

KARNATAKA MUNICIPALITIES (ELECTION OF COUNCILLORS) RULES, 1977

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KARNATAKA MUNICIPALITIES (ELECTION OF COUNCILLORS) RULES, 1977

In exercise of the powers conferred by Section 38 and Section 323 of the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964), the Government of Karnataka hereby makes the following rules, the Karnataka Municipalities (Election of Councillors) Rules, 1977, the draft of the said rules having been published as required by sub-section (2) of the Section 323 of the said Act in the Notification No. HMA 2 MLR 77, dated 29th April, 1977 as GSR 135 in Part IV, Section 2-C(i) of the Karnataka Gazette, dated 5th May,

1977, namely.

1. Title and commencement :-

(1) These rules may be called the Karnataka Municipalities (Election of Councillors) Rules, 1977.

(2) They shall come into force at once.

2. Definitions :-

(1) In these rules.

(a) "Act" means the Karnataka Municipalities Act, 1964 ;

(b) "Ballot Box" includes any box, bag or other receptacle used for the insertion of the ballot paper by voters;

(c) "Electoral roll number" of a person means.

(i) the SI. No. of the entry in the list of voters in respect of that person;

(ii) the SI. No. of the part of the list of voters in which such entry occurs; and

(iii) the name of the division to which the list of voters relates;

(d) "Form" means a form appended to these rules, and includes a translation thereof in the Kannada Language;

(e) "Polling Station" means the place fixed for taking the poll at an election in any division;

(f) "Presiding Officer" includes any Polling Officer performing any of the functions of a Presiding Officer under sub-rules (2) and (3) of Rule 6;

1[(g) "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);

(h) "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;

(i) "Reserved seat" means a seat reserved for Scheduled Castes, Scheduled Tribes, Backward Classes and women under Section 11 ;]

2 [(j) "Returning Officer" includes any Assistant Returning Officer performing any function he is authorised to perform under sub-rule (2) of Rule 5;

(k) "Section" means the section of the Act.]

(2) The Karnataka General Clauses Act, 1899 (Karnataka Act III of 1899) shall apply for the interpretation of these rules as it applies to a Karnataka M.ct.]

1. Clauses (g), (h) and (i) inserted by Notification No. HUD 376 MLR 95, dated 28-9-1995.

2. Original clauses (g) and (h) renumbered as clauses (j) and (k) by Notification No. HUD 376 MLR 95, dated 28-9-1995.

2A. . :-

1 [x x x x x]

1. Rules 2-A to 2-Y omitted by Notification No. HUD 376 MLR 95, dated 28-9-1995.

2B. . :-

1 [x x x x x]

1. Rules 2-A to 2-Y omitted by Notification No. HUD 376 MLR 95, dated 28-9-1995.

2C. . :-

1 [x x x x x]

1. Rules 2-A to 2-Y omitted by Notification No. HUD 376 MLR 95, dated 28-9-1995.

2D. . :-

1 [x x x x x]

1. Rules 2-A to 2-Y omitted by Notification No. HUD 376 MLR 95, dated 28-9-1995.

2E. . :-

1 [x x x x x]

1. Rules 2-A to 2-Y omitted by Notification No. HUD 376 MLR 95, dated 28-9-1995.

2F. . :-

1 [x x x x x]

1. Rules 2-A to 2-Y omitted by Notification No. HUD 376 MLR 95, dated 28-9-1995.

2G. . :-

¹ [x x x x x]

1. Rules 2-A to 2-Y omitted by Notification No. HUD 376 MLR 95, dated 28-9-1995.

2H. . :-

¹ [x x x x x]

1. Rules 2-A to 2-Y omitted by Notification No. HUD 376 MLR 95, dated 28-9-1995.

2I. . :-

¹ [x x x x x]

1. Rules 2-A to 2-Y omitted by Notification No. HUD 376 MLR 95, dated 28-9-1995.

2J. . :-

¹ [x x x x x]

1. Rules 2-A to 2-Y omitted by Notification No. HUD 376 MLR 95, dated 28-9-1995.

2K. . :-

¹ [x x x x x]

1. Rules 2-A to 2-Y omitted by Notification No. HUD 376 MLR 95, dated 28-9-1995.

2L. . :-

¹ [x x x x x]

1. Rules 2-A to 2-Y omitted by Notification No. HUD 376 MLR 95, dated 28-9-1995.

2M. . :-

¹ [x x x x x]

1. Rules 2-A to 2-Y omitted by Notification No. HUD 376 MLR 95, dated 28-9-1995.

2N. . :-

¹ [x x x x x]

1. Rules 2-A to 2-Y omitted by Notification No. HUD 376 MLR 95, dated 28-9-1995.

2O. . :-

¹ [x x x x x]

1. Rules 2-A to 2-Y omitted by Notification No. HUD 376 MLR 95, dated 28-9-1995.

2P. . :-

1 [x x x x x]

1. Rules 2-A to 2-Y omitted by Notification No. HUD 376 MLR 95, dated 28-9-1995.

2Q. . :-

1 [x x x x x]

1. Rules 2-A to 2-Y omitted by Notification No. HUD 376 MLR 95, dated 28-9-1995.

2R. . :-

1 [x x x x x]

1. Rules 2-A to 2-Y omitted by Notification No. HUD 376 MLR 95, dated 28-9-1995.

2S. . :-

1 [x x x x x]

1. Rules 2-A to 2-Y omitted by Notification No. HUD 376 MLR 95, dated 28-9-1995.

2T. . :-

1 [x x x x x]

1. Rules 2-A to 2-Y omitted by Notification No. HUD 376 MLR 95, dated 28-9-1995.

2U. . :-

1 [x x x x x]

1. Rules 2-A to 2-Y omitted by Notification No. HUD 376 MLR 95, dated 28-9-1995.

2V. . :-

1 [x x x x x]

1. Rules 2-A to 2-Y omitted by Notification No. HUD 376 MLR 95, dated 28-9-1995.

2W. . :-

1 [x x x x x]

1. Rules 2-A to 2-Y omitted by Notification No. HUD 376 MLR 95, dated 28-9-1995.

2X. . :-

1 [x x x x x]

1. Rules 2-A to 2-Y omitted by Notification No. HUD 376 MLR 95, dated 28-9-1995.

2Y. :-

1 [x x x x x]

1. Rules 2-A to 2-Y omitted by Notification No. HUD 376 MLR 95, dated 28-9-1995.

3. Conduct of Election :-

1

(1) Election to the City Municipal Council, Town Municipal Council, and Town Panchayat 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 Deputy Commissioner of the District (hereinafter referred to as Deputy Commissioner) shall co-ordinate and supervise all work in connection with the conduct of election to the City Municipal Council, Town Municipal Council and Town Panchayat. The Deputy 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 376 MLR 95, dated 28-9-1995.

3A. List of Voters :-

1

(1) The Officer designated under sub-section (2) of Section 14 shall split up the list of voters for each 6[ward of ²[ward] wherein the voters to be included in each part reside so that the voters included in each belong to a named area, street or road within the ³[ward] and the lists of voters of the electoral roll so split up in respect of the several parts of the ⁴[ward] by Notification No. HUD 376 MLR 95, dated 28-9-1995.[ward] will together constitute the list of voters for such division.

5[(2) x x x x x.]

(3) [x x x x x.]

(4) A copy of such list of voters in respect of each ⁶ [ward] shall be

published on the notice board and shall also be kept open for inspection in the Office of the Municipal Council.]

1. Original Rule 3 renumbered as Rule 3-A by Notification No. HUD 376 MLR 95, dated 28-9-1995.
2. Substituted for the word "division" by Notification No. HUD 376 MLR 95, dated 28-9-1995.
3. Substituted for the word "division" by Notification No. HUD 376 MLR 95, dated 28-9-1995.
4. Substituted for the word "division" by HUD 376 MLR 95, dated 28-9-1995.
5. Sub-rules (2) and (3) omitted by Notification No. HUD 376 MLR 95, dated 28-9-1995.
6. Substituted for the word "division" by Notification No. HUD 376 MLR 95, dated 28-9-1995.

4. Returning Officer :-

1

(1) For every general election of the Councillors of a Municipal Council or Town Panchayat or for an election to fill a casual vacancy the Deputy Commissioner shall designate or nominate one or more Returning Officers who shall be officers of the State Government or of a local authority:

Provided that if more than one Returning Officer is nominated or designated the Deputy Commissioner shall specify the ward or wards for which each such officer is nominated or designated.

(2) The Deputy 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.

(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. Rules 4, 5 and 5-A substituted for Rules 4 and 5 by Notification No. HUD 376 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.

5A. Polling Stations :-

The Returning Officer shall with the approval of the Deputy

Commissioner provide sufficient number of polling stations for each 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 State Election Commission may direct.

6. Presiding Officer and Polling Officers :-

(1) The ¹[Deputy Commissioner] shall appoint a Presiding Officer for each Polling Station and such Polling Officer or Officers as he thinks necessary, ²[x x x x x:]

³[Provided x x x x x.]

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

(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 ⁴ [Deputy Commissioner] to perform such function during any such absence.

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

1. Substituted for the words "Returning Officer" by Notification No. HUD 376 MLR 95, dated 28-9-1995.

2. The words "but he shall not appoint any person who has been employed by or on behalf of, or has been otherwise working for, a candidate in or about the election" omitted by Notification No. HUD 376 MLR 95, dated 28-9-1995.

3. Provisos to sub-rule (1) omitted by Notification No. HUD 376 MLR 95, dated 28-9-1995.

4. Substituted for the words "Returning Officer" by Notification No. HUD 376 MLR 95, dated 28-9-1995.

7. Duties of the Presiding Officer and Polling Officers :-

(1) 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.

(2) 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.

8. Notification of Election :-

1

(1) The Deputy Commissioner shall, with the approval of the State Election Commission, notify in Form 1 the intended election referred to in Sections 17 or 19 and 352.

(2) The Deputy Commissioner, shall in such notification appoint.

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

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

(c) the last date for the withdrawal of candidatures, which shall be the second day after the date for the scrutiny of

(d) the date or dates 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 poll shall be taken, the total period of which on any allotted date shall not be less than eight hours;

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

(3)

(a) on the issue of a notification under sub-rule (1), the Returning Officer shall give a public notice of the intended election in Form 1-A by displaying it on the notice board of his office and in the office of City Municipal Council, Town Municipal Council of Town Panchayat, as the case may be, and at such other places as he deems necessary, inviting nomination for such election.

(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 candidatures, 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 that behalf by the Deputy Commissioner under sub-rule (2).

1. Rules 8 to 11 substituted by Notification No. HUD 376 MLR 95, dated 28-9-1995.

9. Recognition of Political Parties :-

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 Municipal Councils and Town Panchayats.

10. 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.

11. 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 herein after provided, one of the symbols specified as free symbols:

Provided that in the case of a candidate set up by an unrecognized political party in an election shall be allotted the free symbol chosen by such candidate and no one else and in case candidate set up by two or more unrecognized political parties choose the same free symbol, the Returning Officer shall decide by lot which of those candidates set up by such unrecognized political parties that free symbol shall be allotted and allot that free symbol to the candidate to whom the lot falls and to no one else. The remaining free symbols shall be allotted to other candidates.

Explanation.-For the purpose of this rule, the expression

"unrecognized 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 any free symbol other than the one chosen by a candidate set up by an unrecognized 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) If the same free symbol other than the one chosen by a candidate set up by any unrecognized 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 ¹ [last date for making nomination]; 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 or Secretary of the party's until at the State level or any other office bearer of unit who is empowered by it.]

1. Substituted for the words "last date for withdrawal of candidature" by Notification No. UDD 226 MLR 2000, dated 13-12-2000, w.e.f. 27-12-2000

12. Publication of list of recognised political parties and symbols :-

¹ x x x x x.

1. Rules 12 and 13 omitted by Notification No. HUD 376 MLR 95, dated 28-9-1995.

13. Choice of Symbols by the candidates :-

x x x x x.]

14. Nomination of candidates for election :-

¹ Any person may be nominated as a candidate to fill a seat in any of the wards of a City Municipal Council, Town Municipal Council or Town Panchayat if he is qualified to be chosen to fill that seat under the provisions of the Act.]

1. Rule 14 substituted by Notification No. HUD 376 MLR 95, dated 28-9- 1995.

15. Presentation of nomination paper :-

(1) On or before the date appointed **¹**[under Rule 8 for making nominations] each candidate shall, either in person or by his proposer, between the hours of eleven O' clock in the fore-noon and three O' clock in the afternoon deliver to the Returning Officer at the place specified in this behalf in the notice issued under Rule 8 a nomination paper completed in Form 2 and signed by the candidate and by a voter of the division as proposer.

²[Provided that no nomination paper shall be delivered to the Returning Officer on a day which is a public holiday.]

(2) In a **³**[ward] where any seat is reserved, a candidate shall not be deemed to be qualified to be chosen, to fill mat seat unless his nomination paper contains a declaration by him specifying in the case of a seat reserved for **⁴**[Scheduled Castes, Scheduled Tribes or Backward Classes] that he is a member of any of the **⁵**[Scheduled Castes, Scheduled Tribes or Backward Classes] and in the case of a seat reserved for women that the candidate is a women.

(3) Where the candidate is a person to whom the provisions of clause (a), (d) or (f) of sub-section (1) of Section 16 or the clause (o) thereof are applicable and a period of four years or five years, as the case may be, has not elapsed, such person shall not be deemed to be duly nominated as a candidate unless his nomination paper is accompanied by a copy of the orders of the Government

issued under proviso (c) to the said sub-section (1) or clause (o) of the said sub-section.

(4) On the presentation of a nomination paper, the Returning Officer shall satisfy himself that the names and electoral roll numbers of the

⁶[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 list of voters or the nomination paper no clerical, technical or printing error in regard to the electoral roll number of any such person in the list of voters or the nomination paper shall affect the full operation of the list of voters or nomination paper with aspect 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 in accurate description, clerical, technical or printing error in the list of voters or in the nomination paper shall be overlooked.]

(5) Where the candidate is a voter of a different ⁷[ward], a copy of the list of voters of that ⁸[ward] or of the relevant part thereof or a certified copy of the relevant entries in such list shall, unless, it has been filed along with the nomination paper, be produced, before the Returning Officer at the time of scrutiny.

(6) Nothing in this rule shall prevent any candidate from being nominated by more than one nomination paper; ⁹ [provided that such nomination shall not exceed four.]

1. Substituted for the words, letter, figure and brackets "under clause (c) of sub-rule (1) of Rule 8" by Notification No. HUD 376 MLR 95, dated 28-9-1995.

2. Proviso to sub-rule (1) inserted by Notification No. HUD 376 MLR 95, dated 28-9-1995.

3. Substituted for the word "division" by Notification No. HUD 376 MLR 95, dated 28-9-1995.

4. Substituted for the words "Scheduled Caste or Scheduled Tribe" by Notification No. HUD 376 MLR 95, dated 28-9-1995.

5. Substituted for the words "Scheduled Caste or Scheduled Tribe" by Notification No. HUD 376 MLR 95, dated 28-9-1995.

6. Proviso to sub-rule (4) substituted for the proviso and explanation by Notification No. HUD 376 MLR 95, dated 28-9-1995.

7. Substituted for the word "division" by Notification No. HUD 376

MLR 95, dated 28-9- 1995.

8. Substituted for the word "division" by Notification No. HUD 376 MLR 95, dated 28-9-1995.

9. Inserted by Notification No. HUD 376 MLR 95, dated 28-9-1995.

15A. Receiving nomination in case of seats reserved under the provisos to sub-section (3) of Section 11 :-

¹ Notwithstanding anything contained in these rules, where a seat reserved under the provisos to sub-section (3) of Section 11 .

(i) for persons belonging to Category "A" of the Backward Classes, the Returning Officer may accept nomination papers from persons belonging to both Category "A" and Category "B" of the Backward Classes, but shall return the nomination paper filed by a person belonging to Category "B" along with the deposit made in case nomination paper is received from any person belonging to Category "A", before the expiry of the date and time fixed for making nomination, so however, he may proceed to consider the nomination paper filed by a candidate belonging to Category "B" only, when no

(ii) for persons belonging to Category "B" of the Backward Classes, the Returning Officer may accept nomination papers from persons belonging to both Category "A" and Category "B" of the Backward Classes but shall return the nomination paper filed by a person belonging to Category "A" along with the deposit made in case nomination paper is received from any person belonging to Category "B" before the expiry of the date and time fixed for making nomination so however, he may proceed, to consider, the nomination paper filed by a candidate belonging to Category "A" only when no nomination paper is received from a person belonging to Category "B" before the expiry of the date and time fixed for making nomination.]

1. Rule 15-A inserted by Notification No. UDD226 MLR 2000, dated 13-12-2000, w.e.f. 27-12-2000

16. Supply of forms of nomination papers :-

¹ [x x x x x.]

1. Rule 16 omitted by Notification No. HUD 376 MLR 95, dated 28-9-1995.

17. Deposits [x x x x x] by candidates :-

¹

(1) A candidate shall not be deemed to be duly nominated for

election from any ²[ward] unless he deposits or cause to be deposited.

(a) in the case of an election to a City Municipal Council a sum of ³[one thousand rupees] or where the candidate is a member of the Scheduled Castes or is a woman a sum of ⁴[five hundred rupees]; and

(b) in the case of an election to a Town Municipal Council ⁵[or Town Panchayats] a sum of ⁶[five hundred rupees] or where the candidate is a member of the ⁷[Backward Classes, Scheduled Castes or Scheduled Tribes] or is a woman, a sum of ⁸[two hundred rupees]:

Provided that where the candidate is nominated by more than one nomination paper for election in the same ⁹ [ward] not more than one deposit shall be required of him under this sub-rule.

(2) Any sum required to be deposited under sub-rule (1) shall not be deemed to have been deposited unless at the time of delivery of nomination paper under sub-rule (1) of Rule 15, the candidate has either deposited or caused to be deposited that sum with the Returning Officer in cash or enclosed with the nomination paper a receipt showing that the said sum has been deposited by him or on his behalf in the Reserve Bank of India or in a Government Treasury or in any branch of the State Bank of India.

1. The word "payment" omitted by Notification No. HUD 376 MLR 95, dated 28-9-1995.

2. Substituted for the word "division" by Notification No. HUD 376 MLR 95, dated 28-9-1995.

3. Substituted for the words "five hundred rupees" by Notification No. UUD 209 MLR 2000, dated 25-9-2000, w.e.f. 29-9-2000.

4. Substituted for the words "one hundred" by Notification No. HUD 376 MLR 95, dated 28-9-1995.

5. Inserted by Notification No. HUD 376 MLR 95, dated 28-9-1995.

6. Substituted for the words "two hundred and fifty rupees" by Notification No. UUD 209 MLR 2000, dated 25-9-2000, w.e.f. 29-9-2000.

7. Substituted for the words "Scheduled Castes" by Notification No. HUD 376 MLR 95, dated 28-9-1995.

8. Substituted for the word "one hundred rupees" by Notification No. UUD 209 MLR 2000, dated 25-9-2000, w.e.f. 29-9-2000.

9. Substituted for the word "division" by Notification No. HUD 376 MLR 95, dated 28-9-1995.

18. Notice of nomination and time and place for scrutiny :-

The Returning Officer shall, on receiving the nomination paper under Rule 15 inform the person or persons delivering the same on the date, time and place fixed for the scrutiny of nominations and shall enter on the nomination paper its serial number, and shall sign thereon a certificate stating the date on which and the hour at which the nomination paper has been delivered to him, and shall as soon as may be thereafter, cause to be 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.

19. Scrutiny of nominations :-

(1) On the date fixed for the scrutiny of nominations under Rule 8, 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 15.

(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 objections or on his own motion, after such summary inquiry, if any, as he thinks necessary, reject any nomination on any of the following grounds.-

(a) that on the date fixed for the scrutiny of nominations, the candidate either is not qualified or is disqualified for being chosen to fill the seat under S.15 of the Karnataka General Clauses Act, 1899 or S.16 of the Karnataka General Clauses Act, 1899;

(b) that there has been a failure to comply with any of the provisions of Rule 15 or Rule 17; or

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

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

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

1[Explanation :- x x x x x]

(5) The Returning Officer shall hold the scrutiny on the date appointed in this behalf under clause (d) of sub-rule (1) of Rule 8 and shall not allow any adjournment of the proceedings except when such proceedings are interrupted or obstructed by riot or open violence or by causes beyond his control:

Provided that in case an objection is raised by the 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.

(6) 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.

(7) For the purposes of this rule a certified copy of an entry in the list of voters for the time being in force of a **2**[ward] shall be conclusive evidence of the fact that the person referred to in that entry is a voter in that **3** [ward.]

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

1. Explanation to sub-rule (4) omitted by Notification No. HUD 376 MLR 95, dated 28-9-1995.

2. Substituted for the word "division" by Notification No. HUD 376 MLR 95, dated 28-9-1995.

3. Substituted for the word "division" by Notification No. HUD 376 MLR 95, dated 28-9-1995.

20. Withdrawal of candidature :-

(1) Any candidate may withdraw his candidature by a notice in writing in Form 5 containing particulars set out therein and

delivered before 3 O' clock in the afternoon on the day fixed 4[under clause (c) of sub-rule (2)] of Rule 8 to the Returning Officer either by such candidate in person or by his proposer or election agent who has been authorised on his behalf in writing by such candidate; and on receipt of such notice, the Returning Officer shall note thereon the date and time at which it was delivered.

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

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

(3) The Returning Officer, shall, on being satisfied as to the genuineness of the case of the withdrawal and the identity of the person delivering it under sub-rule (1), cause the notice in Form 6 to be affixed in some conspicuous place in his office.

1. Sub-rule (1-A) inserted by Notification No. HUD 376 MLR 95. dated 28-9-1995.

21. Preparation and publication of list of contesting Candidates :-

(1) Immediately after the expiry of the period within which candidatures may be withdrawn under sub-rule (1) of **1**[Rule 20], the Returning Officer **2**[shall prepare and publish in Kannada Language] in Form 7 a list of contesting candidates that is to say candidate who were included in the list of validly nominated candidates and who have not withdrawn the candidatures within the said period.

3[Provided, that, the State Election Commission may direct that in any election, the list of contesting candidate may be prepared in a language other than Kannada.]

4[(2) the said list shall contain the names in Kannada alphabetical order and the addresses 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 11.]

(4) The allotment by the Returning Officer of any symbol to a candidate under these rules shall be final ⁵[x x x x x.]

(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 Returning Officer, shall immediately after preparation of the list of contesting candidates, cause a copy of the list to be affixed in some conspicuous place in his office ⁶ [x x x x x.]

1. Substituted for the word and figure "Rule 5" by Notification No. HUD 376 MLR 95, dated 28-9-1995.

2. Substituted for the words "shall prepare" by Notification No. HUD 376 MLR 95, dated 28-9-1995.

3. Proviso to sub-rule (1) inserted by Notification No. HUD 376 MLR 95, dated 28-9-1995.

4. Sub-rules (2) and (3) substituted by Notification No. HUD 376 MLR 95, dated 28-9-1995.

5. The words "except where it is inconsistent with any direction issued by the Government in this behalf in which case the Government may revise the allotment in such manner as it thinks fit" omitted by Notification No. HUD 376 MLR 95, dated 28-9-1995.

6. The words "and shall also supply a copy thereof to each of the contesting candidates or his election agent" omitted by Notification No. HUD 376 MLR 95, dated 28-9-1995.

22. Election Agent :-

¹[

(1) A candidate at an election may appoint an Election Agent in Form 8 and notice of such appointment shall be given

(1-A) A person who is for the time being disqualified under the Act for being a Councillor of the Municipal Council or Town Panchayat shall so long as the disqualification subsists, also be disqualified for being appointed as an election agent under sub-rule (1).]

(2) Any revocation of the appointment of an election agent shall be made in Form 9 and shall be signed by the candidate and shall operate from the date on which it is lodged with the Returning Officer.

(3) In the event of such a revocation or of the death of an election agent whether that event occurs before or during the election, the candidates may ² [at any time before the election is over] appoint

in the manner laid down in sub-rule (1) another person to be his election agent and when such appointment is made, notice of the appointment shall be given in the manner laid down in sub-rule (1) to the Returning Officer.

(4) An election agent may perform such function in connection with the election as are authorised by or under the Act or these rules to be performed by an election agent.

1. Sub-rules (1) and (1-A) substituted for sub-rule (1) by Notification No. HUD 376 MLR 95, dated 28-9-1995.

2. Inserted by Notification No. HUD 376 MLR 95, dated 28-9-1995.

23. Polling Agent :-

(1) A contesting candidate or his election agent may appoint in Form 10 one agent and two relief agents to act as Polling Agents of such candidate at each Polling Station ¹ [x x x]. The order of appointment shall be made over to the Polling Agent for production at the Polling Station.

(2) No Polling Agent shall be admitted into the Polling Station unless he has delivered to the Presiding Officer the instrument of his appointment under sub-rule (1) after duly completing and signing before the Presiding Officer the declaration contained therein.

1. The words and figures "provided under Rule 31" omitted by GSR 120, dated 12-4-1979

24. Counting Agent :-

1

(1) A contesting candidate or his election agent may appoint not more than one counting agent in respect of each counting table at the place or at each of the places fixed for counting to be present as his agents at the time of counting of votes of the ward in which he is a candidate.

(2) Every such appointment shall be made in Form 11 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

1. Rule 24 substituted by Notification No. HUD 376 MLR 95, dated 28-9-195.

25. Revocation of the appointment or death of a Polling Agent or a Counting Agent :-

(1) Any revocation of the appointment of a Polling Agent shall be made in Form 12 and shall be signed by the candidate or his election agent and shall operate from the date on which it is lodged with the Presiding Officer, and in the event of such a revocation or of death of a Polling Agent, the candidate or his election agent may appoint another Polling Agent in the manner laid down in Rule 23 at any time before the poll is closed and shall forthwith give notice of the appointment in the manner specified in Rule 23 to the Presiding Officer.

(2) Any revocation of the appointment of counting agent shall be made in Form 13 signed by the candidate¹ [or his election agent] and lodged with the Returning Officer. It shall operate from the date on which it is lodged with the Returning Officer and in the event of such a revocation or of the death of a Counting Agent before the commencement of counting of votes the candidate may appoint another Counting Agent in the manner laid down in Rule 24 at any time before the counting of votes is commenced and shall forthwith give notice of such appointment in the manner laid down in Rule 24 to the Returning Officer.

1. Inserted by GSR 120, dated 12-4-1979

26. Attendance of a contesting candidate or his election agent at Polling Stations :-

(1) At every election where a poll is taken, each contesting candidate at such election and his election agent shall have a right to be present at any Polling Station ¹ [x x x.]

(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 candidate in doing any such act or thing.

1. The words "provided under Rule 31 for taking of the poll"

omitted by GSR 120, dated 12-4-1979

27. Non-attendance of Polling or Counting Agents :-

Where any act or thing is required or authorised by 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 purpose shall not, if the act or thing is otherwise duly done, invalidate the act or thing done.

28. Death of candidate before poll :-

¹ 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 19; or

(b) whose nomination has been found valid on scrutiny under Rule 19 and who has not withdrawn his candidature under Rule 20, 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 21; 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 20 before the countermanding of the poll shall be ineligible for being nominated as a candidate for the election after such countermanding.

1. Rules 28 and 29 substituted by Notification No. HUD 376 MLR 95, dated 28-9-1995.

29. 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 Form 13-A or 13-B as may be appropriate.

(3) If the number of such candidates is less than the number of seats to be filled in that ward the Returning Officer shall forthwith declare all such candidates to be duly elected in Form 13-A or 13-B as may be appropriate and the Deputy Commissioner shall with the approval of the State Election Commission, by notification call upon on the ward to elect a person or persons to fill the remaining seat or seats.]

30. Polling Stations :-

¹ x x x x x.

1. Rules 30 and 31 omitted by Notification No. HUD 376 MLR 95, dated 28-9-1995.

31. Polling hours :-

x x x x x.]

32. Adjournment of poll in emergencies :-

(1) If at an election the proceedings at any Polling Station ¹[x x x.] are interrupted or obstructed ²[or the Returning Officer] shall announce an adjournment of the poll to a date to be notified later and ³[and where the poll is adjourned by the Presiding Officer he shall forthwith] inform the Returning Officer concerned.

(2) Whenever a poll is adjourned under sub-rule (1) the Returning Officer shall immediately report the ⁴[circumstances to the Deputy Commissioner and State Election Commission], and shall, as soon as may be, with the previous ⁵[approval of the State Election Commission], appoint the day on which the poll shall recommence, and fix the Polling Station at which, and the hours during which the poll will be taken, and shall not count the votes cast at such election until such adjourned poll shall have been completed.

(3) In every such case as aforesaid, the Returning Officer shall notify in such manner as the ⁶ [State Election Commission] may direct the date, place and hours of polling fixed under sub-rule (2).

1. The words "provided under Rule 26" omitted by GSR 120, dated 12-4-1979
2. Inserted by Notification No. HUD 376 MLR 95, dated 28-9-1995.
3. Substituted for the words "shall forthwith" by Notification No. HUD 376 MLR 95, dated 28-9-1995.
4. Substituted for the words "circumstances to the Commissioner" by Notification No. HUD 376 MLR 95, dated 28-9-1995.
5. Substituted for the words "approval of the Commissioner" by Notification No. HUD 376 MLR 95, dated 28-9-1995.
6. Substituted for the word "Commissioner" by Notification No. HUD 376 MLR 95, dated 28-9-1995.

32A. Adjournment of poll or countermanding of election on the ground of booth capturing :-

1

(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 Deputy 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 date, 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 had affected counting of votes in such a manner as to affect the result of the election, countermand the election in that ward.

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 paper or voting machines and doing of any other act which affects orderly conduct of elections;

(b) taking possession of a polling station or a place fixed for the poll 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 any thing 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.]

1. Rule 32-A inserted by Notification No. HUD376 MLR 95, dated 28-9-1995.

33. Fresh polls in the case of destruction, etc., of ballot boxes :-

(1) If at any election.-

(a) any ballot box used at a Polling Station is unlawfully taken out of the custody of the Presiding Officer or the Returning Officer, or is accidentally or intentionally destroyed or lost, or is damaged or tampered with, to such an extent, that the result of the polling at that Polling Station cannot be ascertained; or

(b) any such errors or irregularity in procedure as is likely to vitiate the poll is committed at a Polling Station. The Returning Officer shall forthwith report the matter to 1[State Election Commission.]

(2) Thereupon the 2[State Election Commission] shall, after taking all material circumstances into account either.-

(a) declare the poll at the Polling Station to be void, appoint a day, and fix the hours, for taking a fresh poll at that Polling Station and notify the day so appointed and the hours so fixed in such manner

as he may deem fit; or

(b) if satisfied that the result of a fresh poll at that Polling Station will not in any way, affect the result of the election or that the error or irregularity in procedure is not material, issue such directions to the Returning Officer as he may deem proper for the further conduct and completion of the election.

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

34. Manner of voting :-

¹ At every election where a poll is taken votes shall be given by ballot and all voting at an election shall do so in person at the polling station and no votes shall be received by proxy.]

1. Rule 34 substituted by Notification No. HUD376 MLR 95, dated 28-9-1995.

35. Design of ballot boxes :-

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

1. Substituted for the word "Government" by Notification No. HUD 376 MLR 95, dated 28-9-1995.

36. Form of Ballot Papers :-

¹[

(1) Every ballot paper shall have a counterfoil attached thereto and the said ballot paper and the counterfoil shall be in such form ²[and the particulars therein shall be in such 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 ³ [bear the same name], they shall be distinguished by the addition of their occupation or residence or in some other manner.

1. Sub-rule (1) substituted by GSR 120, dated 12-4-1979

2. Substituted for the words "as the Government may direct" by Notification No. HUD 376 MLR 95, dated 28-9-1995.

3. Substituted for the words "bear the same" by Notification No. HUD 376 MLR 95, dated 28-9-1995.

37. Arrangements at Polling Stations :-

(1) Outside each Polling Station there shall be displayed prominently.- (a) a notice specifying the polling area the voters of which are entitled to vote at the Polling Station and when the polling area has more than one Polling Station, the particulars of the voter so entitled; and (b) a copy of the list of contesting candidates.

(2) At such Polling Station there shall be set up two or more voting compartments in which voters 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 list of voters, ballot papers, instruments for stamping the distinguishing mark on ballot papers and articles necessary for voters to mark the ballot papers 1[and such other materials as are necessary for the conduct of poll.]

38. Admission to Polling Stations :-

The Presiding Officer shall regulate the number of voters 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;

(c) Persons authorised by the ¹ [Deputy Commissioner or State Election Commission;]

(d) Candidates, their election agents and subject to the provisions of Rule 23, one Polling Agent of each candidate;

(e) A child in arms accompanying a voter;

(f) A person accompanying a blind or infirm voter who cannot move without help; and

(g) Such other persons as the Returning Officer or the Presiding Officer may employ under Rule 40 or Rule 41.

1. Substituted for the word "Commissioner" by Notification No. HUD 376 MLR 95, dated 28-9-1995.

39. Preparation of Ballot Boxes for Poll :-

(1) Where a paper seal is used for securing a ballot box, the Presiding Officer shall affix his own signature on the paper seal and obtain thereon the signature of such of the candidate or their election agents or Polling Agents present as are desirous of affixing the same.

(2) 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 therein remains open.

(3) 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 seals.

(4) Where it is not necessary to use paper seals for securing the ballot boxes, the Presiding Officer shall secure and seal the ballot box 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.

(5) Every ballot box used at a Polling Station shall bear labels both inside and outside marked with.-

(a) the serial number if any, and the name of the division;

(b) serial number and name of the Polling Station;

(c) serial number of the ballot box (to be filled in at the end of the poll in the label outside the ballot box only); and

(d) the date of poll.

(6) Immediately before the commencement of the poll, the Presiding Officer shall demonstrate to the Polling Agents and other persons present that the ballot box is empty and bears the labels referred to in sub-rule (5).

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

40. Facilities for Women voters :-

(1) Where a Polling Station is for both men and women voters, the Presiding Officer may direct that they shall be admitted in the Polling Station alternately in separate batches.

(2) The Returning Officer or the Presiding Officer may appoint a

women to serve as an attendant at any Polling Station to assist women voters and also to assist the Presiding Officer generally in taking a poll in respect of women voters and in particular to help in searching any woman voter in case it becomes necessary.

41. Identification of voters :-

(1) The [Returning Officer] may employ at the Polling Station such persons as he thinks fit to help in the identification of the voters or to assist him otherwise in taking the poll.

(2) As each voter enters a Polling Station, the Presiding Officer or the Polling Officer authorised by him in this behalf shall check the voter's name and other particulars with the relevant entry in the list of voters and then call out the serial number, name and other particulars of the voter.

(3) In deciding the right of a person to obtain a ballot paper, the Presiding Officer or the Polling Officer; as the case may be, shall overlook merely clerical or printing errors in an entry in the list of voters if he is satisfied that such person is identical with the voter to whom such entry relates.

41A. Facilities for public servants on election duty :-

1

(1) Voters on election duty who wish to vote by post at an election shall send an application in Form 14 to the Returning Officer so as to reach him at least seven days or shorter period as the Returning Officer may allow before the date of poll and if the Returning Officer is satisfied that the applicant is on election duty in a division other than the one in which he is a voter he shall issue a postal ballot paper of such division.

(2) Where such voter being a Presiding Officer, a Polling Officer or other public servant on election duty in a Polling Station other than the one in which he is entitled to vote wishes to vote in the Polling Station in which he is on election duty, he shall send an application in Form 14 to the Returning Officer so as to reach at least four days or such shorter period as the Returning Officer may allow before the day of poll, and if the Returning Officer is satisfied that the applicant is a public servant and voter on election duty, he shall.-

(a) issue to the applicant an Election Duty Certificate in Form 14-A;

(b) mark E.D.C. against his name in the marked copy of the

electoral roll to indicate that an election duty certificate has been issued to him; and

(c) ensure that he is not allowed to vote at the Polling Station where he would otherwise have been entitled to vote.

(3)

(a) The provisions of the Rule 41 shall not apply to any person who produces at the Polling Station an Election Duty Certificate in Form 14-A, and asks for the issue of a ballot paper to him although the Polling Station is different from the one where he is entitled to vote.

(b) On production of such certificate the Presiding Officer shall.-

(i) obtain thereon the signature of the person producing it;

(ii) have the person's name and electoral roll number as mentioned in the certificate entered at the end of the marked copy of the electoral roll; and

(iii) issue to him a ballot paper and permit him to vote, in the same manner as for an elector entitled to vote at that Polling Station.

1. Rules 41-A to 41-H inserted by GSR 120, dated 12-4-1979

41B. 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.-

(a) Persons to whom the provisions of sub-section (3) or sub-section (6) of S.20 of the Representation of the People Act, 1950 (Central Act 43 of 1950) apply;

(b) Voters on election duty in a division other than the one in which he is entitled to vote;

(c) Electors subject to preventive detention.

41C. Intimation by voters who are entitled to vote by post :-

Subject to Rules 41-A and 41-F the persons referred to in Rule 41-B who wish to vote by post in an election shall send an intimation in Form 14-B 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.

41D. 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.

41E. Issue of ballot paper :-

(1) A postal ballot paper shall be sent by post under certificate of posting to the elector together with.-

(a) a declaration in Form 14-C;

(b) a cover in Form 14-D;

(c) a large cover addressed to the Returning Officer in Form 14-E;

(d) instructions for the guidance of the elector in Form 14-F:

Provided that the Returning Officer may, in the case of a voter on election duty who is entitled to vote by post deliver the ballot paper and forms or cause them to be delivered to such voter personally.

(2) The Returning Officer shall at the same time.-

(a) record on the counterfoil of the ballot paper the electoral roll number of the elector as entered in the marked copy of the electoral roll;

(b) mark the name of the elector in the marked copy, of the electoral roll to indicate that a postal ballot paper has been issued to him, without however recording therein the serial number of the ballot paper issued to mat elector; and

(c) ensure mat the elector is not allowed to vote at a Polling Station.

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

41F. 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 subject to preventive detention, may within fifteen days of the calling of an election send an intimation to the

Returning Officer that he wished 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 subject to preventive detention whose name has been intimated to him under sub-rule (1) or under sub-rule (2).

41G. 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 I of Form 14-F and then enclose it in the cover in Form 14-E.

(2) The elector shall sign the declaration in Form 14-C in the presence of and have the signature attested by a 1[x x x x x] Magistrate or any Gazetted Officer to whom he is personally known or to whose satisfaction he has been identified.

(3) In the case of voters who are required to vote by postal ballot under clause (a) of Rule 41-B, the attestation shall be by the Commanding Officer of the unit, ship or establishment in which the voter or her husband, as the case may be is employed.

(4) In the case of an voter on election duty, any Gazetted Officer or the Presiding Officer of the Polling Station at which he is on election duty ¹ [may attest.]

(5) In the case of an elector under preventive detention the Superintendent of the Jail in which the elector is under detention ³[may attest.]

1. Inserted by Notification No. HUD 376 MLR 95, dated 28-9-1995.

41H. Return of the 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.]

41I. Marked copy of the list of voters :-

Immediately before the commencement of the poll the presiding officer shall allow Polling Agents and other present to inspect the marked copy of the list of voters to be used during the poll and supplied by the Returning Officer.]

42. Challenging of Identity :-

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

(2) On such deposit being made the Presiding Officer shall.-

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

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

(c) enter his name and address in the list of challenged votes in Form 15; and

(d) require him to affix his signature 1[or left thumb impression] in the said list.

(3) The Presiding Officer shall thereafter hold a summary inquiry into the challenge and may for that purpose.-

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

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

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

(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.

43. Safeguards against personation :-

(1) Every voter 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 2[on it as far as possible just below root of the nail so mat the ink also spreads on the ridge between the skin and root of the nail.]

(2) If any voter 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 mis rule to the left forefinger of voter shall, in the case where the voter 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

44. Issue of Ballot Papers to Electors :-

1

(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.

(2) At the time of issuing a ballot paper to an elector, the Polling Officer shall.-

(a) record on its counterfoil the voter list number of the elector as entered in the marked copy of the list of voters;

(b) obtain the signature or thumb impression of that elector on the said counterfoil; and

(c) mark the name of the elector in the marked copy of the list of

voters to indicate that a ballot paper has been issued to him, without, however, recording therein the serial number of the ballot, paper issued to the elector:

Provided that no ballot paper shall be delivered to an elector unless he has put his signature or thumb impression on the counterfoil of that ballot paper.

(3) It shall not be necessary for any Presiding Officer or any Polling Officer or any other officer to attest the thumb impression of the elector on the counterfoil.

(4) No person in the polling station shall note down the serial numbers of the papers issued to particular electors.]²

1. Rule 44 substituted by Notification No. HUD 376 MLR 95, dated 28-9-1995.

2. Sub-rule (1) inserted by Notification No. HUD 376 MLR 95, dated 28-9-1995.

45. Voting procedure :-

(1) Every voter to whom a ballot paper has been issued under Rule 44 or under any other provision of these rules, shall maintain secrecy of voting within the polling station and for that purpose observe the voting procedure hereinafter laid down.]

¹[(1-A)] The voter on receiving the ballot paper shall forth with.-

(a) proceed to one of the voting compartments;

(b) there make a mark on the ballot paper with the instruments supplied for the purpose on or near the symbol of the (Candidate) for whom he intends to vote ²[xxxxx;]

(c) fold the ballot papers so as to conceal his vote;

(d) if required, show to the Presiding Officer the distinguishing mark on the ballot paper;

(e) insert the folded ballot paper into the ballot box; and

(f) quit the Polling Station.]

(2) Every voter shall vote without undue delay.

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

3 [(4) If a voter 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 paper 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 back under sub-rule (5) may be liable, the vote, if any, recorded on such ballot paper shall not be counted.]

1. Original sub-rule (1) renumbered as sub-rule (1-A) by Notification No. HUD 376 MLR 95, dated 28-9-1995.

2. The words "but within the column against the name of the candidate" omitted by Notification No. HUD 376 MLR 95, dated 28-9-1995.

3. Sub-rules (4) to (7) inserted by Notification No. HUD 376 MLR 95, dated 28-9-1995.

46. Recording of votes of Blind or Infirm electors :-

1

(1) If the presiding officer is satisfied that owing to blindness or other physical infirmity an elector is unable to recognise the symbols on the ballot paper or to make a mark thereon without assistance, the presiding officer shall permit the elector to take with him a companion of not less than eighteen years of age to the voting compartment for recording the vote on the ballot paper on his behalf and in accordance with his wishes, and if necessary, for folding the ballot paper so as to conceal the vote and inserting it into the ballot box;

Provided that no person shall be permitted to act as the companion of more than one elector at any polling station on the same day:

Provided further that before any person is permitted to act as the

companion of an elector on any day under this rule the person shall be required to declare that he will keep secret the vote recorded by him on behalf of the elector and that he has not already acted as the companion of any other elector at any polling station on that day.

(2) The presiding officer shall keep a record in Form 15-A of all cases under this rule.]

1. Rule 46 substituted by Notification No. HUD376 MLR 95, dated 28-9-1995.

47. Tendered vote :-

(1) If a person representing himself to be a particular voter applied for a ballot paper after another person has already voted as such voter, he shall, on satisfactorily answering such questions relating to his identity as the Presiding Officer may ask, be entitled, subject to the following provisions of this rule, to mark a ballot paper (hereinafter in these rules referred to as a "tendered ballot paper") in the same manner as any other voter.

(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 16.

(3) A tendered ballot paper shall be the same as the other ballot papers used at the polling except that it shall be.-

(a) serially the last in the bundle of ballot papers issued for use at the Polling Station; and

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

(4) The voter, 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 ¹ [kept for the purpose.]

1. Substituted for the words "placed before the Officer" by GSR 120, dated 12-4-1979

48. Closing of Poll :-

(1) The Presiding Officer shall close a Polling Station at the hour fixed in that behalf 2[x x x x x] and shall not thereafter admit any voter into the Polling Station:

Provided that all voters present at the Polling Station before it is closed shall be allowed to cast their votes.

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

49. 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 before closing the slit, he shall seal up the slit and also allow any Polling Agent present to affix his seal.

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

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

50. Account of Ballot Papers :-

1

(1) The Presiding Officer shall at the close of the poll prepare a ballot paper account in Form 17 and enclose it in a separate cover with the words "Ballot Paper Account" superscribed thereon

.

2 [(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 the receipt from the said Polling Agent therefor and shall also attest it as a true copy.]

1. Rule 50 renumbered as sub-rule (1) thereof by Notification No. HUD 376 MLR 95, dated 28-9-1995.

2. Sub-rule (2) inserted by Notification No. HUD 376 MLR 95, dated 28-9-1995.

50A. Spoilt and returned ballot papers :-

1

(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 himself 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]

1. Rule 50-A inserted by Notification No. HUD376 MLR 95, dated 28-9-1995.

51. Sealing of other packets :-

1

(1) The presiding officer shall then make into separate packets.-

(a) the marked copy of the list of voters;

(b) the counterfoils of the used ballot papers;

(c) the ballot paper signed in full by the presiding officer but not issued to the voters;

(d) any other ballot papers not issued to the voters;

(e) the ballot papers cancelled for violation of voting procedure under Rule 54;

(f) any other cancelled ballot paper;

(g) the cover containing the tendered ballot papers and the list in Form 16;

(h) the list of challenged votes; and

(i) any other papers directed by the State Election Commission to be kept in a sealed packet."

(2) Each such packet shall be sealed with the seal of the presiding officer with seal either of the candidate or of his election agent or of his Polling Agent who may be present at the polling station and may desire to affix his seal thereon.

1. Rule 51 substituted by Notification No. HUD376 MLR 95, dated 28-9-1995.

52. Transmission of Ballot Boxes, etc., to the Returning

Officer :-

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

(a) the ballot boxes;

(b) the ballot paper account;

(c) the sealed packets referred to in Rule 51; and

(d) all other papers used at the poll.

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

53. Procedure on adjournment of poll :-

(1) If the poll at any Polling Station is adjourned under 1[Rule 32], the provisions of Rules 49 to 51 shall, as far as practicable, apply as if the poll was closed at the hour fixed in that behalf under Rule 31.

(2) When an adjourned poll is recommenced under sub-rule (2) of Rule 32, the voters 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 at the Polling Station at which such adjourned poll is held, with the sealed packet containing the marked copy of the list of voters and a new ballot box.

1 [(4) The Presiding Officer shall open the sealed packet in the presence of the Polling Agents present and use the marked copy of the list of voters for marking names of the voters to whom the ballot papers are issued at the adjourned poll, without however recording therein the serial number thereof.]

(5) The provisions of Rules 35 to 52 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. Sub-rule (4) substituted by Notification No. HUD 376 MLR 95, dated 28-9-1995.

54. Right to vote :-

(1) No person whose name is not entered in the list of voters of any

ward shall be entitled to vote in that ward.

(2) No person shall vote at an election if he is subject to any of the disqualifications referred to in S.16 of the representation of the People Act, 1950.

(3) No person shall vote in more than one ward notwithstanding his name may have been registered in the list of voters of more than one ward and if a person votes in more than one ward, his votes in all such wards shall be void.

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

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

Provided that nothing in this sub-rule shall apply to a person subject to preventive detention under any law for the time being in force.]

55. Procedure of counting of votes :-

At every election where a poll is taken, votes shall be counted by, or under the supervision and direction of, the Returning Officer, and each contesting candidate, his election agent and his Counting Agent, shall have a right to be present at the time of counting.

56. Time and place for counting of votes :-

The Returning Officer shall at least one week before the date, or the first of the dates, fixed for the poll, appoint the place or place 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.

57. Admission to the place fixed for counting :-

(1) The Returning Officer shall, exclude from the place fixed for counting of votes all persons except.-

1[(a) such persons to be known as counting supervisors and counting assistants as he may appoint to assist him in the counting;

(b) Persons authorised by the State Election Commission or by the Deputy Commissioner.]

(c) Public servants on duty in connection with the election; and

(d) Candidates, their election agents and counting agents.

(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).

2 [(2-A) The Returning Officer shall decide which counting agent or agents shall watch the counting at any particular counting table or group of counting tables.]

(3) 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.

1. Clauses (a) and (b) substituted by Notification No. HUD 376 MLR 95, dated 28-9-1995.

2. Sub-rule (2-A) inserted by Notification No. HUD 376 MLR 95, dated 28-9-1995.

58. Maintenance of Secrecy of votes :-

The Returning Officer shall before he commences counting reads out the provisions of Section 30 to such persons as may be present.

58A. Counting of Votes received by post :-

1

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

(2) No cover in Form 14-E 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 14-C 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 14-D, that cover shall not be opened and after making an appropriate endorsement thereon the Returning Officer shall reject the ballot paper therein contained.

(5) Each cover so endorsed and the declaration received with it shall be replaced in the cover in Form 14-E and all such covers in Form 14-E shall be kept in a separate packet which shall be sealed and on which shall be recorded the name of the ²[ward] the date of counting and a brief description of its contents.

(6) The Returning Officer shall then place all the declarations in Form 14-C which he has found to be in order in a separate packet which shall be sealed before any cover in Form 14-D is opened and on which shall be recorded in particulars referred to in sub-rule (5).

(7) The covers in Form 14-D 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.

(8) A postal ballot paper shall be rejected.

³[(a) if it bears any mark (other than the mark to record the vote) or writing by which the elector can be identified; or

(b) if no vote is recorded thereon; or]

(c) if votes are given on it in favour of more candidates than the candidates to be elected; or

(d) if it is a spurious ballot paper; or

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

(i) if it is not returned in the cover sent along with it to the elector by the Returning Officer;

(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 18 and announce the same.

(12) Thereafter all the valid ballot papers and all the rejected ballot papers shall be separately bundled and kept together in a packet which shall be sealed with the seals of the Returning Officer and if 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 name of the ⁴ [ward], the date of counting and a brief description of its contents.]

1. Rule 58-A inserted by GSR 120, dated 12-4-1979

2. Substituted for the word "division" by Notification No. HUD 376 MLR 95, dated 28-9-1995.

3. Clauses (a) and (b) substituted by Notification No. HUD 376 MLR 95, dated 28-9-1995.

4. Substituted for the word "division" by Notification No. HUD 376 MLR 95, dated 28-9-1995.

59. Scrutiny and Opening of Ballot Boxes :-

1

(1) The Returning Officer shall open or cause to be opened simultaneously the ballot boxes used at more than one polling station of a ward and shall have the total number of ballot papers found in such boxes counted and recorded in Form 17.

(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 Part I of the said Form 17 minus the number of ballot papers used as tendered ballot papers as shown in that part, shall also be recorded in Part II of Form 17.

(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

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

(5) If the Returning Officer is satisfied that any ballot box has in

fact been tampered with, he shall not count the ballot papers contained in that box and shall follow the procedure laid down in Rule 33 in respect of that polling station.

1. Rules 59 and 60 substituted by Notification No. HUD 376 MLR 95, dated 28-9-1995.

60. Counting of votes :-

(1) Subject to such general or special directions, if any, as may be given by the State Election Commission in mis behalf the ballot papers taken out of all boxes used in a ward shall be mixed together and then arranged in convenient bundles and scrutinised.

(2) The returning Officer shall reject a ballot paper.

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

(b) if it bears no mark at all to indicate the vote or it bears a mark elsewhere than on or near the symbol of the candidate on the face of the ballot paper or it bears a mark made otherwise than with the instrument supplied for the purpose; or

(c) if votes are given on it in favour of more candidates than the candidates to be elected;

(d) if the mark indicating a vote thereon is placed in such manner as to make it doubtful to which candidate vote has been given; or

(e) if it is a spurious ballot paper; or

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

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

(h) if it does not bear both the mark and the signature which it should have borne under the provision of the sub-rule (1) of Rule 44:

Provided that where the Returning Officer is satisfied that any such defect as is mentioned in clause (g) or clause (h) has been caused by any mistake or failure on the part of a presiding officer or polling officer, the ballot paper shall not be rejected merely on the ground of such defect:

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

(3) Before rejecting any ballot paper under subrule (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.

(6) Every ballot paper which is not rejected under this rule shall be counted:

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

(7) After the counting of all ballot papers contained in all the ballot boxes used in a ward has been completed the Returning Officer shall make the entries in a result sheet in Form 18 and announce the particulars.]

61. Counting of votes :-

x x x x x.¹

1. Rule 61 omitted by Notification No. HUD 376MLR 95, dated 28-9-1995.

62. 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 sealed with his own seal and the seals of such candidates or election agents or counting agents as may desire to affix their seals and take sufficient precaution for their safe custody during such intervals.

62A. Recount of votes :-

1 [-

(1) After the completion of the counting the Returning Officer shall record in the result sheet in Form 18 the total number of votes polled by each candidate and announce the same.

(2) After such announcement has been made, a candidate or in his absence his Election Agent or any of his Counting Agent may apply in writing to the Returning Officer to recount the votes either wholly or in part stating the grounds on which he demands such recount.

(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.

(5) If the Returning Officer decides under sub-rule (3) to allow a recount of the votes either wholly or in part he shall.-

(a) do the recounting in accordance with the rules applicable for counting;

(b) amend the result sheet in Form 18 to the extent necessary after such recount; and

(c) announce the amendments so made by him.

(6) After the total number of votes polled by each candidate has been announced under sub-rule (1) or sub-rule (5) the Returning Officer shall complete and sign the result sheet in Form 18 and no application for recount shall be entertained thereafter: Provided that no step under this sub-rule shall be taken on the completion of the counting until the candidates and election agents present at the completion thereof have been given a reasonable opportunity to exercise the right conferred by sub-rule (2).

1. Rules 62-A and 62-B inserted by Notification No. HUD 376 MLR 95, dated 28-9-1995.

62B. Sealing of used ballot papers :-

The valid ballot papers of each candidate 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.-

(a) the name of the ward;

(b) the date of counting.]

63. Equality of votes :-

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

64. Recommencement of counting after fresh poll :-

(1) If a fresh poll is held under Rule 33, the Returning Officer shall after completion of that poll, recommence the counting of votes on the date and at the time and place which have been fixed by him in that behalf and on which notice has previously given to the candidates and their election agents.

(2) The provisions of Rules 1[60] shall apply so far as may be to such further counting.

65. Declaration of the result of election :-

¹ The Returning Officer shall, subject to Section 20

(a) declare in Form 19 the candidate to whom the largest number of valid votes has been given to be elected and send signed

(b) complete and certify the returns of election in Form 19-A and send signed copies thereof to the Government and the State Election Commission, the Commissioner and the Deputy Commissioner.

1. Rule 65 substituted by Notification No. HUD376 MLR 95, dated 28-9-1995.

66. Publication of the results of elections :-

¹ On receipt of the return of election in Form 19, the Deputy Commissioner, shall publish the names of the persons elected in the Official Gazette.

1. Rule 66 substituted by Notification No. HUD 376 MLR 95, dated 28-9-1995.

67. Elections to more than one [ward in a Municipal Council or Town Panchayat :-

12

[(1) If any person is elected to a Municipal Council or Town Panchayat from more than one ward he shall by notice in writing, signed by him and delivered to the Deputy Commissioner within seven days from the date of publication in the Official Gazette that he has been so elected, or if such publication has been made on different dates, within seven days from the later of such dates choose any one of the wards which he shall serve and the choice shall be final.

(2) If the person does not make the choice within the period specified in sub-rule (1), the Deputy Commissioner, ³[x x x x x] shall determine by lot and notify the 5[ward] which such person shall serve.

(3) Such person shall be deemed to have been elected only for the ⁴[ward] so chosen or notified, as the case may be, and the vacancy or vacancies thereby arising in respect of the other ⁵ [ward] or 8[wards] shall be filled up by election as if they were casual vacancies under Section 19.

1. Substituted for the words "division in a Municipal Council" by Notification No. HUD 376 MLR 95, dated 28-9-1995.

2. Sub-rule (1) substituted by Notification No. HUD 376 MLR 95, dated 28-9-1995.

3. The words "in the case of a Town Municipal Council, and the Commissioner in the case of a City Municipal Council, as the case may be" omitted by Notification No. HUD 376 MLR 95, dated 28-9-1995.

4. Substituted for the word "division" by Notification No. HUD 376 MLR 95, dated 28-9-1995.

5. Substituted for the word "division" by Notification No. HUD 376 MLR 95, dated 28-9-1995.

68. Grant of certificate of election to returned candidates :-

As soon as may be after a. candidate has been declared by the Returning Officer under the provisions of Rule 29 or ¹[Rule 65], to be elected, the Returning Officer shall grant to such candidate a certificate of election in Form 20 and obtain,, from the candidate an acknowledgement or its receipt duly signed by him ² [and

immediately send the acknowledgment by the registered post to the Deputy Commissioner.].

1. Substituted for the words and figures "Rule 64" by GSR 120, dated 12-4-1979
2. Inserted by Notification No. HUD 376 MLR 95, dated 28-9-1995.

69. Fee to be paid on an election petition :-

Every election petition shall be accompanied by a Government Treasury receipt showing that a deposit of one hundred rupees has been made by the petitioner either in the Reserve Bank of India or in a Government Treasury or in any branch of the State Bank of India in favour of the ¹ [Deputy Commissioner.]

1. Substituted for the word "Commissioner" by Notification No. HUD 376 MLR 95, dated 28-9-1995.

70. Custody of Ballot Boxes and Papers relating to election :-

- (1) All ballot boxes used at an election shall be kept in such custody as the State Election Commission may direct.
- (2) The Returning Officer shall keep in safe custody.
 - (a) the packets of unused ballot papers with the counterfoils attached thereto;
 - (b) the packets of, used ballot papers whether valid, tendered or rejected;
 - (c) the packets of counterfoils of used ballot papers;
 - (d) the packets of the marked copy of the list of voters;
 - (e) the packets of the declaration by voters and the attestation of their signature; and
 - (f) all other papers relating to election.]

71. Production and Inspection of election papers :-

- (1) While in the custody of the Returning Officer.
 - (a) the packets of unused ballot papers 4[with counterfoils attached thereto;]
 - (b) the packets of used ballot papers whether valid, tendered or rejected;

¹[(bb) the packets of counter foils of used ballot papers;]

(c) the packets of the marked copy of the list of voter; and

(d) the packets of the declaration by voters and the attestation of their signature; shall not be opened and their contents shall not be inspected by, or produced before, any person or authority except under the order of a Competent Court or Tribunal.

²(2) Subject to such conditions and to the payment of fees as the ³ [State Election Commission] may direct.

(a) all other papers relating to the election shall be open to public inspection; and

(b) copies thereof shall on application be furnished.]

(3) Copies of the returns by the Returning Officer forwarded under Rule 65 shall be furnished by the Returning Officer on payment of a fee of two rupees for each such copy.

1. Clause (bb) inserted by Notification No. HUD 376 MLR 95, dated 28-9-1995.

2. Sub-rule (2) substituted by GSR 120, dated 12-4-1979

3. Substituted for the word "Government" by Notification No. HUD 376 MLR 95, dated 28-9-1995.

72. Disposal of election papers :-

Subject to any direction to the contrary given by ¹[State Election Commission] or by a Competent Court or Tribunal.

(a) the packets of unused ballot papers shall be retained for a period of six months and shall thereafter ²[be destroyed in such manner as the State Election Commission may direct;]

(b) the other packets, referred to in sub-rule (1) of 5[Rule 71] shall be retained for a period of one year and shall thereafter be destroyed;

³[Provided that packets containing the counterfoils of used ballot papers shall not be destroyed except with the previous approval of the State Election Commission.]

(c) all other papers relating to the election shall be retained for such period as the ⁴ [State Election Commission] may direct.

1. Substituted for the words "State Government" by Notification No. HUD 376 MLR 95, dated 28-9-1995.

2. Substituted for the words "be placed at the disposal of the Commissioner" by Notification No. HUD 376 MLR 95, dated 28-9-1995.
3. Proviso inserted by Notification No. HUD 376 MLR 95, dated 28-9-1995.
4. Substituted for the word "Government" by Notification No. HUD 376 MLR 95, dated 28-9-1995.

73. Return or forfeiture of candidates deposit :-

(1) The deposit made under Rule 17 shall either be returned to the person making it or his legal representative or be forfeited to the Municipal Council ¹[or Town Panchayat, as the case may be.]

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

(3) If the candidate is not shown in the list of contesting candidates or if he dies before the commencement of the poll the deposit shall be returned as soon as practicable after the publication of the list or after the death as the case may be.

(4) Subject to the provisions of sub-rule (3) the deposit shall be forfeited if at an election where a poll has been taken the candidate is not elected and the number of valid votes polled by him does not exceed one-sixth of the total number of valid votes polled divided by the number of members to be elected:

Provided that in a 1[ward] in which the seat is reserved for ²[Backward Classes, Scheduled Castes, Scheduled Tribes] or women the deposit shall not be forfeited unless the number of votes polled does not exceed one-sixteenth of the total number of votes polled.

(5) Notwithstanding anything in sub-rule (2), (3) and (4) if a candidate is contesting in more than one division, not more than one of the deposits shall be returned and the others shall be forfeited.

1. Inserted by Notification No. HUD 376 MLR 95, dated 28-9-1995.
2. Substituted for the words "Scheduled Castes" by Notification No. HUD 376 MLR 95, dated 28-9-1995.

74. Report of a Casual Vacancy :-

When any vacancy occur due to the disablement, death, resignation, disqualification, absence without leave or removal of Councillor of a Municipal Council or Town Panchayat, Municipal

Commissioner, or the Chief Officer shall give notice of such vacancy within seven days from the date of its occurrence to the Deputy Commissioner as well as the State Election Commission. The Deputy Commissioner with the approval of the State Election Commission shall thereupon take action in the manner provided in these rules for the election of a Councillor in such vacancy.]¹ [

1. Rule 74 substituted by Notification No. HUD376 MLR 95, dated 28-9-1995.

75. Extension of time for completion of election. :-

x x x x x]¹

1. Rule 75 omitted by Notification No. HUD 376 MLR 95, dated 28-9-1995.

76. Punishment for contravention of rules :-

Any person who contravenes any of these rules shall on conviction be punished with fine which may extend to ¹ [five hundred rupees.]

1. Substituted for the words "one hundred rupees" by Notification No. HUD 376 MLR 95, dated 28-9-1995.

77. Assistance to the Returning Officer :-

The Municipal Commissioner, the Chief Officer and all other Officers and servants of a Municipal Council shall render such assistance to the Returning Officer as may be required by him in the conduct of elections.

78. Provisions of funds for election :-

x x x x x]¹

1. Rules 78 and 79 omitted by Notification No. HUD 376 MLR 95, dated 28-9-1995.

79. Power of superintendence and control :-

x x x x x]

80. Repeal :-

The Karnataka Municipalities (Election of Councillors) Rules, 1965 are hereby repealed.¹

1. Rule 80 inserted by S.O.1295, dated 5-5-1978