

## **KARNATAKA MUNICIPAL CORPORATIONS (ELECTION) RULES, 1979**

### **CONTENTS**

#### **CHAPTER 1 :- Preliminary**

1. Title and commencement
2. Definitions

#### **CHAPTER 1A :- X X X X X**

- 2A. The additional list of voters
- 2B. Preparation of the additional list of Voters in parts
- 2C. Order of names
- 2D. Statement as to residence
- 2E. Information to be supplied by occupants of dwelling houses
- 2F. Access to Certain Registers
- 2G. Publication of additional list of voters in draft
- 2H. Further publicity to the additional list of voters and notice
- 2I. Period for lodging claims and objections
- 2J. Form for claims and objections
- 2K. Manner of lodging claims and objections
- 2L. Procedure of designated officers
- 2M. Procedure of Registration Officer
- 2N. Rejection of certain claims and objections
- 2P. Acceptance of claims and objections without inquiry
- 2Q. Notice of hearing claims and objections
- 2R. Enquiry into claims and objections
- 2S. Inclusion of names inadvertently omitted
- 2T. Deletion of names of dead voters and persons who cease to be, or are not ordinarily residents
- 2U. Final publication of additional list of voters
- 2V. Appeals from orders deciding claims and objections
- 2W. Special provision for preparation of additional list of voters on redelimitation of division
- 2X. Correction of entries and inclusion of names in the additional list of voters
- 2Y. Appeals against the Orders of the Registration Officer
- 2Z. Penalties

#### **CHAPTER 2 :- Conduct of Election of Councillors**

3. Conduct of Election
- 3A. Electoral Roll
4. Returning Officer

5. General duty of the Returning Officer
6. Polling Station
7. Appointment of Presiding Officers for Polling Stations
8. Duties of the Presiding Officer
9. Duties of Polling Officer
10. Notification of Election
11. Nomination of candidates for election
12. Presentation of nomination paper
13. Notice of nominations and the time and place for their scrutiny
14. Scrutiny of nominations
15. Withdrawal of candidature
16. Preparation of list of contesting candidates
17. Recognition of political parties
- 17A. Publication of a list of recognised Political Parties and Symbols
18. Allotment of symbols
19. Publication of list of contesting candidates
20. Appointment of Election Agent
21. Appointment of Polling Agents
22. Attendance of a contesting candidate or his election agent at polling stations and performance by him of the functions of a polling agent or counting agent
- 22A. Non-attendance of Polling or Counting Agents
23. Death of candidate before the poll
24. Procedure in contested and uncontested election
25. Polling hours
26. Adjournment of poll in emergency
- 26A. Procedure on adjournment of poll
- 26B. Adjournment of poll or countermanding of election on the ground of booth capturing
27. Fresh poll in the case of destruction etc., of ballot boxes
28. Manner of voting
29. Form of ballot paper
30. Design of ballot boxes
31. Arrangement at Polling Stations
32. Admission to Polling Stations
33. Facilities for women electors
34. Identification of electors
35. Facilities for public servants on election duty
36. Persons entitled to vote by post
37. Electors under preventive detention
38. Intimation by voters who are entitled to vote by post
39. Form of postal ballot paper
40. Issue of postal ballot paper
41. Recording of vote
42. Return of the postal ballot paper
43. Right to vote
44. Preparation of ballot boxes for poll
45. Marked copy of the electoral roll
46. Challenging of Identity
47. Safeguards against personation

48. Issue of ballot papers to electors
49. Maintenance of secrecy of voting by electors within Polling Station and voting procedure
50. Recording of votes of blind or infirm electors
51. Tendered votes
52. Closing of poll
53. Sealing of ballot boxes after poll
54. Account of ballot papers
55. Spoilt and returned ballot papers
56. Sealing of other packets
57. Transmission of ballot boxes etc., to the Returning Officer
58. Appointment of counting agent
59. Time and place for counting of votes
60. Admission to the place fixed for counting
61. Maintenance of secrecy of voting
62. Counting of votes received by post
63. Scrutiny and opening of ballot boxes
64. Counting of votes
65. Counting to be continuous
66. Recount of votes
67. Sealing of used ballot papers
68. Declaration of sult of election and return of election
69. Grant of Certificate of Election to returned candidate
70. Deposit in election petition

**CHAPTER 3 :-**Election of Mayor, Deputy Mayor, Members of the Standing Committee and Chairman of the Standing Committee

71. First meeting
72. Filing of nominations
- 72A. Councillors to nominate not more than one candidate
- 72B. Scrutiny of nominations
- 72C. Withdrawal of Candidature
- 72D. Procedure in contested and uncontested elections
73. Election of Deputy Mayor
- 73A. Reservation of offices of Mayor and Deputy Mayor
74. Election of members to the Standing Committee
75. Election of Chairman to the Standing Committees
76. Record of proceedings

**CHAPTER 4 :-**Election petitions challenging the validity of the election of the Mayor/Deputy Mayor/Members of the Standing Committee/Chairman of the Standing Committee

77. Election petition
78. Procedure
79. Grounds for declaring the election of the returned candidate to be void
80. Grounds on which the candidate other than the returned candidate may be declared to have been elected

**CHAPTER 5 :-Election petitions challenging the validity of the election of the Mayor/Deputy Mayor/Members of the Standing Committee/Chairman of the Standing Committee**

**KARNATAKA MUNICIPAL CORPORATIONS (ELECTION)  
RULES, 1979**

Whereas, the draft of the Karnataka Municipal Corporations (Election) Rules, 1979 was published as required by sub-section (1) of Section 421 of the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977) in Notification No. HUD 12 LRB 79, dated the 20th April, 1979 in Part IV, Section 2C(i) of the Karnataka Gazette, Extraordinary, dated the 25th April, 1979 calling for objections and suggestions from the persons likely to be affected thereby on or before the 10th May, 1979. And, whereas, the said Gazette was made available to the public on the 25th April, 1979. And, whereas, the objections and suggestions received on the said draft have been considered. Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 55 and Section 421 of the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977), the Government of Karnataka hereby make the following rules, namely

**CHAPTER 1**  
**Preliminary**

**1. Title and commencement :-**

(1) These rules may called the Karnataka Municipal Corporations (Election) Rules, 1979.

(2) They shall come into force at once.

**2. Definitions :-**

In these rules, unless the context otherwise requires.-

(a) "Act" means the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977);

**1**[(b) "Commissioner" means.-

(i) in the case of the Corporation of the City of Bangalore, the Commissioner appointed under Section 14 of the Karnataka Municipal Corporations Act, 1976 and includes a person appointed to act as Commissioner under Section 16 of the Karnataka Municipal Corporations Act, 1976 ;

(ii) in the case of other Corporations, the Deputy Commissioner of the concerned Revenue District.]

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

**2**[(d) "Presiding Officer" means any person appointed under Rule 7 as Presiding Officer and includes any Polling Officer performing any of the function of a Presiding Officer under Rule 9;

(e) "Public holiday" means any day which is a public holiday for the purposes of Section 25 of the Negotiable Instruments Act, 1881 (Central Act 26 of 1881);

(f) "Qualified Candidate" or "Candidate Qualified to be chosen" shall mean a candidate, who is qualified to be chosen in an election held under the provisions of the Act and the rules made thereunder;

(g) "Reserved Seat" means a seat reserved for Scheduled Castes, Scheduled Tribes, Backward Classes and Women under Section 7 of the Negotiable Instruments Act, 1881 ;

(h) "Returning Officer" means any person appointed under Rule 4 as Returning Officer and includes an Assistant Returning Officer performing any of the functions of a Returning Officer.]

**3** [(i)] "Section" means, section of the Act.

1. Clause (b) substituted by Notification No. HUD 240 MLR 95, dated 28-9-1995.

2. Clauses (d) to (h) inserted by Notification No. HUD 240 MLR 95, dated 28-9-1995.

3. Existing clause (d) renumbered as clause (i) by Notification No. HUD 240 MLR 95, dated 28-9-1995.

#### CHAPTER 1A

X X X X X

#### **2A. The additional list of voters :-**

X X X X X.

#### **2B. Preparation of the additional list of Voters in parts :-**

X X X.

#### **2C. Order of names :-**

X X X X X.

#### **2D. Statement as to residence :-**

X X X X X.

**2E. Information to be supplied by occupants of dwelling houses :-**

X X X X X.

**2F. Access to Certain Registers :-**

X X X X X.

**2G. Publication of additional list of voters in draft :-**

X X X X X.

**2H. Further publicity to the additional list of voters and notice :-**

X X X X X.

**2I. Period for lodging claims and objections :-**

X X X X X.

**2J. Form for claims and objections :-**

X X X X X.

**2K. Manner of lodging claims and objections :-**

X X X X X.

**2L. Procedure of designated officers :-**

X X X X X.

**2M. Procedure of Registration Officer :-**

X X X X X.

**2N. Rejection of certain claims and objections :-**

X X X X X.

**2P. Acceptance of claims and objections without inquiry :-**

X X X.

**2Q. Notice of hearing claims and objections :-**

X X X X X.

**2R. Enquiry into claims and objections :-**

X X X X X.

**2S. Inclusion of names inadvertently omitted :-**

X X X X X.

**2T. Deletion of names of dead voters and persons who cease to be, or are not ordinarily residents :-**

X X X X X.

**2U. Final publication of additional list of voters :-**

X X X X X.

**2V. Appeals from orders deciding claims and objections :-**

X X X.

**2W. Special provision for preparation of additional list of voters on redelimitation of division :-**

X X X X X.

**2X. Correction of entries and inclusion of names in the additional list of voters :-**

X X X X X.

**2Y. Appeals against the Orders of the Registration Officer :-**

X X X X.

**2Z. Penalties :-**

X X X X X.

**CHAPTER 2**

Conduct of Election of Councillors

**3. Conduct of Election :-**

**1** .-

(1) Election to the Corporation shall be conducted under the superintendence, direction and control of the State Election Commission.

(2) Subject to the superintendence, direction and control of the State Election Commission, the Commissioner shall co-ordinate and supervise all work in connection with the conduct of election to the Corporation. The Commissioner shall also perform such other functions pertaining to the said elections as may be entrusted to him by the State Election Commission.]

1. Rule 3 inserted by Notification No. HUD 240MLR 95, dated 28-9-1995.

**3A. Electoral Roll :-**

**1** .-

(1) The electoral roll referred to in Section 23 of the Negotiable Instruments Act, 1881 for each <sup>2</sup>[ward] of the city shall be split into one or more parts <sup>3</sup>[ward] wherein the voters to be included in each part reside, so that the voters to be included in each part belong to a named area, street or road within the <sup>4</sup>[ward] and the

electoral roll so split up in respect of the several parts of the <sup>2</sup>[ward] will together constitute the electoral roll for such <sup>6</sup>[ward]

.

(2) A copy of such electoral roll in respect of each <sup>7</sup> [ward] shall also be kept open for inspection in the office of the Corporation.

1. Existing Rule 3 renumbered as Rule 3-A by Notification No. HUD 240 MLR 95, dated 28-9-1995.

2. Substituted for the word "division" by Notification No. HUD 240 MLR 95, dated 28-9-1995.

3. Substituted for the word "division" by Notification No. HUD 240 MLR 95, dated 28-9-1995.

4. Substituted for the word "division" by Notification No. HUD 240 MLR 95, dated 28-9-1995.

6. Substituted for the word "division" by Notification No. HUD 240 MLR 95, dated 28-9-1995.

7. Substituted for the word "division" by Notification No. HUD 240 MLR 95, dated 28-9-1995.

#### **4. Returning Officer :-**

(1) For every general election of the Councillors or for an election to fill a casual vacancy the Commissioner shall designate or nominate one or more Returning Officers who shall be officers of the State Government or of a local authority: <sup>1</sup>[x x x x x.] <sup>2</sup>[Provided] that if more than one Returning Officer is nominated or designated the Commissioner shall specify the <sup>3</sup> [ward or wards] for which each such officer is nominated or designated.

(2) The Commissioner may in the same manner designate or nominate one or more Assistant Returning Officers who shall be officers of the State Government or of a local authority to assist the Returning Officer in the performance of his functions.

(3) Every Assistant Returning Officer shall if so directed by the Returning Officer, be competent to perform all or any of the functions of the Returning Officer.

1. First proviso omitted by Notification No. HUD 240 MLR 95, dated 28-9-1995.

2. Substituted for the words "Provided further" by Notification No. HUD 240 MLR 95, dated 28-9-1995.

3. Substituted for the words "division or divisions" by Notification No. HUD 240 MLR 95, dated 28-9-1995.

#### **5. General duty of the Returning Officer :-**

It shall be the general duty of the Returning Officer at any election



to do all such acts and things as may be necessary for effectually conducting the election in the manner provided by the Act and these rules.

#### **6. Polling Station :-**

The Returning Officer shall, in consultation with the Commissioner, provide sufficient number of Polling Stations for each <sup>1</sup>[ward] and shall publish a list showing the Polling Stations so provided and the Polling areas or groups of voters for which they have respectively been provided in such manner as the <sup>2</sup> [State Election Commission] may direct.

1. Substituted for the word "division" by Notification No. HUD 240 MLR 95, dated 28-9-1995.

2. Substituted for the word "Government" by Notification No. HUD 240 MLR 95, dated 28-9-1995.

#### **7. Appointment of Presiding Officers for Polling Stations :-**

(1) The Commissioner shall appoint a Presiding Officer for each Polling Station and such Polling Officer or officers as he thinks necessary.

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

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

#### **8. Duties of the Presiding Officer :-**

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

#### **9. Duties of Polling Officer :-**

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

#### **10. Notification of Election :-**

**1**

(1) The Commissioner shall with the approval of the State Election

Commissioner notify in Form 1 the intended election referred to in Section 24 of the Negotiable Instruments Act, 1881 .

(2) The Commissioner shall in such Notification appoint.-

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

(ii) the date for the scrutiny of nominations, which shall be the day 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;

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

(iv) the date on which the poll shall, if necessary, be taken which shall be a date not earlier than tenth day after the last day for the withdrawal of candidatures and the hours during which the poll shall be taken, the total period of which on any allotted day shall not be less than eight hours; and

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

(3)

(a) On the issue of the notification under sub-rule (1) the Returning Officer shall give a public notice of the intended election in

(b) In the said notice, the Returning Officer shall specify among other things the last date for receipt of nominations, the place at which nominations are to be delivered, date of scrutiny of nominations, last date for withdrawal of candidature, date or dates on which a poll shall, if necessary, be taken and the hours of poll and the date before which elections shall be completed which shall conform to the dates notified in mat behalf by the Commissioner under sub-rule (2).]

1. Rule 10 substituted by Notification No. HUD240 MLR 95, dated 28-9-1995.

### **11. Nomination of candidates for election :-**

Any person may be nominated as a candidate to fill a seat in any of

the <sup>1</sup> [wards] of the city, if he is qualified to be chosen to fill that seat under the provisions of the Act.

1. Substituted for the word "divisions" by Notification No. HUD 240 MLR 95, dated 28-9-1995.

## **12. Presentation of nomination paper :-**

(1) On or before the date appointed under Rule 10 for making nominations, each candidate shall either in person or by his proposer, between the hours of eleven O'clock in the forenoon and three O'clock in the afternoon deliver to the Returning Officer at the place specified in this behalf in the public notice referred to in Rule 10, a nomination paper duly completed in Form 2 and signed by the candidate and by an elector of the <sup>1</sup>[ward] as proposer: <sup>2</sup>[Provided that no nomination paper shall be delivered to the Returning Officer on a day which is a public holiday.]

(2) In a <sup>3</sup>[ward] wherein.-

(a) seat is reserved for the Scheduled Castes, <sup>4</sup>[Scheduled Tribes or Backward Classes] a candidate shall not be deemed to be qualified to be chosen to fill that seat unless his nomination paper contains a declaration by him specifying the particular <sup>5</sup>[class, caste or tribe] of which he is a member and the said <sup>6</sup>[class, caste or tribe] is a <sup>7</sup>[Backward Class, Scheduled Caste or Scheduled Tribe];

(b) seat is reserved for women, the nomination paper shall contain a declaration that the candidate is a woman.

<sup>8</sup>[(2A) On the presentation of a nomination paper, the Returning Officer shall satisfy himself that the names and electoral roll numbers of the candidate and his proposer as entered in the nomination paper are the same as those entered in the electoral roll: Provided that no misnomer or inaccurate description or clerical, technical or printing error in regard to the name of the candidate or his proposer or any other person, or in regard to any place mentioned in the electoral roll or the nomination paper and no clerical, technical or printing error in regard to the electoral roll numbers of any such person in the electoral roll or the nomination paper shall affect the full operation of the electoral roll or nomination paper with respect to such person or place in any case where the description in regard to the name of the person or place is such as to be understood and the Returning Officer shall permit

any such misnomer or inaccurate description or clerical, technical or printing error to be corrected and where necessary direct that any such misnomer, inaccurate description, clerical, technical or printing error in the electoral roll or in the nomination paper shall be overlooked.]

(3) Nothing in the rule shall prevent any candidate from being nominated by more than one nomination paper, provided that such nominations shall not exceed four.

(4) A candidate shall not be deemed to be duly nominated for election from any <sup>9</sup>[ward] unless he deposits or causes to be deposited before the nomination paper is delivered to the Returning Officer, a sum of <sup>10</sup>[three thousand rupees] or where the candidate is a member of a <sup>11</sup>[Backward Class or a Scheduled Caste] or a Scheduled Tribe or a woman a sum of <sup>12</sup>[one thousand five hundred rupees]: Provided that where a candidate has been nominated by more than one nomination paper for election in the same [ward], not more than one deposit shall be required of him under this sub-rule.

**13** [(5) Any sum required to be deposited under sub-rule (4) shall not be deemed to have been deposited in that sub-rule unless at the time of delivery of nomination paper under sub-rule (1) the candidate has either deposited or caused to be deposited that sum with the Returning

1. Substituted for the word "division" by Notification No. HUD 240 MLR 95, dated 28-9-1995.

2. Proviso inserted by Notification No. HUD 240 MLR 95, dated 28-9-1995.

3. Substituted for the word "division" by Notification No. HUD 240 MLR 95, dated 28-9-1995.

4. Substituted for the words "or Scheduled Tribes" by Notification No. HUD 240 MLR 95, dated 28-9-1995.

5. Substituted for the words "caste or tribe" by Notification No. HUD 240 MLR 95, dated 28-9-1995.

6. Substituted for the words "caste or tribe" by Notification No. HUD 240 MLR 95, dated 28-9-1995.

7. Substituted for the words "Scheduled Caste or, as the case may be, Scheduled Tribes" by Notification No. HUD 240 MLR 95, dated 28-9-1995.

8. Sub-rule (2-A) inserted by Notification No. HUD 240 MLR 95, dated 28-9-1995.

9. Substituted for word "division" by Notification No. HUD 240 MLR 95, dated 28-9-1995.

10. Substituted for the words "thousand rupees" by Notification No. UDD 207 MLR 2000, dated 25-9-2000,,w.e.f. 28-9-2000.
11. Substituted for the words "Scheduled Caste" by Notification No. HUD 240 MLR 95, dated 28-9-4995.
12. Substituted for words "four hundred rupees" by Notification.UBD207 MLR 2000, dated 25-9-2000, w.ei. 28-9-2000.
13. Sub-rule (5) inserted by Notification No. HUD 240 MLR 95, dated 28-9-1995.

**13. Notice of nominations and the time and place for their scrutiny :-**

The Returning Officer shall on receiving the nomination paper under Rule 12, inform the person delivering the same of the date, time and place fixed for 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 fixed in some conspicuous place in his office a notice of the nomination in Form 3 containing descriptions similar to those contained in the nomination paper both of the candidate and of the proposer.

**14. Scrutiny of nominations :-**

(1) On the date fixed for scrutiny of nominations under Rule 10 the candidates, their election agents, one proposer of each candidate and one other person duly authorised in writing by each candidate, but no other person, may attend at such time and place as the Returning Officer may appoint, and the Returning Officer 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 Rule 12.

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

(a) that on the date fixed,for the scrutiny of nominations the candidate either is not qualified or is disqualified for being chosen to fill the seat under the provisions of the Act;

(b) that there has been a failure to comply with any of the provisions of the act or these rules;

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

**1**[(2-A) Nothing contained in clause (b) or (c) of sub-rule (2) shall be deemed to authorise the rejection of nomination of any candidate on the ground of any irregularity in respect of nomination paper, if the candidate has been duly nominated by means of another nomination paper in respect of which no irregularity has been committed.]

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

(4) The Returning Officer shall hold the scrutiny on the date appointed in this behalf under Rule 10 and shall not allow any adjournment of the proceedings except when such proceedings are interrupted by riot or open violence or by causes beyond his control:

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

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

(6) Immediately after all the nomination papers have been scrutinised and decision accepting or rejecting the same have been recorded, the Returning Officer shall prepare a list of validly nominated candidates in Form 4 that is to say candidates whose nominations have been found valid, and affix it to his notice board.

**2** [(7) For the purpose of this rule, a certified copy of an entry in the electoral roll for the time being in force of a Ward shall be conclusive evidence of the fact that the person referred to in that entry is an elector for that ward.]

1. Sub-rule (2-A) inserted by Notification No. HUD 240 MLR 95, dated 28-9-1995.

2. Sub-rule (7) inserted by Notification No. HUD 240 MLR 95, dated 28-9-1995.

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

(1) Any candidate may withdraw his candidature by a notice in writing in Form 5 and delivered before three O' clock in the afternoon on the date fixed under Rule 10 to the Returning Officer either by such candidate in person or by his proposer or election agent who has been authorised in this behalf in writing by such candidate.

(2) On receipt of such notice under sub-rule (1), the Returning Officer shall note thereon the date and time at which it was delivered.

(3) No person who has given notice of withdrawal of his candidature under sub-rule (1) shall be allowed to cancel the said notice.

(4) The Returning Officer shall on being satisfied as to the genuiness of a notice of withdrawal and the identity of the person delivering it, cause the notice in Form 6 to be affixed on the notice board of his office.

### **16. Preparation of list of contesting candidates :-**

(1) Immediately after the expiry of the period within which candidatures may be withdrawn under Rule 10, the Returning Officer shall prepare and publish in Kannada language a list of contesting candidates mat is to say candidates, who are included in the list of validly nominated

Provided that, the <sup>1</sup> [State Election Commission] may direct that in any election, the list of contesting candidates may be prepared in a language other than Kannada.

(2) The said list shall contain the names in Kannada alphabetical order and the address of the contesting candidates as given in the nomination paper.

(3) Where a poll becomes necessary the Returning Officer shall consider the choice of symbols expressed by the contesting candidates in their nomination papers and shall allot the symbols in accordance with Rule 18.

(4) The allotment of any symbol to a candidate shall be final.

(5) Every candidate or his election agent shall forthwith be informed of the symbol allotted to the candidate and be supplied

with a specimen thereof by the Returning Officer.

(6) The list of contesting candidates shall be in Form 7.

1. Substituted for the word "Government" by Notification No. HUD 240 MLR 95, dated 28-9-1995.

**17. Recognition of political parties :-**

<sup>1</sup> Every political party recognised by the Election Commission of India as a National Party or as a State Party in the State of Karnataka under the Election Symbols (Reservation and Allotment) Order, 1968, shall be the recognised political party for the purpose of election to Corporation.

1. Rules 17,17-A and 18 substituted for Rules 17 and 18 by Notification No. HUD 240 MLR 95,dated 28-9-1995.

**17A. Publication of a list of recognised Political Parties and Symbols :-**

For the purpose of these rules the State Election Commission shall publish by notification a list of recognised political parties and symbol reserved to each such recognised political party and a list of free symbols.

**18. Allotment of symbols :-**

(1) A candidate set up by a recognised Political Party in the election shall choose, and shall be allotted, symbol reserved for that party and no other symbol.

(2) A reserved symbol shall not be chosen by or allotted to any candidate other than a candidate set .up by a recognised political party.

(3) Any candidate other than the candidate set up by a recognised Political Party in the election shall choose and shall be allotted in accordance with the rules hereinafter provided, one of the symbols specified as free symbols: Provided that in the case of a candidate set up by an unrecognised political party in the election shall be allotted the free symbol chosen by such candidates and no one else and in case candidate set up by

Explanation.-For the purpose of this rule, the expression "unrecognised political party" means a political party registered as a party in the State of Karnataka under the Election Symbols (Reservation and Allotment) Order, 1968, and which is not a recognised political party within the meaning of the said order.



(4) Where a free symbol other than the one chosen by a candidate set up by an unrecognised political party has been chosen by only one candidate at the election, the Returning Officer shall allot that symbol to that candidate and to no one else.

(5) Where the same free symbol other than the one chosen by a candidate set up by any unrecognised political party is chosen by more than one candidate.-

(a) the Returning Officer shall decide by lot to which of those candidates that free symbol shall be allotted and shall allot it to the candidate, to whom the lot falls and to no one else;

(b) where there are more number of candidates than the number of free symbols specified, the Returning Officer shall allot any other symbol in his discretion to the remaining candidates.

Explanation.-For the purpose of these rules a candidate shall be deemed to be set up by a political party, if and only if.-

(a) the candidate has made a declaration to that effect in his nomination paper; and

(b) a notice in writing to that effect has been delivered to the Returning Officer before 3 O'Clock in the afternoon on the last date <sup>1</sup> [for making nominations]; and

(c) the said notice is signed by the President or the Secretary or any other office bearer of the party and the President, Secretary or such other office bearer is authorised by the party to send such notice and the name and specimen signature of the President, the Secretary or such other office-bearer are communicated in advance to the Returning Officer of the ward and to the State Election Commission. In the case of a National Party the authorisation may be made by the President of the party's

1. Substituted for the words "for withdrawal of candidature" by Notification No. UDD 502 MLR 97, dated 2-6-1999, w.e.f. 29-7-1999

## **19. Publication of list of contesting candidates :-**

(1) The Returning Officer shall immediately after the preparation of the list of contesting candidates under Rule 16 cause a copy thereof to be affixed on the notice board of his office.

(2) If a poll becomes necessary the Returning Officer shall supply a

copy of the list of contesting candidates 1[and specimen of the picture of the symbol allotted] to each such candidate or his election agent.

## **20. Appointment of Election Agent :-**

(1) Subject to Section 29 of the Negotiable Instruments Act, 1881 a candidate at an election may appoint an election agent in Form 8 and notice of such appointment shall be given by forwarding the same in duplicate to the Returning Officer who shall return one copy thereof to the election agent after affixing thereon his seal and signature in token of his approval of the appointment.

(2) The revocation of appointment of an election agent shall be made in Form 9.

**1** [(3) In the event of such a revocation or death of an election agent the candidate may at any time before the election is over make a fresh appointment in the manner specified in sub-rule (1).]

1. Sub-rule (3) Inserted by Notification No.HUD 240 MLR 95, dated 28-9-1995.

## **21. Appointment of Polling Agents :-**

(1) A contesting candidate or his election agent may appoint one Polling Agent and two relief agents to act as such on his behalf in each Polling Station.

(2) Every such appointment shall be made in Form 10 and shall be made over to the Polling Agent for production at the Polling Station.

(3) No Polling Agent shall be admitted into any Polling Station unless he has delivered to the Presiding Officer the instrument of his appointment under sub-rule (2) after duly completing and signing before the Presiding Officer the declaration contained therein.

(4) The revocation of the appointment of a Polling Agent shall be in Form 11.

(5) In the event of any such revocation 3[or death of an election agent] the candidate or his election agent may, at any time before the poll is closed make a fresh appointment in the manner specified in sub-rule (2).

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

**1**

(1) At every election where a poll is taken, Rule 6, for the taking of the poll.

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

1. Rules 22, 22-A and 23 substituted for Rules 22 and 23 by Notification No. HUD 240 MLR 95, dated 28-9-1995.

**22A. Non-attendance of Polling or Counting Agents :-**

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

**23. Death of candidate before the poll :-**

If a candidate set up by a recognised political party.-

(a) dies at any time after 11 a.m. on the last date for making nominations and his nomination is found valid on scrutiny under Rule 14; or

(b) whose nomination has been found valid on scrutiny under Rule 14 and who has not withdrawn his candidature under Rule 15, dies and in either case, a report of his death is received at any time before the publication of the list of contesting candidates under Rule 19; or

(c) dies as a contesting candidate and a report of his death is received before the commencement of the poll, the Returning Officer shall, upon being satisfied about the fact of the death of the candidate, by order, countermand the poll and report the fact to the State Election Commission and all proceedings with reference to the election shall be commenced afresh in all respects as if for a new election:

Provided that no order for countermanding a poll should be made in a case referred to in clause (a) except after the scrutiny of all the nominations including the nomination of the deceased candidate

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

Provided also that no person who has given a notice of withdrawal of his candidature under sub-rule (1) of Rule 15 before the countermanding of the poll shall be ineligible for being nominated as a candidate for the election after such countermanding.

#### **24. Procedure in contested and uncontested election :-**

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

(2) If the number of such candidates is equal to the number of seats to be filled, the Returning Officer shall forthwith declare all such candidates to be duly elected to fill those seats in <sup>1</sup>[Form 12 or Form 12-A as may be appropriate.]

(3) If the number of such candidates is less than the number of seats to be filled in that <sup>2</sup>[ward], the Returning Officer shall forthwith declare all such candidates to be duly elected in <sup>3</sup>[Form 12 or Form 12-A as may be appropriate] and the Commissioner shall <sup>4</sup>[with the approval of the State Election Commission] notification in the Official Gazette call upon the <sup>5</sup>[ward] to elect a person or persons to fill the remaining seat or seats.

<sup>6</sup> [(4) x x x x x.]

1. Substituted for the word and figures "Form 12" by Notification No. HUD 240 MLR 95, dated 28-9-1995.

2. Substituted for the word "division" by Notification No. HUD 240 MLR 95, dated 28-9-1995.

3. Substituted for the word and figures "Form 12" by Notification No. HUD 240 MLR 95, dated 28-9-1995.

4. Inserted by Notification No. HUD 240 MLR 95, dated 28-9-1995.

5. Substituted for the word "division" by Notification No. HUD 240 MLR 95, dated 28-9-1995.

6. Sub-rule (4) omitted by Notification No. HUD 240 MLR 95, dated 28-9-1995.

#### **25. Polling hours :-**

<sup>1</sup> .-x x x x x.

1. Rule 25 omitted by Notification No. HUD 240MLR 95, dated 28-9-1995.

**26. Adjournment of poll in emergency :-**

(1) If at an election the proceedings at any Polling Station are interrupted or obstructed by any riot or open violence or if at an election it is not possible to take the poll at any Polling Station on account of any natural calamity or any other sufficient cause, the Presiding Officer for such Polling Station or the Returning Officer shall announce an adjournment of the poll to a date to be notified later, and where the poll is adjourned by a Presiding Officer, he shall forthwith inform the Returning Officer.

(2) Whenever a poll is adjourned under sub-rule (1), the Returning Officer shall immediately report the circumstances to the Commissioner <sup>1</sup>[and the State Election Commission] and shall, as soon as may be, with the previous <sup>2</sup>[approval of the State Election Commission] publish a notice appointing the day on which the poll shall recommence and fix the Polling Station and the hours during which, the poll shall be taken, and shall not count the votes cast at the election of such <sup>3</sup>[ward] until such adjourned poll shall have been completed.

<sup>4</sup> [(3) In every such case as aforesaid, the Returning Officer shall notify in such manner as the State Election Commission may direct the date, place and hours of polling fixed under sub-rule (2).]

1. Inserted by Notification No. HUD 240 MLR 95, dated 28-9-1995.

2. Substituted for the words "approval of the Commissioner" by Notification No. HUD 240 MLR 95, dated 28-9-1995.

3. Substituted for the word "division" by Notification No. HUD 240 MLR 95, dated 28-9-1995.

4. Sub-rule (3) inserted by Notification No. HUD 240 MLR 95, dated 28-9-1995.

**26A. Procedure on adjournment of poll :-**

**1** .-

(1) If the poll at any polling station is adjourned under Rule 26 the provisions of rule 53, Rule 54, Rule 56 and Rule 57 shall, as far as practicable apply as if the poll was closed at the hour fixed in that behalf under Rule 10.

(2) When an adjourned poll is recommended under sub-rule (2) of Rule 26, the electors who have already voted at the poll so

adjourned shall not be allowed to vote again.

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

(4) The Presiding Officer shall open the sealed packet in the presence of the polling agents present and use the marked copy of the electoral roll for marking the names of the electors to whom the ballot papers are issued at the adjourned poll, without however recording therein the serial number thereof.

(5) The provisions of R.29 of the Karnataka Municipal Corporations (Election) Rules, 1979, R.30 of the Karnataka Municipal Corporations (Election) Rules, 1979, R.31 of the Karnataka Municipal Corporations (Election) Rules, 1979, R.32 of the Karnataka Municipal Corporations (Election) Rules, 1979, R.33 of the Karnataka Municipal Corporations (Election) Rules, 1979, R.34 OF THE KARNATAKAMUNICIPAL CORPORATIONS (ELECTION) RULES, 1979, and Rule 35 and Rule 44, Rule 45, Rule 46, Rule 47, Rule 48, Rule 49, Rule 50, Rule 51, Rule 52, Rule 53, Rule 54, Rule 55, Rule 56 and Rule 57 shall apply in relation to the conduct of an adjourned poll as they apply in relation to the poll before it was so adjourned.

1. Rules 26-A and 26-B inserted by Notification No. HUD 240 MLR 95, dated 28-9-1995.

**26B. Adjournment of poll or countermanding of election on the ground of booth capturing :-**

(1) If at any election.-

(a) booth capturing has taken place at a polling station or at a place fixed for the poll (hereinafter in this rule referred to as a 'place') in such a manner that the result of the poll at that polling station or place cannot be ascertained; or

(b) booth capturing takes place in any place for counting of votes in such a manner that the result of the counting at the place cannot be ascertained; the Returning Officer shall forthwith report the matter to the State Election Commission and the Commissioner.

(2) The State Election Commission shall, on receipt of a report from the Returning Officer under sub-rule (1) and after taking all

material circumstances into account, either.-

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

(b) if satisfied that in view of the large number of polling stations or places involved in booth capturing, the result of the election is likely to be affected, or that booth capturing

Explanation. - For the purpose of this rule "booth capturing" includes, among other things, all or any of the following activities, namely.-

(a) seizure of polling station or a place fixed for the poll by any person or persons, making polling authorities surrender the ballot papers or voting machines and doing of any other act which affects the orderly conduct of elections;

(b) taking possession of a polling station or a place fixed for the polling by any person or persons and allowing only his or their own supporters to exercise their right to vote and prevent others from voting;

(c) threatening any elector and preventing him from going to the polling station or a place fixed for the poll to cast his vote;

(d) seizure of a place for counting of votes by any person or persons, making the counting authorities surrender the ballot papers or voting machines and the doing of anything which affects the orderly counting of votes;

(e) doing by any person in the service of Government, of all or any of the aforesaid activities or aiding or conniving at, any such activity in the furtherance of the prospects of the election of a candidate.]

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

(3) These rules shall apply to every fresh poll under sub-rule (2) as they apply to the original poll.

## **28. Manner of voting :-**

At every election where a poll is taken votes shall be given by ballot and all voters voting at an election shall do so in person at

the Polling Station and no votes shall be received by proxy.

### **29. Form of ballot paper :-**

**<sup>1</sup>** [

(1) Every ballot paper shall have a counterfoil attached thereto and the said ballot paper and the counterfoil shall be in such form and particulars therein shall be in the language or languages as the State Election Commission may direct.]

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

(3) If two or more candidates bear the same name, they shall be distinguished by the addition of their occupation or residence or in some other manner.

1. Clause (c) substituted by Notification No. HUD 240 MLR 95, dated 28-9-1995.

### **30. Design of ballot boxes :-**

Every ballot box shall be of such design as may be approved by **<sup>1</sup>** [the State Election Commission.]

1. Substituted for the word "Commissioner" by Notification No. HUD 240 MLR 95, dated 28-9-1995.

### **31. Arrangement at Polling Stations :-**

(2) At each Polling Station, there shall be set up one or more voting compartments in which the electors can record their votes screened from observation.

(3) The Returning Officer shall provide at each Polling Station a sufficient number of ballot boxes, copies of the relevant part of the electoral roll, ballot papers, instruments for stamping the distinguishing mark on the ballot papers and articles necessary for electors to mark the ballot papers, and such other materials as are necessary for the conduct of poll.

### **32. Admission to Polling Stations :-**

The Presiding Officer shall regulate the number of electors to be admitted at any one time inside the Polling Station and shall exclude therefrom all persons other than.-

(a) Polling Officers;



- (b) public servants on duty in connection with the election;
- (d) candidates, their election agents and one Polling Agent of each candidate;
- (e) a child in arms accompanying an elector;
- (f) a person accompanying a blind or infirm elector who cannot move without help; and
- (g) such other persons as the Returning Officer or the Presiding Officer may employ for the purpose of election.

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

- (1) Where a Polling Station is both for men and women electors, the Presiding Officer may direct that they shall be admitted into the Polling Station alternately in separate batches.
- (2) The Returning Officer or the Presiding Officer may appoint a woman to serve as an attendant at any Polling Station to assist women electors and also to assist Presiding Officer generally in taking the poll in respect of women electors, and in particular to help in searching any woman elector in case it becomes necessary.

**34. Identification of electors :-**

- (1) The Returning Officer or the Presiding Officer may employ at the Polling Station such persons as he thinks fit to help in the identification of the electors or to assist the Presiding Officer otherwise in taking the poll.
- (2) As each elector enters the Polling Station, the Presiding Officer or the Polling Officer authorised by him in this behalf shall check the electors' name and other particulars with the relevant entry in the electoral roll and then call out the serial number, name and other particulars of the elector.

**35. Facilities for public servants on election duty :-**

**36. Persons entitled to vote by post :-**

The following persons shall subject to their fulfilling the requirements hereinafter specified be entitled to vote by post, namely.-

- (c) electors subject to preventive detention.

**37. Electors under preventive detention :-**

(1) The State Government shall within fifteen days of the calling of an election, ascertain and intimate to the Returning Officer the names of electors if any, subject to preventive detention together with their addresses and electoral roll numbers and the particulars about their places of detention.

(2) Any elector subjected to preventive detention, may within fifteen days of the calling of an election send an intimation to the Returning Officer that he wishes to vote by post specifying his name, address, electoral roll number and place of detention.

(3) The Returning Officer shall on receipt of such intimation issue a postal ballot paper to every elector subjected to preventive detention whose name has been intimated to him under sub-rule (1) or under sub-rule (2).

**38. Intimation by voters who are entitled to vote by post :-**

Subject to rule 35 and Rule 37 the persons referred to in Rule 36 who wish to vote by post in an election shall send an intimation in Form 15 to the Returning Officer so as to reach him at least ten days before the date of poll and on receipt of the intimation the Returning Officer shall issue a postal ballot paper to him.

**39. Form of postal ballot paper :-**

The postal ballot paper shall be the same as that of the other ballot paper issued to voters who are entitled to vote in person.

**40. Issue of postal ballot paper :-**

(3) Every Officer under whose care or through whom a postal ballot paper is sent shall ensure its delivery to the addressee without delay.

**41. Recording of vote :-**

(1) An elector who has received a postal ballot paper and desires to vote shall record his vote on the ballot paper in accordance with the directions contained in Part 1 of Form 16-C and then enclose it in the cover in Form 16-B.

**42. Return of the postal ballot paper :-**

(1) After an elector has recorded his vote and made his declaration, he shall return the postal ballot paper and declaration to the Returning Officer in accordance with the instructions communicated to him so as to reach the Returning Officer before the hour fixed for commencement of counting of votes.

(2) If any cover containing a postal ballot paper is received by the Returning Officer after the expiry of the time-fixed in sub-rule (1) he shall note thereon the day and time of its receipt and shall keep all such covers together in a separate packet.

(3) The Returning Officer shall keep in safe custody until the commencement of the counting of votes the covers containing postal ballot papers received by him.

**43. Right to vote :-**

**44. Preparation of ballot boxes for poll :-**

(1) Immediately before the commencement of the poll, the Presiding Officer shall demonstrate to the Polling Agents that the ballot box is empty and bears the labels referred to in sub-rule (7).

(2) The ballot box shall then be closed, sealed and secured and placed in full view of the Presiding Officer and the Polling Agents.

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

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

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

**45. Marked copy of the electoral roll :-**

Immediately before the commencement of the poll the Presiding Officer shall allow the Polling Agents and others present to inspect the marked copy of the electoral roll to be used during the poll and supplied by the Returning Officer.

**46. Challenging of Identity :-**

(1) Any Polling Agent may challenge the identity of a person claiming to be a particular elector by first depositing a sum of two rupees in cash with the Presiding Officer for each such challenge.

(4) If, after the inquiry, the Presiding Officer considers that the challenge has not been established, he shall allow the person challenged to vote and if he considers that the challenge has been established, he shall debar the person challenged from voting.

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

#### **47. Safeguards against personation :-**

(1) Every elector about whose identity the Presiding Officer or the Polling Officer, as the case may be, is satisfied, shall allow his left forefinger to be inspected by the Presiding Officer or polling officer and an indelible ink mark to be put on it as far as possible just below the root of the nail so that the ink also spreads on the ridge between the skin and the root of the nail.

(2) If any elector refuses to allow his left forefinger to be inspected or marked in accordance with sub-rule (1) or has already such a mark on his left forefinger or does any act with a view to remove the ink mark, he shall not be supplied with any ballot paper or allowed to vote.

(3) Any reference in this rule to the left forefinger of an elector shall, in the case where the elector has his left forefinger missing be construed as a reference to any other finger of his left hand, and shall in the case where all the fingers of his left hand, are missing be construed as a reference to the forefinger or any other finger of his right hand, and shall in the case where all his fingers of both the hands are missing be construed as a reference to such extremity of his left or right arm as he possesses.

#### **48. Issue of ballot papers to electors :-**

(1) Every ballot paper before it is issued to an elector, and the counterfoil attached thereto shall be stamped on the back with such distinguishing marks as the State Election Commission may direct, and every ballot paper, before it is issued shall be signed in full on its back by the Presiding Officer.

(3) No person in the Polling Station shall note down the serial numbers of the ballot papers issued to particular electors.

**49. Maintenance of secrecy of voting by electors within Polling Station and voting procedure :-**

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

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

(5) After the ballot paper has been taken back the Presiding Officer shall record on its back the words "cancelled; voting procedure violated" and put his signature below those words.

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

(7) Without prejudice to any other penalty to which an elector from whom a ballot paper has been taken under sub-rule (5) may be liable, the vote, if any, recorded on such ballot paper shall not be counted,

**50. Recording of votes of blind or infirm electors :-**

(2) The Presiding Officer shall keep a record in Form 18 of all cases under this rule.

**51. Tendered votes :-**

(2) Every such person shall before being supplied with a tendered ballot paper, sign his name against the entry relating to him in a list in Form 19.

(3) A tendered ballot paper shall be the same as the other ballot papers used at the polling except that.- (a) such tendered ballot paper shall be serially the last in the bundle of ballot papers issued for use at the Polling Station; and (b) such tendered ballot paper and its counterfoil shall be endorsed on the back with the words "tendered ballot paper" by the Presiding Officer in his own hand and signed by him.

(4) The elector, after marking a tendered ballot paper in the voting

compartment and folding it, shall instead of putting it into the ballot box give it to the Presiding Officer, who shall place it in a cover specially kept for the purpose.

**52. Closing of poll :-**

(2) If any question arises whether an elector was present at the Polling Station before it was closed, it shall be decided by the Presiding Officer and his decision shall be final.

**53. Sealing of ballot boxes after poll :-**

(1) As soon as practicable after the closing of the poll, the Presiding Officer shall close the slit of the ballot box, and where the box does not contain any mechanical device for closing the slit, he shall seal up the slit and also allow any polling agent to affix his seal.

(2) The ballot box shall thereafter be sealed and secured.

(3) Where it becomes necessary to use a second box by reason of the first ballot box getting full, the first ballot box shall be closed, sealed and secured as provided in sub-rules (1) and (2) before any other ballot box is put into use.

**54. Account of ballot papers :-**

(1) The Presiding Officer shall at the close of the poll prepare a ballot paper account in Form 20 and enclose it in a separate cover with the words "Ballot Paper Account" superscribed thereon.

(2) The Presiding Officer shall furnish to every polling agent present at the close of the poll a true copy of the entries made in the ballot paper account after obtaining a receipt from the said polling agent therefor and shall also attest it as a true copy.

**55. Spoilt and returned ballot papers :-**

(1) An elector who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper may on returning it to the Presiding Officer and on satisfying him of the inadvertence be given another ballot paper and the ballot paper so returned and the counterfoil of such ballot paper shall be marked "Spoilt : Cancelled" by the Presiding Officer.

(2) If an elector after obtaining a ballot paper decides not to use it, he shall return it to the Presiding Officer, and the ballot paper so returned and the counterfoil of such ballot paper shall be marked as

"Returned : Cancelled" by the Presiding Officer.

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

**56. Sealing of other packets :-**

**57. Transmission of ballot boxes etc., to the Returning Officer :-**

(2) The Returning Officer shall make adequate arrangements for the safe transport of all ballot boxes, packets and other papers and for their safe custody until the commencement of the counting of votes.

**58. Appointment of counting agent :-**

(2) Every such appointment shall be made in Form 21 and a copy thereof shall be forwarded to the Returning Officer, another copy shall be made over to the counting agent for production before the Returning Officer not later than one hour before the time fixed for counting of votes.

(3) No counting agent shall be admitted into the place fixed for counting unless he has delivered to the Returning Officer, the second copy of his appointment under sub-rule (2) after duly completing and signing the declaration contained therein and receiving from the Returning Officer an authority for entry into the place fixed for counting.

(4) The revocation of an appointment of a counting agent shall be made in Form 22 lodged with the Returning Officer.

(5) In the event of any such revocation before the commencement of the counting of votes, the candidate or his election agent may make a fresh appointment in accordance with sub-rule (2).

**59. Time and place for counting of votes :-**

The Returning Officer shall at least once a week before the date fixed for the poll appoint a place or places where the counting of votes will be done and the date and time at which the counting will commence and shall give notice of the same in writing to each candidate or his election agent: Provided that if for any reason the Returning Officer finds it necessary so to do, he may alter the date, time and place or places so fixed or any of them after giving notice of the same in writing to each candidate or his election agent.

**60. Admission to the place fixed for counting :-**

(2) No person who has been employed by or on behalf of, or has been otherwise working for a candidate in or about the election shall be appointed under clause (a) of sub-rule (1).

(3) The Returning Officer shall decide which counting agent or agents shall watch the counting at any particular counting table or group of counting tables.

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

**61. Maintenance of secrecy of voting :-**

The Returning Officer shall, before he commences the counting read out the provisions of S.44 of the Representation of the People Act, 1959 to such persons as may be present.

**62. Counting of votes received by post :-**

(1) The Returning Officer shall first deal with postal ballot papers in the manner hereinafter provided.

(2) No cover in Form 16-B received by the Returning Officer after the expiry of the time fixed in this behalf shall be opened and no vote contained in any such cover shall be counted.

(3) The other covers shall be opened one after another and as each cover is opened, the Returning Officer shall first scrutinise the declaration in Form 16 contained therein.

(4) If the said declaration is not found or has not been duly signed and attested or is otherwise substantially defective or if the serial number of the ballot papers as entered in it differs from the serial number endorsed on the cover in Form 16-A, that cover shall not be opened and after making an appropriate endorsement thereon the Returning Officer shall reject the ballot paper therein contained.

(6) The Returning Officer shall then place all the declarations in Form 16 which he has found to be in order in a separate packet which shall be sealed before any cover in Form 17-A is opened and on which shall be recorded the particulars referred to in sub-rule (5).



(7) The covers in Form 16-A not already dealt with under the foregoing provisions of this rule shall then be opened one after another and the Returning Officer shall scrutinise each ballot paper and decide the validity of the vote recorded thereon.

(9) A vote recorded on a postal ballot paper shall be rejected if the mark indicating the vote is placed on the ballot paper in such manner as to make it doubtful to which candidate the vote has been given.

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

(11) The Returning Officer shall count all the valid votes given by postal ballot in favour of each candidate, record the total thereof in the result sheet in Form 23 and announce the same.

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

(2) Discrepancy, if any, between the total number of such ballot papers recorded as aforesaid and the total number of ballot papers issued to voters as shown in item 3 of Part I of the said Form 20 minus the number of ballot papers cancelled as shown in item 4 and the number of ballot papers used as tendered ballot papers as shown in item 5 of that Part, shall also be recorded in Part II of Form 20.

(3) Before any ballot box is opened at a counting table, the counting agents present at that table shall be allowed to inspect the paper seal or such other seal as might have been affixed thereon and to satisfy themselves that it is intact.

(4) The Returning Officer shall satisfy himself that none of the ballot boxes has in fact been tampered with.

### **64. Counting of votes :-**

(3) Before rejecting any ballot paper under sub-rule (2) the Returning Officer shall allow each counting agent present a reasonable opportunity to inspect the ballot paper but shall not allow him to handle it or any other ballot paper.

(4) The Returning Officer shall endorse on every ballot paper which

he rejects the word 'rejected' and the grounds of rejection in abbreviated form either in his own hand or by means of a rubber stamp and shall initial such endorsement.

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

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

The Returning Officer shall as far as practicable proceed continuously with the counting and shall during any intervals when the counting has to be suspended keep the ballot papers, packets and all other papers relating to the election agents as may desire to affix their seals and take sufficient precaution for their safe custody during such intervals.

**66. Recount of votes :-**

(1) After the completion of the counting, the Returning Officer shall record in the result sheet in Form 23 the total number of votes polled by each candidate and announce the same.

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

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

**67. Sealing of used ballot papers :-**

The valid ballot papers and the rejected ballot papers shall thereafter be bundled separately and the several bundles made into a separate packet which shall be sealed with the seals of the Returning Officer and of such of the candidates their election agents or counting agents as may desire to affix their seals thereon: and on the packets so sealed shall be recorded the following particulars, namely.-

(b) the date of counting.

**68. Declaration of sult of election and return of election :-**

The Returning Officer shall, subject to the provisions of S.30 of the Representation of the People Act, 1959 if and so far as they apply to any particular case then.-

(b) complete and certify the Returns of Election in Form 25 and

send signed copies thereof to the Government, State Election Commission and the Commissioner.]

**69. Grant of Certificate of Election to returned candidate :-**

As soon as may be after a candidate has been declared by the Returning Officer under the provisions of Rule 24 and Rule 68 to be elected, the Returning Officer shall grant to such candidate a certificate of election in Form 26 and obtain from the candidate an acknowledgment of its receipt duly signed by him and immediately send the acknowledgment to the Commissioner.

**70. Deposit in election petition :-**

Every election petition under S.33 of the Representation of the People Act, 1959 shall be accompanied by a deposit of two hundred rupees as security for costs.

**CHAPTER 3**

Election of Mayor, Deputy Mayor, Members of the Standing Committee and Chairman of the Standing Committee

**71. First meeting :-**

**1** .-The first meeting of the Corporation after every general election shall be presided over by the Divisional Commissioner of the concerned revenue division (hereinafter referred to as the Presiding Officer) for the purpose of electing the Mayor and Deputy Mayor.

1. Substituted for the word "Commissioner" by Notification No. HUD 240 MLR 95, dated 28-9-1995.

**72. Filing of nominations :-**

Not less than two hours before the time fixed for the meeting for the election of Mayor any Councillor may nominate another Councillor referred to in clause (a) sub-section (1) of Section 7 of the Negotiable Instruments Act, 1881 for being elected as Mayor, be delivering to the Presiding Officer a nomination paper completed in Form 27.

**72A. Councillors to nominate not more than one candidate :-**

No Councillor shall nominate under Rule 72 more than one candidate for the office of the Mayor:

Provided that if a Councillor has nominated more than one candidate for the office of the Mayor, the nomination which is received first by the Presiding Officer shall be considered for scrutiny.

**72B. Scrutiny of nominations :-**

After the commencement of the meeting, the Presiding Officer shall scrutinise all the nomination papers delivered to him under Rule 72 and shall read out to the Councillors present at such meeting, the names of the Councillors who in his opinion have been duly nominated together with those of the proposers.

**72C. Withdrawal of Candidature :-**

(2) The notice may be given either by the candidate in person or by his proposer who had been authorised in this behalf in writing by the candidate.

(3) No person who has given a notice of withdrawal of his candidature under sub-rule (1) shall be allowed to cancel the notice of withdrawal.

(4) The Presiding Officer shall, on being satisfied as to the genuineness of notice of withdrawal and the identity of the person delivering it under sub-rule (2) read out to the Councillors present at such meeting the names of the persons withdrawing their candidature.

**72D. Procedure in contested and uncontested elections :-**

(1) After the time fixed for withdrawal is over, if there is only one candidate who has been validly nominated, and had not withdrawn his candidature in the manner and within the time specified, the Presiding Officer shall forthwith declare such candidate to be duly elected as Mayor.

(2) If the number of candidates who have been validly nominated and who have not withdrawn their candidature are more than one, then the Presiding Officer shall proceed to conduct the election as hereinafter provided.

(3) Votes shall be taken by show of hands and the Councillors voting for and against any candidate shall record their votes in the Proceedings register, by signing it or by affixing the left hand thumb impression at the appropriate column.

(4) Any member present at the meeting may refrain from voting if he so chooses.

(5) After voting by all the Councillors, present and wishing to vote, the Presiding Officer shall declare that the candidate to whom the

highest number of valid votes have been given has been duly elected.

(6) When an equality of valid votes is found to exist between any two or more candidates and the addition of one vote will entitle any of those candidates to be declared elected, the Presiding Officer shall forthwith decide between those candidates by lot, in such manner as he may determine, and proceed as if the candidate on whom the lot falls has received an additional vote. He shall thereafter declare the candidate on whom the lot falls to have been duly elected.

### **73. Election of Deputy Mayor :-**

(1) After the election of the Mayor the Presiding Officer shall proceed to conduct the election of the Deputy Mayor.

(2) The provisions of the rules applicable to election of the Mayor in this chapter shall mutatis mutandis apply to the election of Deputy Mayor.

### **73A. Reservation of offices of Mayor and Deputy Mayor :-**

**1 .-**

(3) The Offices of Mayor and Deputy Mayor of the Corporation reserved for Backward Classes and those of unreserved category shall be allotted by the Government to Corporations taking into consideration such factors as the Government, may deem fit.

(5) The offices of the Mayor and Deputy Mayor in the City Corporations of the State to Scheduled Caste/Scheduled Tribes/Women, and Backward Classes for the subsequent terms be determined by the Government from time to time by taking into consideration such factors as deem fit: Provided that if the reservation worked out to any category is less than 0.5%, then no offices of Mayor and Deputy Mayor be reserved to such category.

1. Substituted for the word "division" by Notification No. HUD 240 MLR 95, dated 28-9-1995.

### **74. Election of members to the Standing Committee :-**

After the election of the Deputy Mayor the Presiding Officer shall proceed to conduct the election of the members of the standing committees in accordance with sub-section (2) of S.11 of the Representation of the People Act, 1959.

### **75. Election of Chairman to the Standing Committees :-**

(1) The members of a standing committee shall at its first meeting elect one of its members as Chairman.

(2) The Mayor who is an ex officio member of the standing committees shall preside over the meeting of the standing committees for the purpose of electing Chairman thereof.

**76. Record of proceedings :-**

Immediately after the meeting the Presiding Officer shall.-

(a) prepare a record of the proceedings of the meeting and attest with his initials every correction made therein. He may also permit any Councillor present at the meeting to affix his signature to such record if he expresses to do so;

(b) forward the name of the person elected as Mayor and Deputy Mayor to the State Government for publication in the Official Gazette.

**CHAPTER 4**

Election petitions challenging the validity of the election of the Mayor/Deputy Mayor/Members of the Standing Committee/Chairman of the Standing Committee

**77. Election petition :-**

(2) Every petition under sub-rule (1), shall be accompanied by as many copies as there are respondents mentioned in the petition and every such copy shall be attested by the petitioner under his own signature to be a true copy of the petition.

(3) The petitioner shall join as respondents to his petition where the petitioner in addition to claiming a declaration that the election of the returned candidate is void claims a further declaration that he himself or any other candidate has been duly elected, all the contesting candidates other than the petitioner and where no such further declaration is claimed, the returned candidate.

**78. Procedure :-**

The District Judge, may, after such enquiry as he deems fit and after giving an opportunity to be heard to the parties to the proceedings, make an order.-

(a) dismissing the petition; or

(b) declaring the election of the returned candidate to be void; or

(c) declaring the election of the returned candidate to be void and the petitioner or any other candidate to have been duly elected.

**79. Grounds for declaring the election of the returned candidate to be void :-**

If the District Judge is of opinion.-

(b) that the nomination of any candidate has been wrongly rejected or that the nomination of the successful candidate or of any other candidate who has not withdrawn his candidature has been wrongly accepted; the District Judge shall declare the election of the returned candidate to be void.

**80. Grounds on which the candidate other than the returned candidate may be declared to have been elected :-**

If any candidate who has presented the election petition has, in addition to calling in question the election of the returned candidate, claimed a declaration that he himself or any other candidate has been duly elected and the District Judge is of opinion that in fact the petitioner or such other candidate received a majority of the valid votes, the District Judge shall, after declaring the election of the returned candidate, to be void, declare the petitioner or such other candidate, as the case may be to have been duly elected:

Provided that the petitioner or such other candidate shall not be declared to be duly elected if it is proved that the election of such candidate would have been void, if he had been the returned candidate and a petition had been presented calling in question his election,

**CHAPTER 5**

Election petitions challenging the validity of the election of the Mayor/Deputy Mayor/Members of the Standing Committee/Chairman of the Standing Committee