such person from the ward roll of other wards.

(b) if no choice is made in clause (a) above, the electoral registration officer shall suo moto determine for which one of those wards such voter shall be entitled to vote and delete his name from the ward roll of other wards.

## **20. Publication of final Municipal Electoral Roll :-**

(1) The electoral registration officer shall thereafter

(a) prepare a list of amendments to carry out his decisions under rule 14, rule 16, rule 17, rule 18 and rule 19 and to correct any clerical or printing errors or other inaccuracies subsequently discovered in the draft municipal electoral roll;

(b) publish the municipal electoral roll, together with the list of amendments, by making a complete copy thereof available for inspection and displaying a notice in his office;

(2) On such publication- the roll together with the list of amendments shall be the final Municipal electoral roll of the City and shall come into force immediately.

(3) Each ward roll shall be conclusive evidence for the purpose of determining whether any person enrolled in such roll shall be entitled to vote at an election from that ward.

(4)

(a) The printed copies of the municipal electoral roll shall be given to any person requiring the same, on payment of such reasonable fee for each copy as may from time to time be prescribed by the electoral registration officer.

(b) the electoral registration officer shall supply, free of cost, two copies of the municipal electoral roll, as finally published, with the list of amendments, if any/to every political party recognised purposes of the Representation of People Act, 1951 (43 of 1951)

(c) the electoral registration officer shall send a copy of the final municipal electoral roll to the State Election Commission.



## **21. Appeal from orders deciding claims and objections :-**

(1) An appeal from any decision of the electoral registration officer under rule 13, rule 14, rule 16, rule 17, rule 18 and rule 19 shall lie to the State Election Commission or such officer as may be appointed by the State Election Commission (hereinafter referred to as "the appellate authority"):

Provided that an appeal shall not lie where the person desiring to appeal has not availed himself of his right to be heard by, or to make representations to, the electoral registration officer on the matter which is the subject of appeal.

(2) Every appeal under sub rule (1) shall be in the form of a memorandum signed by the appellant and presented to the appellate authority within a period of seven days from the date of the decision against which appeal is filed.

(3) The presentation of an appeal under this rule shall not have the effect of staying or postponing any action to be taken by the electoral registration officer under rule 20.

(4) An appeal under sub-rule (1) shall be disposed of by the appellate authority within twenty five days after receipt of such appeal and after such inquiry as he deems necessary.

(5) An appellate authority holding an inquiry under this rule may summon and enforce the attendance of witnesses and compel them to give evidence and he may also direct by whom the whole or any part of the costs of any such inquiry shall be paid.

(6) The costs awarded under sub-rule (5) shall be recoverable as if it had been awarded in a suit under the Code of Civil Procedure, 1908 .

(7) Every decision of the appellate authority shall be final, but in so far as it reverses or modifies a decision of the electoral registration officer, take effect only from the date of the decision in appeal.

(8) The electoral registration officer shall cause such amendments to be made in the municipal electoral roll as may be necessary to give effect to the decisions of the Appellate authority under this rule.

## **22. Staff to be made available :-**

Every Corporation shall when so requested by the electoral

registration officer of the City make available such staff as may be necessary for the performance of any duties in connection with the preparation and revision of the municipal electoral rolls.

**23. Breach of official duty in connection with the preparation etc of electoral rolls :-**

If any electoral registration officer, assistant electoral registration officer or any other person required by or under the Act to perform any duty in connection with the preparation revision or correction of municipal electoral roll on the inclusion or exclusion of any entry in or from that roll, is without reasonable cause, guilty of any act or omission in breach of such official duty, he shall be punishable in accordance with the law.

**24. Making false declarations :-**

If any person makes in connection with

(a) the preparation, revision or correction of an electoral roll; or

(b) the inclusion or exclusion of any entry in or from an electoral roll,

a statement or declaration in writing which is false and which he either knows or believes to be false or does not believe to be true. he shall be punishable in accordance with the law.

**25. Revision of roll :-**

(1) The municipal electoral roll or ward roll, as the case may be, shall, unless otherwise directed by the State Election Commission, be revised intensively before every general election to the Corporation and summarily before each bye election to fill a casual vacancy in a seat allotted to the ward.

(2) Where the municipal electoral roll is to be revised intensively it shall be prepared afresh in accordance with the provisions of these rules.

(3) When the municipal electoral roll or ward roll is to be revised summarily in any year, the Electoral Registration Officer shall cause to be prepared a list of amendment to the relevant parts of the roll on the basis of such information as may be readily available and publish the roll together with the list of amendments in accordance with the provisions of these rules.

(4) If the municipal electoral roll is not revised under this rule, the municipal electoral rolls in force immediately before such revision

shall continue in operation untill it is revised.