

**EXTRAORDINARY
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**GOVERNMENT OF MANIPUR
SECRETARIAT: HILLS DEPARTMENT****NOTIFICATION**

Imphal, the 17th October, 2009

No. 1/12/2009-CHA(ADC)/ELECT: In exercise of the powers conferred under section 21 read with section 51 of the Manipur(Hill Areas) District Councils Act, 1971, the Governor of Manipur hereby makes the following Manipur(Hill Areas) District Councils (Election of Members) Rules, 2009 and under section 51(1) of the said Act, it is necessary to invite suggestion/objections, if any, from the members of the general public.

Now, therefore, the State Government hereby invites suggestions/objections from the interested persons to the said Rules within 15(fifteen) days from the date of publication of these draft Rules in the official Gazette.

Any suggestion/objection which may be received after the expiry of the stipulated period will not be considered.

MANIPUR (HILL AREAS) DISTRICT COUNCILS (ELECTION OF MEMBERS) RULES, 2009**CHAPTER I - PRELIMINARY**

1. **Short title and commencement** :- (1) These rules may be called the Manipur (Hill Areas) District Councils (Election of Members) Rules, 2009.

~~(2) They shall come into force from the date of their publication in the Official Gazette.~~

2. **Definition:-** (1) In these rules, unless the context otherwise requires-

(a) 'Act' means the Manipur (Hill Areas) District Councils Act, 1971.

(b) 'Commission' means the State Election Commission referred to under section 11 of the Act.

(c) 'corrupt practice' means any of the practices specified by these rules as a corrupt practice;

(d) 'election' means an election to fill a seat or seats in any District Council;

(e) 'elector' in relation to a constituency means a person whose name is entered in the electoral roll for that constituency and who is not subject to any disqualification for voting;

(f) 'form' means a form in the Schedule to these rules;

(g) 'Government' means the Government of Manipur; and

(h) 'Governor' means the Governor of Manipur.

(i) words and expressions not defined in these rules but defined in the Act shall have the same meanings assigned to them in the Act.

CHAPTER II - ADMINISTRATIVE MACHINERY

3. **District election officer:-** (1) For each autonomous district the Commission shall, in consultation with the Government, designate or nominate a district election officer who shall be an officer of Government.

(2) Subject to the superintendence, direction and control of the Commission, the district election officer shall coordinate and supervise all work in the autonomous district in connection with the preparation and revision of the electoral rolls for, and conduct of all elections to all the constituencies within the autonomous district.

(3) The district election officer shall also perform such other functions as may be entrusted to him by the Commission.

4. **Electoral registration officer.**-The electoral roll for each constituency shall be prepared and revised by an electoral registration officer who shall be such officer of Government as the Commission may, in consultation with the Government, designate or nominate in this behalf.

5. **Assistant electoral registration officers.**- (1) The Commission may appoint one or more persons as assistant electoral registration officers to assist any electoral registration officer in the performance of his functions.

(2) Every assistant electoral registration officer shall, subject to the control of the electoral registration officer, be competent to perform all or any of the functions of the electoral registration officer.

6. **Returning officers.**-For every constituency the Commission shall, in consultation with the Government, designate or nominate a returning officer who shall be an officer of Government:

Provided that nothing in this rule shall prevent the Commission from designating or nominating the same person to be the returning officer for more than one constituency.

7. **Assistant returning officers.** - (1) The Commission may appoint one or more persons to assist any returning officer in the performance of his functions:

Provided that every such person shall be an officer of Government.

(2) Every assistant returning officer shall, subject to the control of the returning officer, be competent to perform all or any of the functions of the returning officer:

Provided that no assistant returning officer shall perform any of the functions of the returning officer which relate to the scrutiny of nominations unless the returning officer is unavoidably prevented from performing the said function.

8. **Returning officer to include assistant returning officers performing the functions of the returning officer.**-References in these rules to the returning officer shall, unless the context otherwise requires, be deemed to include an assistant returning officer performing any function which he is authorized to perform under sub-rule (2) of rule 7.

9. **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 these rules or orders made thereunder.

10. **Provision of polling stations for constituencies.**-The district election officer shall, with the previous approval of the Commission, provide a sufficient number of polling stations for every constituency within his jurisdiction, and shall publish, in such manner as the Commission may direct, a list showing the polling stations so provided and the polling areas or groups of voters for which they have respectively been provided.

11. **Appointment of presiding officers for polling stations.**-(1) The district election officer shall appoint a presiding officer for each polling station and such polling officers as he thinks necessary, but he shall not appoint any person who has been employed by or on behalf of, or has been otherwise working for, a candidate in or about the election:

Provided that if a polling officer is absent from the polling station, the presiding officer may appoint any person who is present at the polling station other than a person who has been employed by, or on behalf of, or has been otherwise working for, a candidate in or about the election, to be the polling officer during the absence of the former officer, and inform the district election officer accordingly.

(2) A polling officer shall, if so directed by the presiding officer, perform all or any of the functions of a presiding officer under these rules or orders made thereunder.

(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 authorized by the district election officer to perform such functions 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 function which he is authorized to perform under sub-rule (2) or sub-rule (3), as the case may be.

12. **General duty of the presiding officer.**—It shall be the general duty of the presiding officer at a polling station to keep order thereat and to see that the poll is fairly taken.

13. **Duties of a polling officer.**—It shall be the duty of the polling officers at a polling station to assist the presiding officer for such station in the performance of his functions.

CHAPTER III- ELECTORAL ROLLS

14. **Preparation and publication of electoral rolls.**—(1) The electoral roll for each district council constituency shall be prepared by splitting the electoral roll/rolls of the concerned Parliamentary constituency or constituencies as in force on such date as the Government may appoint by notification in the Official Gazette.

(2) The electoral roll shall be prepared in such form and in such language as the Commission may direct.

(3) The electoral roll shall be divided into convenient parts which shall be numbered consecutively.

(4) As soon as the electoral roll for a constituency is ready, the electoral registration officer shall publish it in draft by making a copy thereof available for inspection, displaying a notice in Form I at his office and publishing the notice in a prominent local daily,

(5) Every claim for the inclusion of a name in the electoral roll and every objection to any entry therein shall be lodged in Form 2, 3 or 4, as may be appropriate, in the office of the electoral registration officer within a period of fifteen days from the date of publication of the roll in draft :

Provided that such claims and objections shall be examined and disposed of on the basis of the electoral roll/rolls of the concerned Parliamentary Constituency/Constituencies as in force on the date of publication of the roll in draft.

(6) After the disposal of the claims and objections electoral registration officer shall prepare a list of amendments to carry out his decisions thereon and to correct any clerical or printing errors or other inaccuracies subsequently discovered in the electoral roll, publish the roll, together with the list of amendments by making a complete copy thereof available for inspection, displaying a notice in Form 5 at his office and publishing the notice in a prominent local daily.

(7) On such publication, the electoral roll, together with the list of amendments, shall be the electoral roll of the constituency.

CHAPTER IV - NOTIFICATION OF GENERAL ELECTION

15. **Notification for general election to a District Council.** (1) A general election shall be held for the purpose of constituting a new District Council on the expiration of the duration of the existing District Council or on its dissolution,

(2) For the said purpose, the Governor shall, by notification published in the Official Gazette on such date as may be recommended by the Commission, call upon all constituencies in the autonomous district to elect members in accordance with the provisions of the Act and of the rules and orders made thereunder:

Provided that where a general election is held otherwise than on the dissolution of the existing District Council, no such notification shall be issued at any time earlier than six months prior to the date on which the duration of that District Council would expire under the provisions of the Act.

CHAPTER V - NOMINATION OF CANDIDATES

16. **Appointment of dates for nominations, etc.** - As soon as the notification calling upon a constituency to elect a member is issued, the Commission shall, by notification in the Official Gazette, appoint-

- (a) the last date for making nominations, which shall be the seventh day after the date of publication of the first mentioned notification 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 nominations or, if that day is a public holiday, the next succeeding day which is not a public holiday;
- (d) the date or dates on which a poll shall, if necessary, be taken, which or the first of which shall be a date not earlier than the twentieth day after the last date for the withdrawal of candidatures;
- (e) the hours during which the poll shall be taken; and
- (f) the date before which the election shall be completed.

17. Public notice of election.-On the issue of a notification under rule 16, the returning officer shall issue a notice in Form 6 inviting nominations of candidates for such election.

18. Nomination of candidates for election.-Any person may be nominated as a candidate for election to fill a seat if he is qualified to be chosen to fill that seat under the provisions of the Act.

19. Presentation of nomination paper and requirements for a valid nomination.-

(1) On or before the date appointed under clause (a) of rule 16 each candidate shall, either in person or by his proposer, between the hours of eleven o'clock in the forenoon and three o'clock in the afternoon, deliver to the returning officer at the place specified in this behalf in the notice issued under rule 17 a nomination paper completed in Form 7 and signed by the candidate and by an elector of the constituency as proposer:

Provided that a failure to complete or defect in completing, the declaration as to symbols in a nomination paper in Form 7 shall not be deemed to be a defect of a substantial character within the meaning sub-rule (4) of rule 23:

Provided further that no nomination paper shall be delivered to the returning officer on a day which is a public holiday:

(2) Where the candidate is a person who having held any office under the Government of India or under the Government of any State has been dismissed and a period of five years has not elapsed since the dismissal, such person shall not be deemed to be duly nominated as a candidate unless his nomination paper is accompanied by a certificate issued by the Commission to the effect that he has not been dismissed for corruption or disloyalty to the State.

(3) On the presentation of a nomination paper, the returning officer shall satisfy himself that the names and electoral roll numbers of the candidate and his proposer as entered in the nomination paper are the same as those entered in the electoral rolls:

Provided that no misnomer or inaccurate description or clerical, technical or printing error in regard to the name of the candidate or his proposer or any other person, or in regard to any place, mentioned in the electoral roll or the nomination paper and no clerical, technical or printing error in regard to the electoral roll numbers of any such person in the electoral roll or the nomination paper, shall affect the full operation of the electoral roll or the nomination paper with respect to such person or place in any case where the description in regard to the name of the person or place is such as to be commonly understood; and the returning officer shall permit any such misnomer or inaccurate description or clerical, technical or printing error to be corrected and where necessary, direct that any such misnomer, inaccurate description, clerical, technical or printing error in the electoral roll or in the nomination paper shall be overlooked.

(4) Where the candidate is an elector of a different constituency, a copy of the relevant part of the electoral roll of that constituency shall, be filed along with the nomination paper.

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

Provided that not more than four nomination papers shall be presented by or on behalf of any candidate or accepted by the returning officer for election in the same constituency.

(6) Notwithstanding anything contained in sub-rule (5), a person shall not be nominated as a candidate for election from more than one constituency.

20. **Symbols for elections.** (1) The Commission shall, by notification in the Official Gazette, specify the symbols that may be chosen by candidates at elections and the restrictions to which their choice shall be subject.

(2) Subject to any general or special direction issued by the Commission either under sub-rule (2) or sub-rule (3) of rule 25 where at any such election more nomination papers than one are delivered by or on behalf of a candidate, the declaration as to symbols made in the nomination paper first delivered, and no other declaration as to symbols, shall be taken into consideration under rule 25 even if that nomination paper has been rejected.

21. **Deposits.**-(1) A candidate shall not be deemed to be duly nominated for election from a constituency unless he deposits or causes to be deposited a sum of one thousand rupees with the returning officer in cash at the time of delivery of the nomination paper:

Provided that where a candidate has been nominated by more than one nomination paper for election in the same constituency, not more than one deposit shall be required of him.

22. **Notice of nominations and the time and place for their scrutiny.**-The returning officer shall, on receiving the nomination paper under rule 19, inform the person or persons delivering the same of the date, time and place fixed for the scrutiny of nominations and shall enter on the nomination paper its serial number, and shall sign thereon a certificate stating the date on which and the hour at which the nomination paper has been delivered to him; and shall as soon as may be thereafter, cause to be affixed in some conspicuous place in his office a notice of the nomination containing descriptions similar to those contained in the nomination paper, both of the candidate and of the proposer in Form 8.

23. **Scrutiny of nominations.**-(1) On the date fixed for the scrutiny of nominations under rule 16, the candidates, their election agents, one proposer of each candidate, and one other person duly authorized in writing by each candidate, but no other person, may attend at the time and place appointed by the returning officer; 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 19.

(2) The returning officer shall then examine the nomination papers and shall decide all objections which may be made to any nomination and may, either on such objection or on his own motion, after such summary 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 section 7 or section 8 of the Act, as the case may be; or
- (b) that there has been a failure to comply with any of the provisions of rule 19 or rule 21; 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 authorize 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.

(5) The returning officer shall hold the scrutiny on the date appointed in this behalf under clause (b) rule 16 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 or the day after that but not beyond 11 A.M. of the day fixed for withdrawal of candidatures.

(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 electoral roll for the time being in force of a constituency shall be conclusive evidence of the fact that the person referred to in that entry is an elector for that constituency, unless it is proved that he is subject to a disqualification mentioned in section 16 of the Representation of the People Act, 1950 (43 of 1950).

(8) Immediately after all the nomination papers have been scrutinized 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, and affix it to his notice board.

(9) The list of validly nominated candidates referred to in sub-rule (8) shall be in Form 9 and the name of every such candidate shall be shown in the said list as it appears in his nomination paper.

Provided that if a candidate considers that his name is incorrectly spelt or is otherwise incorrectly shown in his nomination paper or is different from the name by which he is popularly known, he may, at any time before the list of contesting candidates is prepared furnish in writing to the returning officer the proper form and spelling of his name and the returning officer shall, on being satisfied as to the genuineness of the request, make the necessary correction or alteration in the list in Form 9 and adopt that form and spelling in the list of contesting candidates.

24. **Withdrawal of candidature.**-(1) Any candidate may withdraw his candidature by a notice in Form 10 which shall be delivered before three o'clock in the afternoon on the day fixed under clause (c) of rule 16 to the returning officer either by such candidate in person or by his proposer or election agent who has been authorized in this behalf in writing by such candidate.

(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 a notice of withdrawal and the identity of the person delivering it under sub-rule (1), cause a notice in Form 11 to be affixed in some conspicuous place in his office.

25. Preparation of list of contesting candidates.-(1) Immediately after the expiry of the period within which candidatures may be withdrawn the returning officer shall prepare a list of contesting candidates, that is to say, candidates who were included in the list of validity nominated candidates and who have not withdrawn their candidature within the said period, in Form 12 by arranging the names of the candidates in alphabetical order.

(2) 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, subject to any general or special direction issued in this behalf by the Commission,

- (a) allot a different symbol to each contesting candidate in conformity, as far as practicable, with his choice; and
- (b) if more contesting candidates than one have indicated their preference for the same symbol, decide by lot to which of such candidates the symbol will be allotted.

(3) The allotment by the returning officer of any symbol to a candidate shall be final except where it is inconsistent with any directions issued by the Commission in this behalf in which case the Commission may revise the allotment in such manner as it thinks fit.

(4) 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.

26. Publication of list of contesting candidates and declaration of result in uncontested election.-(1) The returning officer shall, immediately after its preparation, cause a copy of the list of contesting candidates to be affixed in some conspicuous place

- (b) whose nomination has been found valid on scrutiny and who has not withdrawn his candidature dies; and in either case, a report of his death is received at any time before the publication of the list of contesting candidates; 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 announce an adjournment of the poll to the date to be notified later and report the fact to the Commission and also to the Government and the district election officer;

Provided that no order for adjourning 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.

(2) Any person who has given a notice of withdrawal of his candidature under sub-rule (1) of rule 24 before the adjournment of the poll shall be ineligible for being nominated as a candidate for election after such adjournment.

(3) Where a list of contesting candidates had been published under rule 26 before the adjournment of the poll under sub-rule (1), the returning officer shall again prepare and publish a fresh list of contesting candidates so as to include the name of the candidate who has been validly nominated under sub-rule (2).

CHAPTER VI - CANDIDATES AND THEIR AGENTS

28. **Election Agents.**-(1) A candidate may appoint any person to be his election agent in Form 15 and the notice of such appointment shall be given by forwarding the same in duplicate to the returning officer who shall return one copy thereof to the election agent after affixing thereon his seal and signature in token of his approval of the appointment.

(2) Any revocation of the appointment of an election agent shall be in Form 16 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 the candidate may appoint another person to be his election agent.

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

29. **Polling agents.**-(1) A contesting candidate or his election agent may appoint one agent and two relief agents at each polling station.

(2) Every such appointment shall be made in Form 17 and shall be made over to the polling agent for production at the polling station.

(3) 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 (2) after duly completing and signing before the presiding officer the declaration contained therein.

**CHAPTER VII
RIGHT TO VOTE AND MANNER OF VOTING AT ELECTIONS**

34. Right to vote.-Every person who is, for the time being entered in the electoral roll of any constituency shall be entitled to vote in that constituency:

Provided that no person shall vote at a general election in more than one constituency, and if a person votes in more than one constituency, his votes in all such constituencies shall be void:

Provided further that no person shall at any election vote in the same constituency more than once, notwithstanding that his name may have been registered in the electoral roll for that constituency more than once, and if he does so vote, all his votes in that constituency shall be void.

35. Voting normally to be in person.-Subject to the provisions of rule 36, all electors voting at an election shall do so in person at the polling station provided for them under rule 10.

CHAPTER VIII - POSTAL BALLOT

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

- (i) voters on election duty; and
- (ii) electors subjected to preventive detention;

37. Intimation by voter on election duty.-[(1)] A voter on election duty who wishes to vote by post at an election shall send an application in Form 21 to the returning officer so as to reach him at least seven days or such shorter period as the returning officer may allow before the date of poll; and if the returning officer is satisfied that the applicant is a voter on election duty, he shall issue a postal ballot paper to him.

38. Electors under preventive detention.-(1) The Government shall, within fifteen days of the calling of an election, ascertain and intimate to the returning officer the names of the electors, if any, subjected to preventive detention together with their addresses and electoral roll numbers and the particulars about their places of detention.

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

(3) The returning officer shall issue a postal ballot paper to every elector subjected to preventive detention whose name has been intimated to him under sub-rule (1) or under sub-rule (2).

39. Form of ballot paper.(1) Every postal ballot paper shall have a counterfoil attached thereto, and the said ballot paper and the counterfoil shall be in such form, and the particulars therein shall be in such language as the Commission may direct.

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(3) The returning officer shall issue a postal ballot paper to every elector subjected to preventive detention whose name has been intimated to him under sub-rule (1) or under sub-rule (2).

39. Form of ballot paper.(1) Every postal ballot paper shall have a counterfoil attached thereto, and the said ballot paper and the counterfoil shall be in such form, and the particulars therein shall be in such language as the Commission may direct.

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

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

40. 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 22;
- (b) a cover in Form 23;
- (c) a large cover addressed to the returning officer in Form 24; and
- (d) instructions for the guidance of the elector in Form 25.

Provided that the returning officer may, in the case of a voter on election duty, 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 ballot paper has been issued to him, without however recording therein the serial number of the ballot paper issued to that elector, and
- (c) ensure that that 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.

(4) After ballot papers have been issued to all the electors entitled to vote by post, the returning officer shall send the relevant parts of the marked copy of the electoral roll to the several presiding officers.

(5) The returning officer shall seal up in a packet the counterfoils of the ballot papers issued to electors entitled to vote by post and record on the packet a brief description of its contents and the date on which it was sealed.

41. Recording of Vote. (1) An elector who has received a postal ballot paper and desires to vote shall record his vote on the ballot paper in accordance with the directions contained in Form 25 and then enclose it in the cover in Form 23.

(2) The elector shall sign the declaration in Form 22 in the presence of, and have the signature attested by,-

- (a) in the case of a voter on election duty, any gazetted officer or the presiding officer of the polling station at which he is on election duty; and
- (b) in the case of an elector under preventive detention, the Superintendent of the Jail or the Commandant of the detention camp in which the elector is under detention.

42. **Return of ballot paper.**-(1) After an elector has recorded his vote and made his declaration, he shall return the ballot paper and declaration to the returning officer in accordance with the instructions contained in Form 25 so as to reach the returning officer before the hour fixed for the 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 date 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 all covers containing postal ballot papers received by him.

CHAPTER IX - VOTING BY BALLOT

43. **Design of ballot boxes.**- Every ballot box shall be of such design as may be approved by the Commission.

44. **Form of ballot papers.** - (1) Every ballot paper shall have a counterfoil attached thereto, and the said ballot paper and the counterfoil shall be in such form, and the particulars therein shall be in such language, as the Commission may direct.

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

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

45. **Arrangements at polling stations.**- (1) Outside each polling station there shall be displayed prominently-

(a) a notice specifying the polling area the electors 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 electors so entitled; and

(b) a copy of the list of contesting candidates.

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

(3) The returning officer shall provide at each polling station a sufficient number of ballot boxes, copies of the relevant part of the electoral roll, ballot papers, instruments for stamping the distinguishing mark on ballot papers and articles necessary for electors to mark the ballot papers.

46. **Admission to polling stations.**- The presiding officer shall regulate the number of electors, to be admitted at any one time inside the polling station and shall exclude therefrom all persons other than-

(a) polling officers;

(b) public servants on duty in connection with the election;

(c) persons authorised by the Commission;

(d) candidate, their election agents and subject to the provisions of rule 28, one polling agent of each candidate;

- (e) a child in arms accompanying an elector;
- (f) a person accompanying a blind or infirm elector who cannot move without help; and
- (g) such other persons as the returning officer or the presiding officer may employ under sub-rule (2) of rule 49 or sub-rule (1) of rule 50.

47. 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 signatures of such of the 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 therefore 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 name of the constituency;
- (b) the serial number and name of the polling station;
- (c) the serial number of the ballot box (to be filled in at the end of the poll on 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.

48. Marked copy of electoral roll.- Immediately before the commencement of the poll the presiding officer shall also demonstrate to the polling agents and others present that the marked copy of the electoral roll to be used during the poll does not contain any mark other than the mark made in pursuance of clause (b) of sub-rule (2) of rule 40.

49. Facilities for women electors.-(1) Where a polling station is for both men and women electors, the presiding officer may direct that they shall be admitted into the polling station alternately in separate batches.

(2) The returning officer or the presiding officer may appoint a woman to serve as an attendant at any polling station to assist women electors and also to assist the presiding officer generally in taking the poll in respect of women electors, and, in particular, to help in searching any women elector in case it becomes necessary.

50. **Identification of electors.**- (1) The presiding officer may employ at the polling station such persons as he thinks fit to help in the identification of the electors or to assist him otherwise in taking the poll.

(2) As each elector enters the polling station, the presiding officer or the polling officer authorized by him in this behalf shall check the elector's name and other particulars with the relevant entry in the electoral roll and then call out the serial number, name and other particulars of the elector.

(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 electoral roll, if he is satisfied that such person is identical with the elector to whom such entry relates.

51. **Challenging of identity.**- (1) Any polling agent may challenge the identity of a person claiming to be a particular elector by first depositing a sum of two rupees in cash with the presiding officer for each such challenge.

(2) On such deposit being made, the presiding officer shall-

- (a) warn the person challenged of the penalty of 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 26; and
- (d) require him to affix his signature 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 evidence in proof of the challenge and the person challenged to adduce evidence in proof of his identity;
- (b) put to the person challenged any questions necessary for the purpose of establishing his identity and require him to answer them on oath; and
- (c) administer an oath to the person challenged and any other person offering to give evidence.

(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.

52. **Safeguards against personation.**- (1) Every elector about whose identity the presiding officer or the polling officer, as the case may be, is satisfied, shall allow his left forefinger to be inspected by the presiding officer or polling officer and an indelible ink mark to be put on it.

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

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

53. Issue of ballot papers to electors.- (1) Every ballot paper before it is issued to an elector, and the counterfoil attached thereto shall be stamped on the back with such distinguishing mark as the 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 electoral roll number of the elector as entered in the marked copy of the electoral roll;
 - (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 electoral roll to indicate that a ballot has been issued to him, without however recording therein the serial number of the ballot paper issued to that 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) No person in the polling station shall note down the serial numbers of the ballot papers issued to particular electors.

54. Maintenance of secrecy of voting by electors within polling station and voting procedure.- (1) Every elector to whom a ballot paper has been issued under rule 53 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.

- (2) The elector on receiving the ballot paper shall forthwith-
 - (a) proceed to one of the voting compartments;
 - (b) there make a mark on the ballot paper with the instrument supplied for the purpose on or near the symbol of the candidate for whom he intends to vote;
 - (c) fold the ballot paper so as to conceal his vote;
 - (d) if required, show 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.

(3) Every elector shall vote without undue delay.

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

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

(6) 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 these words.

(7) All the ballot papers on which the words "Cancelled: voting procedure violated" are recorded, shall be kept in a separate cover which shall bear on its face the words "Ballot papers: voting procedure violated".

(8) 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.

55. Recording of votes of blind or infirm electors.- (1) If the presiding officer is satisfied that owing to blindness or other physical infirmity an elector is unable to recognize 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 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 27 of all cases under this rule.

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

(2) If an elector after obtaining a ballot paper decides not to use it, he shall return it to the presiding officer, and the ballot paper so returned and the counterfoil of such ballot paper shall be marked as "Returned: cancelled" by the presiding officer.

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

57. Tendered votes.- (1) If a person representing himself to be a particular elector applies for a ballot paper after another person has already voted as such elector, 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 elector.

(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 28.

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

- (a) such tendered ballot paper shall be serially the last in the bundle of ballot papers issued for use at the polling station; and
- (b) such tendered ballot paper and its counterfoil shall be endorsed on the back with the words "tendered ballot paper" by the presiding officer in his own hand and signed by him.

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

58. Closing of poll.- (1) The presiding officer shall close a polling station at the hour fixed in that behalf under rule 16 and shall not thereafter admit any elector into the polling station:

Provided that all elector present at the polling station before it is closed shall be allowed to cast their votes.

(2) If any question arises whether an elector was present at the polling station before it was closed, it shall be decided by the presiding officer and his decision shall be final.

59. Sealing of ballot boxes after poll.- (1) As soon as practicable after the closing of the poll, the presiding officer shall close the slit of the ballot box, and where the box does not contain any mechanical device for closing the slit, he shall seal up the slit and also allow any polling agent 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 box shall be closed, sealed and secured as provided in sub-rules (1) and (2) before another ballot box is put into use.

60. Account of ballot papers.- (1) The presiding officer shall at the close of the poll prepare a ballot paper account in Form 29 and enclose it in a separate cover with the words "Ballot Paper Account" superscribed thereon.

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

61. Sealing of other packets- (1) The presiding officer shall then make into separate packets-

- (a) the marked copy of the electoral roll;
- (b) the counterfoils of the used ballot papers;
- (c) the ballot papers signed in full by the presiding under sub-rule (1) of rule 53 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 papers;
- (g) the cover containing the tendered ballot papers and the list in Form 28;
- (h) list of the challenged votes; and
- (i) any other paper directed by the Commission to be kept in a sealed packet.

(2) Each such packet shall be sealed with the seal of the presiding officer and with the seals 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 seals thereon.

62. 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 61; and
- (d) all other papers used at the poll.

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

63. Adjournment of poll in emergencies.- (1) If at an election the proceedings at any polling station are interrupted or obstructed by any riot or open violence, or if at an election it is not possible to take the poll at any polling station on account of any natural calamity, or any other sufficient cause, the presiding officer for such polling station or the returning officer presiding over such place, as the case may be, shall announce an adjournment of the poll to a date to be notified later, and where the poll is so adjourned by a 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 circumstances to the Commission and district election officer and shall, as soon as may be, with the previous approval of the 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 Commission may direct the date, place and hours of polling fixed under sub-rule (2).

64. Procedure on adjournment of poll- (1) If the poll at any polling station is adjourned under sub-rule (1) of rule 63 the provisions of rules 59 to 62 shall, as far as practicable, apply as if the poll was closed at the hour fixed in that behalf under rule 16.

(2) When an adjourned poll is recommenced under sub-rule (2) of rule 63, the electors who have already voted at the poll so adjourned shall not be allowed to vote again.

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

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

(5) The provisions of rules 45 to 62 shall apply in relation to the conduct of an adjourned poll as they apply in relation to the poll before it was so adjourned.

65. Fresh poll 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 poll at that polling station or place cannot be ascertained; or

(b) any such error 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 the Commission and the district election officer.

(2) Thereupon the Commission shall, after taking all material circumstances into account either-

(a) declare the poll at that polling station to be void, appoint a day, and fix the hours, for taking a fresh poll at the polling station and notify the day so appointed and the hours so fixed in such manner as it 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 it may deem proper for the further conduct and completion of the election.

(3) The provisions of these rules or orders made thereunder shall apply to every such fresh poll as they apply to the original poll.

66. Adjournment of poll or countermanding of election on the ground of booth capturing - (1) If at any election-

(a) booth capturing has taken place at a polling station in such a manner that the result of the poll at that polling station 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 that place cannot be ascertained,

the returning officer shall forthwith report the matter to the Commission and the district election officer.

(2) The Commission shall, on the receipt of a report from the returning officer under sub-rule (1) and after taking all material circumstances into account, either-

- (a) declare the poll at that polling station to be void, appoint a day and fix the hours for taking fresh poll at that polling station 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 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 constituency.

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

- (a) seizure of a polling station by any person or persons, making polling authorities surrender the ballot papers and doing of any other act which affects the orderly conduct of elections;
- (b) taking possession of a polling station by any person or persons and allowing only his or their own supporters to exercise their right to vote and preventing others from free exercise of their right to vote ;
- (c) coercing or intimidating or threatening directly or indirectly any elector and preventing him from going to the polling station 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 and the doing of anything which affects orderly counting of votes;
- (e) doing by any person in the service of the 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.

CHAPTER X - COUNTING OF VOTES

67. **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 places where the counting of votes will be done and the date and time at which the counting will commence and shall give notice of the same in writing to each candidate or his election agent:

Provided that if for any reason the returning officer finds it necessary so to do, he may alter the date, time and place or places so fixed, or any of them, after giving notice of the same in writing to each candidate or his election agent.

68. Admission to the place fixed for counting - (1) The returning officer shall exclude from the place fixed for counting of votes all persons except -

- (a) such persons to be known as counting supervisors and counting assistants as he may appoint to assist him in the counting;
- (b) persons authorized by the Commission;
- (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 as counting supervisor or counting assistant.

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

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

69. Maintenance of secrecy of voting.- The returning officer shall, before he commences the counting, read out the provisions of rule 101 to such persons as may be present.

70. Counting of votes received by post.- (1) The returning officer shall first deal with the postal ballot papers in the manner hereinafter provided.

(2) No cover in Form 24 received by the returning officer after the expiry of the time fixed in that behalf shall be opened and no vote contained in any such cover be counted.

(3) The other covers shall be opened one after another and as each cover is opened, the returning officer shall first scrutinize the declaration in Form 22 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 or the ballot paper as entered in it differs from the serial number endorsed on the cover in Form 23, 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 24 and all such covers in Form 24 shall be kept in a separate packet which shall be sealed and on which shall be recorded the name of the constituency, the date of counting and a brief description of its content.

(6) The returning officer shall then place all the declarations in Form 22 which he has found to be in order in a separate packet which shall be sealed before any cover in Form 23 is opened and on which shall be recorded the particulars referred to in sub-rule (5).

(7) The covers in Form 23 not already dealt with under the foregoing provisions of this rule shall then be opened one after another and the returning officer shall scrutinize each ballot paper and decide the validity of the vote recorded thereon.

(8) A postal ballot paper shall be rejected -

- (a) if it bears any mark (other than the mark to record the vote) or writing 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 one ; 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 ; or
- (f) 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 23 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 of such of the candidates, their election agent or counting agents as may desire to affix their seals thereon and on the packet so sealed shall be recorded the name of the constituency, the date of counting and a brief description of its contents.

71. **Scrutiny and opening of ballot boxes.**- (1) The returning officer may have the ballot box or boxes used at more than one polling station opened and the ballot papers found in such box or boxes counted simultaneously.

(2) 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 of such other seal as might have been affixed thereon and to satisfy themselves that it is intact.

- (3) The returning officer shall satisfy himself that none of the ballot boxes has in fact been tampered with.
- (4) 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 65 in respect of that polling station.

72. Counting of votes. (1) The ballot papers taken out of each ballot box shall be arranged in convenient bundles and scrutinized.

- (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 or, to indicate the vote, it bears a mark elsewhere than on or near the symbol of one of the candidates on the face of the ballot paper or, it bears a mark made otherwise than with instrument supplied for the purpose, or
 - (c) if votes are given on it in favour of more than one candidates, or
 - (d) if the mark indicating the vote thereon is placed in such manner as to make it doubtful to which candidate the vote has been given, or
 - (e) if it is 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, as the case may be, design, of the ballot papers authorized 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 provisions of sub-rule (1) of rule 53:

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 sub-rule (2), the returning officer shall allow each counting agent present a reasonable opportunity to inspect the ballot paper but shall not allow him to handle it or any other ballot paper.
- (4) The returning officer shall endorse on every ballot paper which he rejects the word "Rejected" and the ground 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 as one valid vote:

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

(7) After the counting of all ballot papers contained in all the ballot boxes used at a polling station has been completed, -

(a) the counting supervisor shall fill in and sign Part II-Result of Counting, in Form 29, which shall also be signed by the returning officer; and

(b) the returning officer shall make the entries in a result sheet in Form 30 and announce the particulars.

73. 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 up 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 constituency;

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

(c) the date of counting.

74. 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 as may desire to affix their seals and take sufficient precaution for their safe custody during such intervals.

75. Destruction, loss etc. of ballot papers at the time of counting.- (1) If at any time before the counting of votes is completed any ballot papers used at a polling station are unlawfully taken out of the custody of the returning officer or are accidentally or intentionally destroyed or lost or are damaged or tampered with, to such an extent that the result of the poll at that polling station can not be ascertained, the returning officer shall forthwith report the matter to the Commission.

(2) Thereupon, the Commission shall, after taking all material circumstances into account, either-

(a) direct that the counting of votes shall be stopped, declare the poll at that polling station to be void, appoint a day, and fix the hours, for taking a fresh poll at that polling station and notify the date so appointed and hours so fixed in such manner as it 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, issue such directions to the returning officer as it may deem proper for the resumption and completion of the counting and for the further conduct and completion of the election in relation to which the votes have been counted.

(3) The provisions of these Rules or orders made thereunder shall apply to every such fresh poll as they apply to the original poll.

76. Recommencement of counting after fresh poll.- (1) If a fresh poll is held under rule 75, 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 of which notice has been previously given to the candidates and their election agents.

(2) The provisions of rules 72 and 73 shall apply so far as may be to such further counting.

77. Re-count of votes.- (1) After the completion of the counting, the returning officer shall record in the result sheet in Form 30 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 agents may apply in writing to the returning officer to re-count the votes either wholly or in part stating the grounds on which the demands such re-count.

(3) On such 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 re-count of the votes either wholly or in part, he shall-

(a) do the re-counting in accordance with rule 70 or rule 72, as the case may be ;

(b) amend the result sheet in Form 30 to the extent necessary after such re-count; 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 30 and no application for a re-count shall be entertained thereafter:

Provided that no step under this sub-rule shall be taken on the completion of the counting until the candidate and election agents present at the completion thereof have been given a reasonable opportunity to exercise the right conferred by sub-rule(2).

78. Declaration of result of election.- (1) The returning officer shall declare the candidate to whom largest number of valid votes have been given to be elected:

Provided that where 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 forthwith decide between those candidates by lot, and proceed as if the candidate on whom the lot falls had received an additional vote.

(2) The declaration of result shall be in Form 31 or 32 as the case, and signed copies thereof shall be sent to the Government, the Commission and the district election officer.

79. **Grant of certificate of election to returned candidate.** - As soon as may be after a candidate has been declared to be elected, the returning officer shall grant to such candidate a certificate of election in Form 33 and obtain from the candidate an acknowledgement of its receipt duly signed by him and immediately send the acknowledgement to the chief executive officer of the district council.

80. **Return of election.**- The returning officer shall complete and certify the return of election in Form 34 and signed copies thereof shall be sent to the Commission and the district election officer.

CHAPTER XI CUSTODY AND DISPOSAL OF BALLOT BOXES AND ELECTION PAPERS

81. **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 Commission may direct.

- (2) The district election officer shall keep in safe custody-
- (a) the packets of unused ballot papers with counterfoils attached thereto;
 - (b) the packets of used ballot papers whether valid, tendered or rejected;
 - (c) the packets of the counterfoils of used ballot papers;
 - (d) the packets of the marked copy of the electoral roll;
 - (e) the packets of the declarations by electors and the attestation of their signatures; and
 - (f) all other papers relating to the election.

82. **Production and inspection of election papers.**- (1) While in the custody of the district election officer -

- (a) the packets of unused ballot papers with counterfoils attached thereto;
- (b) the packets of used ballot papers whether valid, tendered or rejected;
- (c) the packets of the counterfoils of used ballot papers;
- (d) the packets of the marked copy of the electoral roll; and
- (e) the packets of the declarations by electors and the attestation of their signatures;

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.

(2) Subject to such conditions and to the payment of such fee as the 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 of election referred to in rule 80 shall be furnished by the returning officer, district election officer or the Commission on payment of a fee of two rupees for each copy.

83. Disposal of election papers.- Subject to any direction to the contrary given by the 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 be destroyed in such manner as the Commission may direct;

(b) the other packets referred to in sub-rule (1) of rule 82 shall be retained for a period of one year and shall thereafter be destroyed;

Provided that packets containing the counterfoils of used ballot papers shall not be destroyed except with the previous approval of the Commission;

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

CHAPTER XII DISPUTES REGARDING ELECTIONS

84. Definitions :- In this chapter unless the context otherwise requires:-

(a) 'candidate' means a person who has been or claims to have been duly nominated as a candidate at any election;

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

(c) 'electoral right' means the right of a person to stand or not to stand as, or to withdraw or not to withdraw from being, a candidate, or to vote or refrain from voting at an election;

(d) 'pleader' means any person entitled to appear and plead for another in a civil court and includes an advocate, a wakil and an attorney of a High Court;

(e) 'returned candidate' means a candidate who has been declared elected by the returning officer.

85. Additional contents of petition.- (1) Where the petitioner alleges any corrupt practice, an election petition shall, in addition to complying with the provisions of section 14 of the Act, also set forth full particulars of that corrupt practice including as full a statement as possible of the names of the parties alleged to have committed such corrupt practice and the date and place of the commission of each corrupt practice.

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

86. Petition to be dismissed.- If the provisions of section 14 of the Act or of these rules are not complied with, the Court shall dismiss the petition:

Provided that the petition shall not be dismissed without giving the petitioner an opportunity of being heard.

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

(2) Any candidate not already a respondent shall, upon an application made by him to the Court within fourteen days from the date of commencement of the trial, and subject to any order as to security for costs which may be made by the Court, be entitled to be joined as a respondent.

88. Appearance before the Court.- Any appearance, application or act before the Court may be made or done by the party in person or by a pleader duly appointed on his behalf:

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

89. Powers of the Court.- The Court shall have the powers which are vested in a civil court when trying a suit in respect of the following matters.-

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

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

91. Secrecy of voting not to be infringed.- No witness or other person shall be required to state for whom he has voted at an election.

92. Order as to costs.- The court may, while making an order under section 18 of the Act, also fix thereby the total amount of costs payable and specify the persons to whom the costs shall be paid.

93. Grounds on which an election may be called in question. - The election of a returned candidate may, besides being called in question on any one or more of the grounds specified in section 16 of the Act, also be called in question on the ground:-

- (a) that any corrupt practice has been committed by a returned candidate or his election agent or by any other person with the consent of a returned candidate or his election agent; or
- (b) that the result of the election, in so far as it concerns a returned candidate has been materially affected by any corrupt practice committed in the interests of the returned candidate by a person other than that candidate or his election agent or any other person with the consent of a returned candidate or his election agent:

Provided that if in the opinion of the Court, a returned candidate has been guilty by an agent, other than his election agent, of any corrupt practice but the Court is satisfied:

- (a) that no such corrupt practice was committed at the election by the candidate or his election agent, and every such corrupt practice was committed contrary to the orders, and without the consent, of the candidate or his election agent;
- (b) that all such corrupt practices were of a trivial and limited character or took the form of customary hospitality which did not affect the result of the election;
- (c) that the candidate and his election agent took all reasonable means for preventing the commission of corrupt practices at the election; and
- (d) that in all other respects the election was free from any corrupt practice on the part of the candidate or any of his agents; then the Court may decide that the election of the returned candidate is not void.

94. **Communication of order to the Governor and transmission of the records of the case:-** The court shall, after announcing the order made by it under section 18 of the Act, send a copy of the order and records of the case to the Governor.

95. **Deposit of security :-** (1) The petitioner shall enclose with the petition a Government Treasury receipt showing that a deposit of two hundred and fifty rupees has been made by him in a Government Treasury in favour of the Secretary to the Government in the Hills Department as security for the costs of the petition.

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

96. **Costs.-** Costs, including pleader's fee, shall be in the discretion of the Court and shall be paid out of the security deposit provided for in rule 95.

CHAPTER XIII CORRUPT PRACTICES AND ELECTORAL OFFENCES

97. **Corrupt practices.-** The following shall be deemed to be corrupt practices for the purposes of these Rules-

(1) Bribery, that is to say, (A) any gift offer or promise by a candidate or his agent or by any other person of any gratification to any person whomsoever with the object, directly or indirectly, of inducing-

- (i) a person to stand or not to stand as, or to withdraw from being a candidate at an election,
- (ii) an elector to vote or refrain from voting at an election, or as reward to :-
 - (a) a person for having so stood or not stood or for having withdrawn his candidature, or for having retired from contest, or
 - (b) an elector for having voted or refrained from voting.

- (13) the receipt of, or agreement to receive, any gratification, whether as a motive or a reward-
- (a) by a person for standing or not standing as or for withdrawing from being a candidate; or
 - (b) by any person whomsoever for himself or any other person for voting or refraining from voting, or inducing or attempting to induce any elector to vote or refrain from voting, or any candidate to withdraw or not to withdraw his candidature.

Explanation - For the purposes of this clause the term gratification is not restricted to pecuniary gratifications or gratifications estimable in money, and it includes all forms of entertainment and all forms of employment for reward.

- (2) Undue influence, that is to say, any direct or indirect interference or attempt to interfere on the part of a candidate or his agent or of any other person with the free exercise of any electoral right:

Provided that:-

- (i) without prejudice to the generality or the provisions of this clause and such person as is referred to therein who
 - (a) threatens any candidate, or any elector or any person in whom a candidate or any elector is interested, with injure of any kind including social ostracism and excommunication or expulsion from any caste or community; or
 - (b) induces or attempts to induce a candidate or an elector to believe that he, or any person in whom he is interested, will become or will be rendered an object of divine displeasure or spiritual censure; shall be deemed to interfere with the free exercise of the electoral right of such candidate or elector within the meaning of this clause;
 - (ii) a declaration of public policy or a promise of publication or the mere exercise of a legal right without intent to interference with an electoral right, shall not be deemed to be interfere within the meaning of this clause.
- (3) the appeal by a candidate or his agent or by any other person, to vote or refrain from voting on grounds of cast, race, community or religion or the use of, or appeal to, religious symbols, or the use of or appeal to national symbols, such as the national flag or the national emblem for the furtherance of the prospects of that candidate's election.
- (4) The promotion of, or attempts to promote, feelings of enmity or hatred between different classes of the citizens of India or grounds of religion, race caste, Community or language, by a candidate or his agent or any other person with the consent of a candidate or his election agent for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate.

(5) The publication by a candidate or his agent or by any other person of any statement of fact which is false, and which he either believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate or in relation to the candidature, or withdrawal or retirement from contest, of any candidate, being a statement reasonably calculated to prejudice the prospects of that candidate's election.

(6) The hiring or procuring, whether on payment or otherwise, of any vehicle or vessel by a candidate or his agent or by any other person, with the consent of a candidate or his election agent for the conveyance of any elector (other than the candidate himself, the members of his family or his family or his agent) to or from any polling station;

Provided that the hiring of a vehicle by an elector or by several electors at their joint costs for the purpose of conveying him or them to and from any such polling station shall not be deemed to be corrupt practice under this clause if the vehicle or vessel or hired in a vehicle or vessel not propelled by mechanical power.

Provided further that the use of any public transport vehicle or vessel of any tramcar or railway carriage by and elector at his own cost for the purpose of going to or coming from any such polling station shall not be deemed to be a corrupt practice under this clause.

Explanation :- In this clause the expression "vehicle" means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise and whether used for drawing other vehicles or otherwise.

(7) The obtaining or procuring or abetting or attempting to obtain or procure by a candidate or his agent or, by any other person, any assistance (other than the giving of vote) for the furtherance or the prospects of that candidate's election, from any person in the service of the Government and belonging to any of the following classes, namely:-

- (a) gazetted officers;
- (b) stipendiary judges and magistrates;
- (c) members of the armed forces of the Union;
- (d) members of the police forces;
- (e) excise officers;
- (f) revenue officers and other persons in the service of the Government whose duty is to collect land revenue; and
- (g) such other class of persons in the service of the Government as may be notified by the Governor.

Explanation :- (1) In this rule the expression "agent" includes as election agent, a polling agent and any person who is held to have acted as an agent in connection with the consent of the candidate.

(2) For purposes of the prospects of clause (7) a person shall be deemed to assist in the furtherance of the prospects of a candidate's election if he acts as an election agent or polling agent or a counting agent of that candidate.

98. Promoting enmity between classes in connection with election: - Any person who is connection with an election under these rules- promotes or attempts to promote on grounds of religion, race, caste, community or language, feeling or enmity or haked between different classes of the citizens of India shall be punishable with fine which may extend to one hundred rupees.

99. Public meetings on election day- (1) No person shall convene or hold or attend any public meeting within any polling area during the period of forty-eight hours ending with the hour fixed for the conclusion of the poll for an election in that polling area.

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

100. Disturbance at election meeting.- (1) Any person who at a public meeting to which this rule applies, acts or incites others to act, in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called, shall be punishable with fine which may extend to one hundred rupees.

(2) This rule applies to any public meeting of a political character held in any constituency between the date of the issue of a notification calling upon the constituency to elect a member or members and the date of which such election is held.

(3) If any police officer reasonably suspects any person of committing an offence under sub-rule (1) he may, if requested so to do by the chairman of the meeting require that person to declare to him immediately his name and address and, if that person refuses or fails so to declare his name and address, or if the police officer reasonably suspects him of giving a false name or address, the police officer may arrest him without warrant.

101. Maintenance of secrecy of voting :- (1) Every officer, clerk, agent or other person who performs any duty in connection with the recording or counting of votes at an election shall maintain and aid in maintaining, the secrecy of the voting and shall not (except for some purpose authorized by or under any law) communicate to any person any information calculated to violate such secrecy.

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

102. Officers, etc. at election not to act candidate for or to influence voting.- (1) No person who is in the service of the Government or a District Council or any other local body whether not connected with the conduct or management of the election, shall do any act (other than the giving of vote, for the furtherance of the prospects of the election of a candidate).

(2) No such person as aforesaid, shall endeavour:-

- (a) to persuade any person to give his vote at an election, or
- (b) to dissuade any person from giving his vote at an election, or
- (c) to influence the voting of any person at an election in any manner.

(3) Any person who contravenes the provision of sub-rule (1) or sub-rule (2) shall be punishable with fine which may extend to one hundred rupees, apart from any other lawful action which may be taken against him.

103. Canvassing in or near polling stations :- (1) No person shall on the date or dates on which a poll is taken at any polling station, commit any one of the following acts within the polling station or in any public or private places within a distance of one hundred yards of the polling station, namely:-

- (a) canvassing for votes; or
- (b) soliciting the vote of any elector; or
- (c) persuading any elector not to vote for any particular candidate; or
- (d) persuading any elector not to vote at the election; or
- (e) exhibiting any notice or sign (other than an official notice) relating to the election.

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

104. Disorderly conduct in or near polling stations:- (1) No person shall, on the date or dates on which a poll is taken at any polling station :-

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

(b) shout, or otherwise act in a disorderly manner, within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof.

so as to cause annoyance to any person visiting the polling station for the poll, or so as to interfere with the work of the officers and other persons on duty at the polling station.

(2) Any person who contravenes, or wilfully aids or abets the contravention of the provisions of sub-rule (1) shall be punishable with fine which may extend to one hundred rupees.

(3) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under this rule, he may direct any police officer to arrest such person, and thereupon the police officer shall arrest him.

(4) Any police officer may take such steps, and use such force, as may be reasonable necessary for preventing any contravention of the provisions of sub-rule (1), and may seize any apparatus used for such contravention.

105. Penalty for misconduct at the polling station: - (1) Any person who during the hours fixed for the poll at any polling station misconducts himself or fails to obey the lawful directions of the presiding officer may be removed from the polling station by the presiding officer or by any police officer on duty or by any person authorized in this behalf by such presiding officer.

(2) The power conferred by sub-rule (1) shall not be exercised so as to prevent any elector who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

(3) If any person who has been so removed from a polling station re-enters the polling station without the permission of the presiding officer, he shall be punishable with fine which may extend to one hundred rupees.

106. Penalty for illegal hiring or procuring of conveyances at election: - If any person is guilty of any such corrupt practice as is specified in clause (6) of rule 97 at or in connection with an election, he shall be punishable with fine which may extend to one hundred rupees.

107. Breaches of official duty in connection with election :- (1) If any person to whom this rule applies is without reasonable cause guilty of any act or omission in breach of his official duty he shall be punishable with fine which may extend to one hundred rupees.

(2) No suit or other legal proceedings shall lie against any such person for damages in respect of any such act or omissions as aforesaid some departmental proceedings which may be conducted under the concerned service rules;

3) The persons to whom this rule applies are the returning officers, assistant returning officers, presiding officers, polling officers and any other person appointed to perform any duty in connection with the receipt of nominations or withdrawal of candidature, or the recording or counting of votes at an election; and the expression 'official duty' shall for the purpose of this rule be construed accordingly, but shall not include duties imposed otherwise than under these rules.

108. Removal of ballot papers from polling station :- (1) Any person who at any election fraudulently takes or attempts to take, a ballot paper out of a polling station, or wilfully aids or abets the doing of any such act, shall be punishable with fine which may extend to one hundred rupees.

(2) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under sub-rule (1) such officer may, before such person leaves the polling station arrest or direct a police officer to arrest such person and may search person or cause him to be searched by a police officer.

Provided that when it is necessary to cause a woman to be searched, the search shall be made by another woman with strict regard to decency.

(3) Any Ballot Paper found upon the person arrested on search shall be made over for safe custody to a police officer by the presiding officer, or when the search is made by a police officer shall be kept by such officer in safe custody.

109. Other Offences.- (1) A person shall be guilty of an electoral offence if at any election he:-

- a) fraudulently defaces or fraudulently destroys any nomination paper; or
- b) fraudulently defaces, destroys or removes any notice or other document affixed by or under the authority of a returning officer; or
- c) fraudulently defaces or fraudulently destroys any ballot paper or the distinguishing mark on any ballot papers; or
- d) without due authority supplies any ballot paper to any person or receives any ballot paper from any person or is in possession of any ballot paper; or

- c) fraudulently puts into any ballot box anything other than the ballot paper which he is authorized by law to put in; or
 - f) without due authority destroys, takes opens or otherwise interferes with any ballot box or ballot papers then in use for purpose of the election;
 - g) fraudulently or without due authority, as the case may be, attempts to do any of the foregoing acts or wilfully aids or abet the doing of any such acts.
- (2) Any person guilty of an electoral offence under this rule shall be punishable with fine which may extend to one hundred rupees.

CHAPTER XIV- BY ELECTIONS

110. Casual vacancies in the District Council- (1) When the seat of a member elected to the District Council becomes vacant or when his election to that Council is declared by the Court to be void but no order is made by the Court declaring any other candidate to have been duly elected in that seat, the Commission shall, in consultation with the Government, by a notification published in the Official Gazette, call upon the constituency concerned to elect a person for the purpose of filling the vacancy so caused before such date as may be specified in the notification, and the provisions of these Rules shall apply, as far may be, in relation to the election of a member to fill such vacancy.

(1) Notwithstanding anything contained in sub-rule (1), a bye-election for filling a vacancy referred to therein shall be held within a period of six months from the date of occurrence of the vacancy :

Provided that nothing contained in this sub-rule shall apply if -

- (a) the remainder of the term of a member in relation to a vacancy is less than one year ; or
- (b) the Commission in consultation with the Government certifies that it is difficult to hold the by-election within the said period.

CHAPTER XV- MISCELLANEOUS

111. Extension of time for completion of election - It shall be competent for the Commission for reasons which it considers sufficient, to extend the time for the completion of any election by making necessary amendments in the notification issued by it under rule 16.

112. Staff of certain authorities to be made available for election work.- (1) The authorities specified in sub-rule (2) shall, when so requested by the State Government, make available to any district election officer such staff as may be necessary for the performance of any duties in connection with an election.

- (2) The following shall be the authorities for the purpose of sub-rule(1), namely:-
- (i) every local authority
 - (ii) every university established or incorporated by or under a Central or State Act,
 - (iii) a Government company as defined in rule 617 of the Companies Act, 1956 (1 of 1956);

- (iv) any other institution, concern or undertaking which is established by or under a Central or State Act or which is controlled, or financed wholly or substantially by funds provided directly or indirectly, by the Central Government or a State Government.

113. Requisitioning of premises, vehicles etc. for election purposes.- (1) If it appears to a district election officer that in connection with an election held within the autonomous district.-

- (a) any premises are needed for the purpose of being used as a polling station or for the storage of ballot boxes after a poll has been taken, or
- (b) any vehicle or vessel is needed or is likely to be needed for the purpose of transport of ballot boxes to or from any polling station, or transport of members of the police force for maintaining order during the conduct of such election, or transport of any officer or other person for performance of any duties in connection with such election; that district election officer may by order in writing requisition such premises, or such vehicle or vessel, as the case may be, and may make such further orders as may appear to him to be necessary or expedient in connection with the requisitioning:

Provided that no vehicle or vessel which is being lawfully used by a candidate or his agent for any purpose connected with the election of such candidate shall be requisitioned under this sub-rule until the completion of the poll at such election.

(2) The requisition shall be effected by an order in writing addressed to the person deemed by the district election officer to be the owner or person in possession of the property, and such order shall be served -

- (a) where the person to whom such order is addressed is a corporation or firm in the manner provided for the service of summons in rule 2 of Order XXIX or rule 3 of Order XXX, as the case may be, in the First Schedule to the Code of Civil Procedure, 1908 (Act V of 1908); and

(b) where the person to whom such order is addressed is an individual-

(i) personally by delivering or tendering the order, or

(ii) by registered post, or

(iii) if the person cannot be found, by leaving an authentic copy of the order with any adult member of his family or by affixing such copy to some conspicuous part of the premises in which in which he is known to have last resided or carried on business or personally worked for gain.

(3) Whenever any property is requisitioned under this rule (1), the period of such requisition shall not extend beyond the period for which such property is required for any of the purposes mentioned in that sub-rule.

(4) Whenever the district election officer requisitions any vehicle or vessel, there shall be paid to the owner thereof compensation the amount of which shall be determined by the District Election Officer on the basis of the fares or rates prevailing in the locality for hire of such vehicle or vessel.

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114. **Grant of paid holiday to employees on the day of poll.**- Every person employed in any business, trade, industrial undertaking or any other establishment and entitled to vote at an election to a District Council shall, on the day of poll, be granted a holiday without deduction or abatement of the wages of any such person on account of the holiday

115. **Return or forfeiture of candidate's deposit.**- (1) The deposit made under rule 21 shall either be returned to the person making it or his legal representative or the forfeited to the Government in accordance with the provisions of this rule.


(2) Except in cases hereafter 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 publication of the list or after his death, 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 by all the candidates.

116. **Repeal of the 1972 Rules** - On the enforcement of these Rules, the Manipur Autonomous District Councils (Election of Members) Rules, 1972 shall stand repealed.

By Orders & in the name of Governor,


L. P. GONMEI,
Principal Secretary (Hills),
Government of Manipur.