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**ANDAMAN AND NICOBAR ADMINISTRATION  
( SECRETARIAT )**

**THE ANDAMAN AND NICOBAR ISLANDS (MUNICIPAL)  
(PREPARATION OF ELECTORAL ROLLS AND CONDUCT OF ELECTIONS)  
RULES, 1995**

**Made under  
THE ANDAMAN AND NICOBAR ISLANDS (MUNICIPAL)  
REGULATION  
1994 ( 5 Of 1994 )**

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ANDAMAN AND NICOBAR GAZETTE  
EXTRAORDINARY

Published by Authority

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No. 59/95, Port Blair, Tuesday the 28<sup>th</sup> March, 1995

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ANDAMAN AND NICOBAR ADMINISTRATION  
SECRETARIAT

Port Blair, the 28<sup>th</sup> March, 1995

NOTIFICATION

No. 59/95.F.No. 19-24/94-Rev.(LSG) WHEREAS the Draft Andaman and Nicobar Islands (Municipal) (Preparation of Electoral Rolls and Conduct of Elections) Rules, 1995 were published in the official Gazette inviting suggestions/objections from the general public within 15 days from the date of their publication vide Notification No.F.No. 19-24/94-H&R(LSG) dated 22<sup>nd</sup> February, 1995:

AND WHEREAS the suggestions/objections received in the matter have been considered by me;

NOW, THEREFORE, in exercise of the powers conferred under section 203 of the Andaman and Nicobar Islands (Municipal) Regulation, 1994(No.5 of 1994 ), I, Vakkom Purushothaman, Lieutenant Governor (Administrator), Andaman and Nicobar Islands, hereby make the following Rules with immediate effect:-

THE ANDAMAN AND NICOBAR ISLANDS(MUNICIPAL) (PREPARATION OF ELECTORAL ROLLS AND CONDUCT OF ELECTIONS) RULES, 1995.

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CHAPTER - I

1. Short title and commencement: (1) these rules may be called the Andaman and Nicobar Islands (Municipal) (Preparation of Electoral Rolls and Conduct of Elections) Rules, 1995.
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(2) These rules shall come into force at once.

2. **Definitions :** In these rules, unless there is anything repugnant in the subject or context---

- (1) "ballot box" include any box, bag or other receptacle used for the insertion of ballot paper by voters;
- (2) "Candidate" means a candidate for election as a member of the Municipal Council;
- (3) "Commission" means the Election Commission appointed under section 185 of the Andaman and Nicobar Islands (Panchayats) Regulation, 1995
- (4) "counterfoil" means the counterfoil attached to a ballot paper printed under the provisions of these rules;
- (5) "Deputy Commissioner" means the Deputy Commissioner of the District in which the Municipal Council is situated;
- (6) "District Magistrate" means the District Magistrate of the Andaman District;
- (7) "elector" means a person whose name is entered in the electoral roll of a ward for the time being in force and who is not subject to any of the disqualifications for voting;
- (8) "Form" means a Form appended to these rules and includes a translation thereof in the language or any of the languages in which the electoral roll is prepared;
- (9) "marked copy of the electoral roll" means the copy of the electoral roll set apart for the purpose of marking the names of electors to whom ballot papers are issued at an election;
- (10) "order" means an order published in the official Gazette;
- (11) "person" does not include a body of persons;
- (12) "Presiding Officer" means any person appointed as such under these rules and includes any polling officer performing any of the functions of a presiding officer under these rules;
- (13) "public holiday" means any day which is a public holiday for the purposes of section 25 of the Negotiable Instruments Act, 1881 (26 of 1881)

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(14) "Regulation" means the Andaman and Nicobar Islands (Municipal) Regulation, 1995;

(15) "Returning Officer" means any person appointed by the Commission to discharge the functions of the returning officer under these rules;

(16) "roll" means the electoral roll for a ward;

(17) "section" means a section of a Regulation;

(18) "ward" means a ward referred to in rule 5;

(19) "voter" in relation to a ward means a person whose name is for the time being entered in the electoral roll of that ward;

## CHAPTER-II NAME OF MUNICIPALITY AND NUMBER OF SEATS

3. **Name of the Municipality:** The Municipality constituted under section 7 shall be called "Port Blair Municipal Council"
4. **Total number of seats in the Municipal Council:** Subject to the provisions of the section 9, the total number of seats in the Municipal Council shall be such as may be determined by the Administrator by an order, published in the official Gazette.

## CHAPTER- III

### DELIMITATION OF WARDS

5. **Delimitation of wards:** (1) As soon as may be after the notification determining the number of seats in the Municipal Council under rule 4 by the Administrator is issued, the Commission shall divide the Municipal area into wards in the manner prescribed in sub-section (1) of section 9.  
(2) The area included in each ward shall, as far as practicable, be geographically compact and in delimiting it regard shall be had to physical features, existing boundaries of administrative units, facilities of communication, public convenience, and such other factors as the Commission may think fit.  
(3) The seats reserved for women under sub-section(5) of section 9 shall be rotated by draw of lots by the Commission so that it is ensured that seats are so reserved in all the wards atleast once during the three consecutive general elections.

6. **Publication of order of Delimitation of Wards:** (1) The commission shall -

- (a) publish its proposals for the delimitation of wards in the official Gazette and in such other manner as it thinks fit inviting suggestions and objections in this regard by a specified date;
- (b) consider all objections and suggestions received by it by the date so specified, giving, if the commission considers it necessary, an opportunity to the person concerned for being heard.
- (2) The Commission shall thereafter by one or more orders determine the delimitation of wards and shall cause the same to be published in the official Gazette and in such other manner as it thinks fit.
- (3) Nothing in this rule shall affect the representation in the Municipal Council, until its dissolution, existing on the date of publication in the official Gazette of the final order or orders of the Commission and any casual election to fill any vacancy in such Municipal Council shall be held as if no such order had been made.
- (4) The Commission may, from time to time, by notification in the Official Gazette correct any printing mistake in any of the order made by it under this rule or any error therein from an inadvertent slip or omission.

7. **Public Inspection:** An order published under rule 6 shall remain available for public inspection free of charge for a period of ten days from the date of such publication.

8. **Copies and Extracts:** A person shall have the right to inspect such orders and to get an attested copy of any entry or extracts therefrom or get copy of the order or orders in such manner and on payment of such fee as may be fixed by the Commission.

**CHAPTER IV.**

9. **Electoral roll for every ward:** After the delimitation of wards, under chapter III of these rules, the Commission shall, under its superintendence, direction and control, cause to be prepared in accordance with the provisions of the Regulation and the rules contained in this Chapter the electoral roll for each ward.

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10. **Inclusion of names in the electoral rolls:** (1) Such part of the electoral rolls of the Andaman and Nicobar Islands House of the people constituency prepared under the Representation of People Act, 1965, and the rules made thereunder, for the time being in force, as is comprised in the relevant ward shall be the electoral roll of that ward subject to the provisions of the Andaman and Nicobar Islands (Municipal) Regulation, 1994. Appropriate alteration in the arrangement, serial numbering and the headings of the rolls shall be made.

(2) The rolls shall be divided into such convenient parts as the Commission may direct.

11. **Electoral Registration Officer and Director of Municipal Elections:**

(1) The roll for each ward shall be prepared by an Electoral Registration Officer who shall be such officer of the Administration or of a local authority, as the Commission may, in consultation with the Administrator, designate or nominate in this behalf.

(2) The Commission may, in consultation with the Administrator, designate or nominate an Officer of the Administration as the Director of Municipal Elections who shall, subject to the superintendence, direction and control of the Commission, supervise the preparation of electoral rolls for, and conduct of, elections to the Municipal Council.

12. **Publication of rolls in draft:** (1) As soon as the electoral roll for a ward is prepared under rule 10, the Electoral Registration Officer shall publish it in draft together with a notice in Form I inviting suggestions and objections by making a copy thereof available for inspection at his office if it is within the ward and at such place or places in the ward, as may be specified by him for the purpose, if his office is outside the ward.

(2) The draft rolls so published under sub-rule (1) shall remain available for public inspection and for lodging suggestions and objections for a period of fifteen days from the date of such publication.

(3) The Electoral Registration Officer shall supply free of cost two copies of the roll to every political party for which a symbol has been exclusively reserved by the Commission.

13. **Suggestions and Objections:** (1) A suggestion or objection shall be presented to the Electoral Registration Officer or to such other officer as may be designated by him in this behalf or be sent by post in Form 2.

(2) It shall be presented in duplicate by the person concerned or through his authorised agent.

(3) The Electoral Registration Officer shall immediately after a suggestion or objection has been filed, issue a acknowledgement to the person filing the same.

14. **Disposal of suggestions and objections:** (1) The Electoral Registration Officer shall, as soon as may be, after the expiry of the period specified in sub-rule (2) of rule 12 consider the suggestions and objections, if any, received by him and shall pass necessary orders after recording in writing a brief statement of his reasons for acceptance or rejection of any suggestion or objection.

15. **Final publication of roll:** (1) The roll as amended under rule 14 shall be republished in Form 3 in the manner specified in sub-rule(1) of the rule 12. The roll, so published, shall be final.

16. **Custody and preservation of rolls:** (1) The Electoral Registration Officer shall be responsible for preservation of safe custody of adequate number of copies of roll and other connected papers for the conduct of elections which shall be kept until the expiration of one year after the next roll is finalised. They shall be disposed of in such manner as the Director of Municipal Elections may, subject to general or special directions, if any, as may be given by the Commission, direct.

(2) Every person shall have the right to inspect the roll and other election papers referred to in sub-rule(1) to get attested copies thereof on payment of such fee may be fixed by the Director of Municipal Elections.

Provided that the Electoral Registration Officer shall be the competent authority to whom an application shall be made and for arranging inspection or for issue of certified copies, as the case may be.

Provided further that the fee realised on this account shall be deposited by the Electoral Registration Officer in the Municipal Fund.

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## CHAPTER V

### ELECTION OF MEMBERS

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17. **Superintendence, direction and control of conduct of elections:** (1)  
The conduct of elections under this Chapter shall be under the general superintendence, direction and control of the Commission.

(2) Without prejudice to the generality of the provisions of sub-rule(1), the Commission, may, if so considers expedient, by order, direct that such of the powers, duties and functions of the returning officer under these rules, as may be specified by it in the order, shall be exercised or discharged by the presiding officer, at a polling station, subject to such restrictions and conditions as may be specified in the order.

18. **General Election:** A general election shall be held in accordance with the provisions of this Chapter for the purpose of constituting a new Municipal Council and on the expiration of its duration or of its dissolution.

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19. **Notification for general election:** The Administrator shall, by one or more notifications published in the official Gazette on such date or dates as may be recommended by the Commission, call upon all the wards to elect members in accordance with the provisions of the Regulation and of the rules and orders made thereunder:

Provided that where a general election is held otherwise than on the dissolution of the existing Municipal Council, no such notification shall be issued at any time earlier than six months prior to the date on which the duration of the Municipal Council would expire under the provisions of section 10.

20. **Returning Officers:** (1) For each ward, the Commission shall, in consultation with the Administrator, designate or nominate a returning officer who shall be an officer of the Administration or of a local authority;

Provided that nothing in these rules shall prevent the Commission from designating or nominating the same person to be Returning Officer for more than one Ward.

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(2) It shall be the general duty of the Returning Officer at any election to do all such acts and things as may be necessary for effectually conducting the election in the manner provided by the Regulation or rules or order made thereunder .

21. **Assistant Returning Officer:** (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 the Administration or of a local authority.

- (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 functions.

22. **Polling Stations:** The returning officer shall, with the previous approval of the Commission, provide a sufficient number of polling stations for every ward and shall publish, in such manner as the Commission may direct, a list showing the polling stations so provided and the polling areas or group of voters for which they have respectively been provided.

23. **Presiding Officers and Polling Officers:** (1) The returning officer shall appoint a presiding officer for each polling station and such polling officer or 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 in case of any such appointment he shall inform the returning officer accordingly;

Provided further that nothing in this sub-rule shall prevent the returning officer from appointing the same person to be presiding officer for more than one polling

- (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 is absent from the polling station, his functions shall be performed by such polling officer as has been previously authorised by the returning officer for the purpose.

- (4) 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.
- (5) It shall be the general duty of the polling officer at a polling station to assist the presiding officer for such station in the performance of his functions.

24. **Appointment of dates for nomination, etc.** As soon as the notification under rule 19 is issued, the Commission shall, by notification in the official Gazette, appoint;

- a) the last date and hours for making nominations which shall be the seventh day after the date of publication of the said notification under rule 19;
- b) The date, time and place for the scrutiny of the nominations, which shall be the day immediately following the last date for making nominations;
- c) the last date and hour for the withdrawal of the candidatures, which shall be the second day after the date for the scrutiny of nominations;
- d) the date or dates on which and the hours during 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 the candidatures; and
- e) the date before which the election shall be completed.

**Explanation:** For the purpose of clauses (a) (b) and ©, if the date or the last date is a public holiday, the next succeeding day which is not a public holiday shall be deemed to be the date or the last date, as the case may be.

25. **Public notice of election:** (1) On the issue of notification under rule 24, the returning officer shall give, in such manner as he thinks fit, public notice of the intended election in Form 4 inviting nominations of candidates for such election and specifying the place at which the nomination papers are to be delivered and also setting out a list of approved symbols which may be chosen by the candidates.

(2) The public notice under sub-rule (1) shall be published in the official Gazette and copies thereof shall be displayed at the office of the Commissioner and also of the Municipal Council, and at one or more conspicuous places within the Municipal area.

26. **Nomination of candidate for election:** Subject to the provisions of the Regulation and these rules, any person may be nominated as a candidate for election as a member.

**27. Presentation of nomination paper and requirements for a valid nomination:**

- (1) On or before the date appointed under clause (a) of rules 24, 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 25, a nomination paper completed in Form 5 clearly specifying the ward from which he proposes to contest and signed by the candidate himself as assenting to the nomination and by an elector of the wards proposer;

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

- (2) In a ward where any seat is reserved for woman, a candidate shall not be deemed to be qualified to be chosen to fill that seat unless the nomination paper contains a declaration by her that she is a woman.
- (3) Any nomination paper which is not received before three O'clock in the afternoon on the last date appointed under clause (a) of rule 24 shall be rejected.
- (4) 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.

- (5) Where the candidate is an elector of a different ward, a copy of the electoral roll of that ward or the relevant part thereof or a certified copy of the relevant entries in such roll shall be produced before the returning officer at the time of scrutiny.

- (6) Nothing in these rules 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 ward.

28. **Symbols:** (1) For the purpose of election in any constituency, the Political Parties recognised as "National Party" or "State Party" by the Election Commission of India under the Election Symbols (Reservation and Allotment) Order, 1968 shall be deemed to be the recognised Political Parties in the Union Territory and the candidates set up by those parties shall choose, and shall be allotted, the symbol reserved for the party and no other symbol.
- (2) the choice of symbols and allotment thereof shall, as far as practicable, be governed by the Election Symbols (Reservation and Allotment) Order, 1968.
- (3) Subject to any general or special direction issued by the Commission, 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 even if that nomination paper has been rejected.
- (4) Every nomination paper delivered under rule 27 by a candidate other than a candidate set up by a National Party or a State Party shall be accompanied by a declaration by the candidate in writing specifying a particular symbol which he has chosen as his first preference, within the list of symbols notified by the Commission and also specifying two other symbols out of that list which he has chosen as second and third preferences respectively.
- (5) In the event of any difficulty in allotting any of the free symbols because of over-lapping of choices, the returning officer shall decide by draw of lot to which of those candidates that free symbols shall be allowed and shall allot it to the candidate, to whom the lot falls and the free symbols specified, the returning officer shall allot any other symbol in his discretion to the remaining candidates.
29. **Deposits:** (1) A candidate shall not be deemed to be duly nominated for election from a ward unless he deposits or causes to be deposited a sum of two hundred and fifty rupee. The deposit shall be forfeited if the candidate does not secure atleast one-sixth of the total number of valid votes polled. The deposited money, if not forfeited, shall be returned to the candidate after the declaration of the result;

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

(2) Any sum required to be deposited under sub-rule(1) shall not be deemed to have been so deposited unless at the time of delivery of the nomination paper under sub-rule (1) of rule 27 the candidate has either deposited or caused to be deposited that sum with returning officer in cash or enclosed with the nomination paper a receipt showing that the said sum has been deposited by him or on his behalf in the Port Blair Branch of the State Bank of India.

**30 Printing and price of nomination forms:** The returning officer shall arrange for the supply of printed nomination forms to the candidates. The price of each nomination forms shall be such as may be fixed by the Commission.

**31. Notice of Nomination:** The returning officer shall, on receiving the nomination paper under rule 27, inform the person delivering the same 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 and 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 prepared a list of nominations received by him as per Form 6 and also 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 the candidate and of the proposer.

**32. Scrutiny of nominations:** (1) On the date fixed for the scrutiny of nominations under rule 24, the candidates their election agents, one proposer of each candidate and one other person duly authorised in writing by each candidate, but no other person, may attend, at the appointed time and place, 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 27.

(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, namely;

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

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- (b) that there has been any failure to comply with any of the provisions of the rules 27 and 29; or
- (c) that the signature of the candidate or the proposer or the nomination paper is not genuine.
- (3) Nothing contained in clause (b), or clause © of sub-rule(2) shall be deemed to authorise the rejection of the nomination of any candidate on the ground of any irregularity in respect of a nomination paper, if the candidate has been duly nominated by means of another nomination paper in respect of which no irregularity has been committed.
- (4) The returning officer shall not reject any nomination paper on the ground of any defect which is not of a substantial character.
- (5) The returning officer shall hold the scrutiny on the date appointed in this behalf under clause (b) of rule 24 and shall not allow any adjournment of the proceedings except when such proceedings are interrupted or obstructed by riot or open violence or by causes beyond his control;
- Provided that in case an objection is raised by the returning officer or is made by any other person the candidate concerned may be allowed time to rebut it not later than the next day but one following the date fixed for scrutiny, and the returning officer shall record his decision on the date to which the proceedings had been adjourned.
- (6) The returning officer shall endorse on each nomination paper his decision accepting or rejecting the same and, if the nomination paper is rejected, shall record in writing a brief statement of his reasons for such rejection.
- (7) For the purposes of this rule a certified copy of an entry in the electoral roll for the time being in force of a ward shall be conclusive evidence of the fact that the person referred to in that entry is an elector for that ward.
- (8) Immediately after all the nomination papers have been scrutinised and decisions accepting or rejecting the same have been recorded, the returning officer shall prepare a list of validly nominated candidates in Form 7, that is to say, candidates whose nomination have been found valid, and affix it on the notice board of his office. The list shall be prepared in Hindi and English languages and the names shall be arranged in an alphabetical order in Hindi

- (9) The name of every such candidate shall be shown in Form 7 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 and adopt the form and spelling in the list of contesting candidates.

33. **Withdrawal of candidature:** (1) Any candidate may withdraw his candidature by a notice in writing in Form 8. On receipt of such notice, the returning officer shall note thereon the date and time at which it was delivered.

- (2) Every notice of withdrawal of candidature under sub-rule (1) shall be subscribed by the candidate and delivered before three O'clock in the afternoon on the day fixed under clause (c) of rule 24 to the returning officer either by such candidate in person or by his proposer or election agent who has been authorised in this behalf in writing by such candidate.
- (3) No person who has given a notice of withdrawal of his candidature under sub-rule (1) shall be allowed to cancel such notice.
- (4) 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 the notice to be affixed on the notice board of his office.

34. **Publication of list of contesting candidates:**

- (1) Immediately after expiry of the period within which candidatures may be withdrawn under rule 33, the returning officer shall prepare and publish in English and Hindi languages, a list of contesting candidates, that is to say, candidates who were included in the list of validly nominated candidates and who have not withdrawn their candidature within the said period in form 9.
- (2) The said list shall contain the names in Hindi alphabetical order and the addresses of the contesting candidates as given in the nomination paper. The list shall also indicate the symbols assigned to such candidates.

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- (3) 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.
- (4) 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.
- (5) Every candidate or his election agent shall forthwith be informed of the symbol allotted to the candidate and be supplied with a specimen thereof by the returning officer.
- (6) A copy of the list of contesting candidates indicating the symbols allotted to each candidate shall be sent to the Commission and the Director of Municipal elections.

35. **Declaration of result in uncontesting election:** (1) If the number of the contesting candidate is one, the returning officer shall, forthwith declare such candidate to be duly elected to fill that seat and send signed copies of declaration to the Commission and the Director of Municipal Elections.

(2) If there is no contesting candidate, the Commission shall, by notification in the official Gazette, call upon the ward to elect a person to fill that seat;

Provided that where the ward having already been called upon under this rule has failed to elect a person to fill the vacancy, the Commission shall not be bound to call upon the ward until it is satisfied that if called upon again, there will be no such failure on the part of the ward.

36. **Appointment of election agent:** (1) A candidate at an election may appoint any one person to be his election agent in Form 10 and notice of such an 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.

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- (2) Any person who is for the time being disqualified under the Regulation for being a member of the Municipal Council shall, so long as the disqualification subsists, also be disqualified for being appointed as an election agent under sub-rule(1)
- (3) The revocation of appointment of an election agent shall be made in Form 11. Such a revocation shall be signed by the candidate and shall operate from the date on which it is lodged with the returning officer.
- (4) In the event of such a revocation or death of an election agent the candidate may, at any time before the result of election is declared, appoint another person to be his election agent in the manner specified in sub-rule(1)
- (5) An election agent may perform such functions in connection with the elections as are authorised by these rules to be performed by an election agent.
37. **Appointment of polling agents:** (1) A contesting candidate or his election agent may appoint one polling agent and two relief agents to act as polling agents of such candidate at each polling station,
- shall be made over to the polling agents for production at the polling station.
- (3) No polling agent shall be admitted into any polling station unless he has delivered to the presiding officer the instrument of his appointment under sub-rule(2) after duly completing and signing before the presiding officer the declaration contained therein.
- (4) The revocation of the appointment of a polling agent shall be in Form 13 and lodged with the presiding officer.
- (5) In the event of any such revocation or the death of polling agent, the candidate or his election agent may, at any time before the poll is closed, make a fresh appointment in the manner specified in sub-rule (2)
38. **Appointment of counting agent:** (1) A contesting candidate or his election agent may appoint one or more persons but not exceeding such number as may be determined by the returning officer, to be present as his counting agent or agents at the counting of votes, and when any such appointment is made, notice of the appointment shall be given in Form 14 in duplicate, one copy of which shall be forwarded to the returning officer while the other copy shall be made over to the counting agent for production before the returning officer not later than one hour before the time fixed for the counting of votes.

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(2) No counting agent shall be admitted into the place fixed for the counting unless he has delivered to the returning officer the second copy of the appointment order under sub-rule(1) after duly completed and signing the declaration contained therein and receiving from the returning officer an authority for entry into the place fixed for counting.

(3) The revocation of an appointment of a counting agent shall be in Form 15 and lodged with the returning officer. Any such revocation shall be signed by the candidate or his election agent and shall operate from the date on which it is lodged with the returning officer. In the event of such a revocation, or of the death of counting agent before the close of the counting, the candidate or his election agent may make a fresh appointment in accordance with this rule.

39. **Functions of polling agents and counting agents**(1) A polling agent may perform such functions in connection with the poll as are authorised by these rules to be performed by a polling agent.

(2) A counting agent may perform such functions in connection with the counting of votes as are authorised by these rules to be performed by a counting agent.

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

(1) At every election where a poll is taken each contesting candidate at such election and his election agent shall have a right to be present at any polling station.

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

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

42. Death of candidate before the poll: If a candidate-

(a) dies at any time after 11 a.m. on the last date for making nominations and his nomination is found valid on scrutiny under rule 32,

- (b) whose nomination has been found valid on scrutiny under rule 32 and who has not withdrawn his candidature under rule 33 dies and in either case, a report of his death is received at any time before the publication of the list of contesting candidates under rule 34 or
- (c) dies as a contesting candidate and a report of his death is received before the commencement of the poll, the returning officer shall upon being satisfied about the fact of the death of the candidate by order, countermand the poll and report the fact to the Commission and to the Director of Municipal Election and all proceedings with reference to the election shall be commenced anew in all respects as if for a new election.

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

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

Provided also that no person who has given a notice of withdrawal of his candidature under sub-rule (1) of rule 33 before the countermanding of the poll shall be ineligible for being nominated as a candidate for the election after such countermanding.

**43. Procedure in contested election:**

- (1) If the number of contesting candidates is more than the number of seats to be filled, a poll shall be taken.
- (2) If a poll becomes necessary the returning officer shall supply to each candidate or his election agent-

- (a) a copy of the list of contesting candidates; and
- (b) specimen of the symbol allotted to them

**44. Publication of hours fixed for polling:** The Commission shall fix the hours during which the poll will be taken and the hours so fixed shall be published by notification in the official Gazette.

Provided that the total period allotted on any one day for polling at an election in a ward shall not be less than eight hours.

**45. Voting normally to be in person.** All electors voting at an election shall do so in person at the polling station, and no vote shall be received by proxy.

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- 46. Adjournment of poll in emergencies:** (1) If at an election the proceeding 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 shall announce an adjournment of the poll to a date to be notified later, and where the poll is adjourned by a presiding officer, he shall forthwith inform the returning officer.
- (2) Whenever a poll is adjourned under sub-rule (1) the returning officer shall immediately report the circumstances to the Director of Municipal Elections and the Commission and shall, as soon as may be with the previous approval of the Commission, publish a notice appointing the day on which the poll shall re-commence from the stage at which it was left immediately before the adjournment and fix the polling station and the hour 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).
- 47. Procedure on adjournment of poll:** (1) If the poll at any polling station is adjourned under rule 46, the provisions of rules 65,66,68 and 69 shall, as far as practicable, apply as if the poll was closed at the hour fixed in that behalf under rule 44.
- (2) When an adjourned poll is recommenced under sub-rule (2) of rule 46 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 51 to 69 shall apply in relation to the conduct of an adjourned poll as they apply in relation to the poll before it was so adjourned.

48. **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 counting cannot be ascertained;
- the returning officer shall forthwith report the matter to the Commission.
- (2) The Commission shall, on receipt of a report from the returning officer under sub-rule (1) and after taking all material circumstances into account, either -
- (a) declare that the poll at that polling station 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 ward.

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

- (i) seizure of a polling station fixed for the poll by any person or persons, making polling authorities surrender the ballot papers and doing of any other act which affects the orderly conduct of an election;
- (ii) taking possession of a polling station fixed for the poll by any person or persons and allowing only his or their own supporters to exercise their right to vote and prevent others from voting;
- (iii) threatening any elector and preventing him from going to the polling station fixed for the poll to cast his vote;
- (iv) 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 the orderly counting of votes;

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

49. **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 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

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

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

(b) If satisfied that the result of fresh a poll at that polling station will not, in any way, affect the result of the election of that ward 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 the Regulation and these rules made thereunder shall apply to every fresh poll as they apply to the original poll.

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

51. **Form of ballot papers:** (1) Every ballot paper shall have a counterfoil shall be in such form and the particulars therein shall be in the language or languages 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 in the list of contesting candidates.

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

**52. 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 elector so entitled; and
  - (b) a copy of the list contesting candidates
- (2) At each polling station, there shall be set up one or more voting compartments in which the electors can record their votes screened from observation.
- (3) The returning officer shall provide at each polling station a sufficient number of ballot boxes, copies of the relevant part of the electoral roll, ballot papers, instruments for stamping the distinguishing mark on ballot papers and articles necessary for electors to mark the ballot papers and such other materials, as are necessary for the conduct of poll.

**53. Admission to Polling Station:** 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) candidates, their election agents and one polling agent of each candidate;
- (e) a child in arms accompanying an elector;
- (f) a person accompanying a blind or infirm elector who cannot move without help; and
- (g) such other persons as the returning officer or the presiding officer may employ for the purpose of election.

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

- (2) The returning officer or the presiding officer may appoint a woman to serve as an attendant at any polling station to assist women electors and also to assist 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

**55. 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 authorised 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.

**56. Preparation of ballot boxes for poll:** (1) Immediately before the commencement of the poll, the presiding officer shall demonstrate to the polling agents that the ballot box is empty and bears the labels referred to in sub-rule (7).

(2) The ballot box shall then be closed, sealed and secured and placed in full view of the presiding officer and the polling agents.

(3) Where a paper seal is used for securing a ballot box, the presiding officer shall affix his own signature on the paper seal and obtain thereon the signature of such of the polling agents present as are desirous of affixing the same.

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

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

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

(7) Every ballot box used at a polling station shall bear labels, both inside and outside, marked with -

(a) the serial number, if any and the name of the ward.

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- (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.
57. Marked copy of Electoral Roll: Immediately before the commencement of the poll, the presiding officer shall allow the polling agents and others present to inspect the marked copy of the electoral roll to be used during the poll.
58. 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 16
  - (d) require him to affix his signature, or left thumb impression in the said list
- (3) The presiding officer shall thereafter hold a summary inquiry into the challenge and may for that purpose -
- (a) require the challenger to adduce 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 question 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 the Municipal Fund, and in any other case, he shall return it to the challenger at the conclusion of the inquiry.

59. **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 fingers 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.

60 **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 paper 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.

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- (3) It shall not be necessary for any presiding officer or polling officer or any other officer to attest the thumb impression of the elector on the counterfoil.
- (4) No person in the polling station shall note down the serial numbers of the ballot papers issued to particular electors.
- 61. Maintenance of secrecy of voting by electors within the polling station and voting procedure**(1) Every elector to whom a ballot paper has been issued under rule 60 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 those 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.

**62. 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 recognise the symbols on the ballot paper or to make a mark thereon without assistance, the presiding officer shall permit the elector to take with him a companion of not less than eighteen years of age to the voting compartment for recording the vote on the ballot paper on his behalf and in accordance with his wishes, and if necessary, for folding the ballot paper so as to conceal the vote and inserting into the ballot box;

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

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

- (2) The presiding officer shall keep a record in Form 17 of all cases under this rule.

**63. 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 18

- (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

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(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 ballot box, give it to the presiding officer, who shall place it in a cover specially kept for the purpose.

64. **Closing of poll:** (1) The presiding officer shall close the polling station at the hour fixed in that behalf and shall not thereafter admit any elector into the polling station;

Provided that all electors 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.

65. **Sealing of ballot box after poll:** As soon as practicable after the closing of the poll, the presiding officer shall close the slit of the ballot box, and where the box does not contain any mechanical device for closing the slit, he shall seal up the slit and also allow any polling agent to affix his seal.

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

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

66. **Account of ballot paper:** (1) The presiding officer shall at the close of the poll prepare a ballot paper account in Form 19 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 therefore and shall also attest it as a true copy.

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

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

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

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

(a) the marked copy of the electoral roll;

(b) the counterfoil of the used ballot papers;

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

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

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

(f) any other cancelled ballot papers;

(g) the cover containing the tendered ballot papers and the list in Form 18

(h) the list of challenged votes; and

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

(2) Each such packet shall be sealed with the seals 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.

69. **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 68; and
  - (d) all other papers used at the poll.
- (2) The returning officer shall make adequate arrangement for the safe transport of all ballot boxes, packets and other papers and for their safe custody until the commencement of the counting of votes.
70. **Counting of votes:** At every election where a poll is taken, votes shall be counted by or under the supervision and direction of the returning officer, and each contesting candidate, his election agent, and the counting agents shall have a right to be present at the time of counting.
71. **Time and place for counting of votes:** The returning officer shall, at least one week before the date 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.
72. **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 authorised 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 under clause(a) or sub-rule (1)
  - (3) The returning officer shall decide which accounting 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 misconduct himself or fails to obey the lawful directions of the returning officer can be removed from the place where the votes are being counted by the returning officer or by any police officer on duty by any person authorised in this behalf by the returning officer.

73. 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 authorised by or under any law) communicate to any person any information calculated to violate such secrecy.

(2) The returning officer shall before he commences the counting read out the above provision to such persons as may be present.

74. Security 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 or such other seal as might have been affixed thereon and to satisfy themselves that it is in tact.

(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 regard to fresh poll in case of destruction, etc. of the boxes in respect of that polling station.

75. Destruction, loss<sup>etc.</sup> of ballot papers at the time of counting:

(1) If 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 cannot 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 -

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(a) direct that the counting of votes shall be stopped, declare the poll at that polling station to be void, appoint a date, 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 ballot 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 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. Counting of votes:**

(1) Subject to such general or special directions, if any, as may be given by the Commission in this behalf, the ballot papers taken out of each ballot box shall be arranged in convenient bundles and scrutinised.

(2) The returning officer shall reject a ballot paper-

- (a) if it bears any mark or writing by which the elector can be identified; or
- (b) if it bears no mark at all to indicate the vote or it bears a mark elsewhere than on or near the symbol of one of the candidates on the face of the ballot paper or if it bears a mark made otherwise than with the instrument supplied for the purpose; or
- (c) if votes are given on it in favour of more than one candidate; or
- (d) if the mark indicating a vote thereon is placed in such manner as to make it doubtful to which candidate vote has been given; or
- (e) if it is a spurious ballot paper; or
- (f) if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established; or
- (g) if it bears a serial number or is of a design, different from the serial number, or design, as the case may be, of the ballot papers authorised for use at the particular polling station; or
- (h) if it does not bear both the mark and the signature which it should have borne under the provision of the sub-rule (1) of rule 60 .

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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 that ballot paper but shall not allow him to handle it or any other ballot paper.
- (4) The returning officer shall endorse on every ballot paper which he rejects the word "Rejected" and the grounds of rejection in abbreviated form either in his own hand or by means of a rubber stamp and shall initial such endorsement.
- (5) All ballot papers rejected under this rule shall be bundled together.
- (6) Every ballot paper which is not rejected under this rule shall be counted as one valid vote  
Provided that no cover containing tendered ballot papers shall be opened and no such ballot paper shall be counted.
- (7) After the counting of all ballot papers contained in all the ballot boxes used in the ward has been completed the returning officer shall make the entries in a result sheet in Form 20 and announce the particulars.

77. **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.

78. **Recount of votes:**

- (1) After the completion of the counting, the returning officer shall record in the result sheet in Form 20 the total number of votes polled by each candidate and announce the same.

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- (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 recount the votes either wholly or in part stating the grounds on which he demands such recount.
  - (3) On such an application being made the returning officer shall decide the matter and may allow the application in whole or in part or may reject it in toto if it appears to him to be frivolous or unreasonable.
  - (4) Every decision of the returning officer under sub-rule (3) shall be in writing and contain the reasons therefor.
  - (5) If the returning officer decided under sub-rule (3) to allow a recount of the votes either wholly or in part he shall-
    - (a) do the recounting in accordance with the rules applicable for counting;
    - (b) amend the result sheet in Form 20 to the extent necessary after such recount; and
    - (c) announce the amendments so made by him.
  - (6) After the total number of votes polled by each candidate has been announced under sub-rule (1) or sub-rule(5) the returning officer shall complete and sign the result sheet in Form 20 and no application for recount shall be entertained thereafter;

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

**79. 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 ward, and
- (b) the date of counting.

**80. Recommencement of counting after fresh poll:**

- (1) If a fresh poll is held in case of destruction, etc., of the ballot boxes, the returning officer shall, after completion of that poll, recommence the counting of the 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 76 and 79 shall apply so far as may be to such further counting.

81. **Equality of votes:** If after the counting of the votes is completed an equality of votes is found to exist between any candidates and the addition of one vote will entitle any of those candidates to be declared elected, the returning officer shall forthwith decide between those candidates by lot and proceed as if the candidate on whom the lot falls had received an additional vote.

**82. Declaration of result of election and return of election:**

- (1) When the counting of votes has been completed, the returning officer shall, in the absence of any direction by the Commission to the contrary, forthwith declare the result of the election in the manner provided in these rules.
- (2) The returning officer shall-
  - (a) declare in Form 21 the candidate to whom the largest number of valid votes have been given, to be elected and send signed copies thereof to the Director of Municipal Elections, the Commission and the Administrator;
  - (b) complete and certify the return of election in Form 22 and send signed copies thereof to the Commission and the Director of Municipal Elections.

**83. Grant of certificate of election to returned candidates:**

As soon as may be after a candidate has been declared by the returning officer to be elected, the returning officer shall grant to such candidate a certificate of election in Form 23 and obtain from the candidate an acknowledgement of its receipt duly signed by him and immediately send the acknowledgement by registered post to the Director Municipal Election.

**84. Publication of names of members elected to Municipal Council:**

The Commission, shall, as soon as possible, publish in the official Gazette the list containing the names of the members elected to the Municipal Council and also cause such a list to be affixed on the notice board of his office, and the office of the Municipal Council.

**85. Date of election of candidates:**

For the purposes of these rules, the date on which the candidate is declared by the

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Returning officer to be elected to the Municipal Council, shall be the date of election of that candidate.

85. A. **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 returning officer shall keep in safe custody-

- (a) the packets of unused ballot papers with the counterfoils attached thereto;
- (b) the packets of the 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) all other papers relating to election.

86. **Production and inspection of election papers:** (1) While in the custody of the returning 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 counterfoil of used ballot papers;
- (d) the packets of the marked copy of the electoral roll;

shall not be opened and their contents shall not be inspected by or produced before, any person or authority except under the orders 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 that the returning officer forwards under rule 82 shall be furnished by the returning officer on payment of a fee of five rupees for each such copy.

87. **Disposal of election papers:** Subject to any directions to the contrary given by the Commission or by a competent court

- (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 86 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.

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

#### **CHAPTER VI CASUAL ELECTIONS**

88 **Casual Elections:** (1) When the seat of a member elected to the Municipal Council becomes vacant or is declared vacant or his election to the Municipal Council is declared void, the Commission shall subject to the provisions of the sub-rule (2), by a notification in the Official Gazette, call upon the ward 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 the Regulation and these rules and orders made thereunder shall apply, as far as may be, in relation to the election of a member to fill such vacancy.

(2) If the vacancy so caused be a vacancy in a seat reserved in any such ward for the Scheduled Tribes or for women, the notification issued under sub-rule (1) shall specify that the person to fill that seat shall belong to the Scheduled Tribes or be a woman, as the case may be.

#### **CHAPTER - VII DISPUTE REGARDING ELECTIONS**

89. **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;

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- (b) "costs" means of 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) "High Courts" means, the High Courts within the local limits of whose jurisdiction the election to which the election petition relates has been held;
  - (e) "returned candidate" means a candidate whose name has been published in the official Gazette as duly elected.

90. **Presentation and contents of petition:** (1) An election petition-

- (a) shall contain a concise statement of the material facts on which the petitioner relies;
- (b) shall set forth full particulars of any corrupt practice that the petitioner alleges, 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 such practice; and
- (c) shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908 (5 of 1908) for the verification of pleadings;

Provided that where the petitioner alleges any corrupt practice, the petition shall also be accompanied by an affidavit in support of the allegation of such corrupt practice and the particulars thereof.

- (2) Every election petition shall be accompanied by as many copies thereof as there are respondents mentioned in the petition and every such copy shall be attested by the petitioner under his own signature to be a true copy of the petition.
- (3) Any schedule or annexure to the petition shall also be signed by the petitioner and verified in the same manner as the petition.

91. **Documentary evidence:** Notwithstanding anything 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.

92. **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.

**93. Answering of criminating questions and certificate of indemnity:**

- (1) No witness shall be excused from answering any question as to any matter relevant to a matter in issue in the trial of an election petition upon the ground that the answer to such question may criminate or may tend to criminate him or that it may expose or may tend to expose him of any penalty or forfeiture:

Provided that-

- (a) a witness, who answers truly all questions which he is required to answer shall be entitled to receive a certificate of indemnity from the District Court; and
- (b) an answer given by a witness to a question put by or before the District Court shall not, except in the case of any criminal proceedings for perjury in respect of evidence, be admissible in evidence against in any civil or criminal proceeding.
- (2) When a certificate of indemnity has been granted to any witness, it may be pleaded by him in any court and shall be a full and complete defence to or upon any charge under any law, but it shall not be deemed to relieve him from any disqualification in connection with an election imposed by the Regulation or any other law.

**94. Grounds for declaring election to be void-** (1) Subject to the provisions of sub-rule (2) if the District Court is of opinion:-

- (a) that on the date of his election, the returned candidate was not qualified, or was disqualified, to be chosen to fill the seat under the Regulation; or
- (b) 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
- (c) that any nomination has been improperly rejected; or
- (d) that the result of the election, in so far as it concerns a returned candidate, has been materially affected-
- (i) by the improper acceptance of any nomination, or
- (ii) by any corrupt practice committed in the interest of the returned candidate by an agent other than his election agent, or
- (iii) by the improper reception, refusal or rejection of any vote or the reception of any vote which is void, or

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(iv) by any non-compliance with the provisions of the Regulation or of these rules or orders made thereunder, the District Court shall declare the election of the returned candidate to be void.

- (2) If in the opinion of the District Judge a returned candidate has been guilty by an agent, other than his election agent, of any corrupt practice, but the District Judge 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 the candidate and his election agent took all reasonable means for preventing the commission of corrupt practices at the election; and
  - (c) 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 District Judge may decide that the election of the returned candidate is not void.

**95. Grounds for which a candidate other than returned candidate may be declared to have been elected:** If any person who has lodged a petition has, in addition, to calling in question the election of the returned candidate, claimed a declaration that he himself or any other candidate has been duly elected and the District Judge is of opinion-

- (a) that in fact the petitioner or such other candidate received a majority of the total valid votes; or
- (b) that but for the votes obtained by the returned candidate by corrupt practices, the petitioner or such other candidate would have obtained a majority of the valid votes;

the District Judge shall after declaring the election of the returned candidate to be void declare the petitioner or such other candidate, as the case may be, to have been duly elected.

**96. Procedure in case of equality of votes:** If during the trial of an election petition it appears that there is an equality of votes between any candidates at the election and that the addition of a vote would entitle any of those candidate to be declared elected, then -

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(a) any decision made by the returning officer under the provisions of the Regulation and these rules shall, in so far as it determines the question between those candidates, be effective also for the purposes of the petition; and

(b) in so far as that question is not determined by such a decision, the District Judge shall decide between them by lot and proceed as if the one on whom the lot then falls had received an additional vote.

97. **Withdrawal of election petitions:** (1) An election petition may be withdrawn only by leave of the District Court.

(2) Where an application for withdrawal is made under sub-rule (1) notice thereof fixing a date for the hearing of the application shall be given to all other parties to the petition and shall be published in the official Gazette.

98. **Procedure for withdrawal of election petitions:** (1) If there are more petitioner than one, no application to withdraw an election petition shall be made except with the consent of all the petitioners.

(2) No application for withdrawal shall be granted if, in the opinion of the District Judge, such application has been induced by any bargain or consideration which ought not to be allowed.

(3) If the application is granted-

(a) the petitioner

shall be ordered to pay the costs of the respondents theretofore incurred or such portion thereof as the District Judge may think fit;

(b) The District Judge shall direct that the notice of withdrawal shall be published in the official Gazette and in such other manner as he may specify and thereupon the notice shall be published accordingly;

(c) a person who might have been a petitioner may, within seven days of such publication, apply to be substituted as petitioner in place of the party withdrawing, and upon compliance with the conditions, if any, as to security, shall be entitled to be so substituted and to continue the proceedings upon such terms as the District Judge may deem fit.

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**99. Report of withdrawal the District Judge to the Commission:**

When an application for withdrawal is granted by the District Judge and no person has been substituted as petitioner under clause © of sub rule (3) of rule 98, in place of the party withdrawing, the District Judge shall report the fact to the Commission and thereupon the Commission shall publish the report in the official Gazette.

**100. Abatement of election petitions:** (1) An election petition shall abate only on the death of a sole petitioner or of the survivor of the several petitioners.

(2) Where an election petition abates under sub rule (1) the District Judge shall cause the fact to be published in such manner as he may deem fit.

(3) Any person who might himself have been a petitioner may, within seven days of such publication, apply to be substituted as petitioner and upon compliance with the conditions, if any, as to security, shall be entitled to be so substituted and to continue the proceedings upon such terms as the District Judge may deem fit.

**101. Abatement or substitution on death of respondent:** If before the conclusion of the trial of an election petition, the sole respondent dies or gives notice that he does not intend to oppose the petition or any of the respondents dies or gives such notice and there is no other respondents who is opposing the petition, the District Judge shall cause notice of such event to be published in the official Gazette, and thereupon any person who might have been a petitioner may, within seven days of such publication, apply to be substituted in place of such respondent to oppose the petition and shall be entitled to continue the proceedings upon such terms as the District Judge may deem fit.

**102. Appeals to High Court:** (1) Notwithstanding anything contained in any other law for the time being in force, an appeal shall be lie to the High Court from every order made by a District Judge under the Regulation and these rules.

(2) Every appeal under these rules shall be preferred within a period of thirty days from the date of the order of the District Judge.

Provided that the High Court may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that the appellant had sufficient cause for not preferring the appeal within such period.

**103. Stay of operation of orders of District Judge:**

(1) An application may be made to the District Judge for stay of operation of an order made by him before the expiration of the time allowed for appealing therefrom and the District Judge may, on sufficient cause being shown and on such terms and conditions as he may think fit, stay the operation of his order; but no application for stay shall be made to the District Judge after an appeal has been preferred to the High Court.

(2) Where an appeal has been preferred against the order of the District Judge, the High Court may, on sufficient cause being shown and on such terms and conditions as it may think fit, stay the operation of the order appealed from.

(3) When the operation of an order is stayed by the District Judge or as the case may be, the High Court, the order shall be deemed never to have taken effect and a copy of the stay order shall immediately be sent by the District Judge, or as the case may be, the High Court to the Commission and to the Director of Municipal Elections.

**104 Procedure in appeal:** (1) Every appeal shall be heard and determined by the High Court as nearly as may be in accordance with the procedure applicable to the hearing and determination of an appeal from an order passed by a District Judge in the exercise of its original civil jurisdiction; and all the provisions of the Code of Civil Procedure, 1908 (5 of 1908) and the Rules of the Court shall, so far as may be, apply in relation to such appeal.

(2) As soon as an appeal is decided, the High Court shall intimate the substance of the decision to the Commission and the Director of Municipal Elections and as soon as may be therefore shall send to the Commission an authenticated copy of the decision and upon its receipt, the Commission shall-

(a) forward copies thereof to the authorities to which the copies of the order of the District Judge were forwarded; and

(b) cause the decision to be published in the official Gazette.

**105. Security for costs:** (1) At the time of presenting an election petition, the petitioner shall deposit in the District Court in accordance with the Rules of that Court, a sum of two thousand rupees as security for the costs of the petition.

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(2) During the course of trial of an election petition, the District Judge may, at any time, call upon the petitioner to give such further security for costs as may direct.

106. **Costs:** Costs shall be in the discretion of the District Judge:

Provided that where a petition is dismissed, the returned candidate shall be entitled to the costs incurred by him in contesting the petition and accordingly the District Judge shall make an order for costs in favour of the returned candidate.

107. **Payment of costs out of security deposits and return of such deposits:**

(1) If in any order as to cost there is a direction for payment of costs by any party to any person, such costs shall, if they have not been already paid, be paid in full, or so far as possible, out of the security deposit and the further security deposit, if any, made by such party on an application made in writing in that behalf within a period of one year, from the date of such order to the District Judge by the person in whose favour the cost have been awarded.

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

108. **Execution of orders as to costs:** Any order as to costs under the provisions of these rules may be produced before the concerned court and such court shall execute the order or cause the same to be executed in the same manner and by the same procedure as if it were a decree for the payment of money made by itself in a suit;

Provided that where any such costs or any portion thereof may be recovered by an application made under sub rule(1) of rule 107, no application shall lie under this rule within a period of one year from the date of such order unless it is for the recovery of the balance of any costs which has been left unrealised after an application has been made under that sub-rule owing to the insufficiency of the amount of the security deposits referred to in that sub-rule.

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**CHAPTER VIII**  
**ELECTORAL OFFENCES**

**109. Promoting enmity between classes in connection with election:**

No person shall, in connection with an election under the Regulation and these rules, promote or attempt to promote on grounds of religion, caste, race, community or language, feelings of enmity or hatred between different classes of the citizens.

**110. Prohibition of public meetings on the day preceding the election day and on the election day:**

No person shall convene, hold or attend any public meeting in any Municipal area during the period of forty eight hours ending with the hour fixed for the conclusion of the poll for any election in that Municipal area.

**111. Disturbances at election meetings:** (1) No person shall, at a public meeting act or incite others to act in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called together.

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

**112. Restrictions on the printing of pamphlets, posters, etc.**

(1) No person shall print or publish, or cause to be printed or published, any election pamphlet or poster which does not bear on its face the names and addresses of the printer and the publisher thereof.

(2) No person shall print or cause to be printed any election pamphlet or poster-

(a) unless a declaration as to the identity of the publisher thereof, signed by him and attested by two persons to whom he is personally known, is delivered by him to the printer in duplicate; and

(b) unless, within a reasonable time after the printing of the document, one copy of the declaration is sent by the printer, together with one copy of the document, to the Commission.

(3) For the purpose of these rules, -

(a) any process for multiplying copies of a document other than copying it by hand, shall be deemed to be printing and the expression "printer" shall be construed accordingly; and

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(b) "election pamphlet or poster" ,means any printed pamphlet, handbill, or other document distributed for the purpose of promoting or prejudicing the election of a candidate or a group of candidates or any placard or poster having reference to an election, but does not include any handbill, placard or poster merely announcing the date, time, place and other particulars of an election meeting or routine instructions to election agents or workers.

**113. Officers etc. at elections not to act for candidates or to influence voting:**

- (1) No person who is a returning officer or an assistant returning officer, or a presiding officer or polling officer at an election, or an officer or clerk appointed by the returning officer or the presiding officer to perform any duty in connection with an election shall in the conduct or the management of the election do any act (other than the giving of vote) for the furtherance of the prospect of the election of a candidate.
- (2) No such person as aforesaid, and no member of a police force 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.

**114. Prohibition of canvassing in or near the polling stations:**

- (1) No person shall, on the date or dates on which a poll is taken at any polling station, commit any of the following acts within the polling stations or in any public or private place within a distance of one hundred meters 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.

**115. Prohibition of disorderly conduct in or near polling station:**

- (1) No person shall, on the date or dates on which a poll is taken at any polling station-

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- 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 megaphone or loudspeaker; or
  - b) shout, or otherwise act in a disorderly manner within or at the entrance of the polling station, or 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) If the presiding officer of a polling station has reason to believe that any person is not complying with the provisions of sub rule (1), he may direct any police officer to take such steps as may be reasonably necessary for preventing any such contravention and the police officer may seize any apparatus used for such contravention.

**116. 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 polling officer on duty or by any person authorised in this behalf by any such presiding officer.

- (2) The powers 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 for having an opportunity of voting at that station.

**117. Failure to observe procedure for voting:** If any elector to whom a ballot paper has been issued, refuses to observe the procedure prescribed for voting, the ballot paper issued to him shall be liable for cancellation.

**118. Government servants not to act as Election Agent, Polling Agent or Counting Agent:**

No government servant shall act as an election agent or a polling agent or a counting agent of a candidate at an election.

**119. Ballot papers from Polling station are not to be removed:**

- (1) No person at any election shall fraudulently take or attempt to take a ballot paper out of a polling station or wilfully aid or abet doing of any such act.
- (2) If a presiding officer of a polling station has reason to believe that any person is contravening the provisions of sub rule (1), such officer may before such person leaves the polling station, direct a police officer to search such persons;

---

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

(3) Any ballot paper found upon a person shall be made over for safe custody to the presiding officer.

120. **Other acts:** No person shall at an election -

- (a) fraudulently deface, fraudulently destroy any nomination paper; or
- (b) fraudulently deface, or destroy or remove any list, notice or other document affixed by or under the authority of a returning officer; or
- (c) fraudulently deface or fraudulently destroy any ballot paper or the official remark on any ballot paper or any declaration or identity; or
- (d) without due authority supply any ballot paper to any person or receive any ballot paper from any person or possess any ballot paper; or
- (e) fraudulently puts into any ballot box anything other than the ballot paper which he is authorised by law to put in; or
- (f) without due authority destroy, take, open, or otherwise interfere with any ballot box or ballot paper then in use for the purpose of the election; or
- (g) fraudulently or without due authority, as the case may be, attempt to do any of the foregoing acts or wilfully aid or abet the doing of any such acts.

#### **CHAPTER - IX**

#### **POWERS OF ELECTION COMMISSION IN CONNECTION WITH INQUIRIES TO AS DISQUALIFICATIONS OF MEMBERS**

121. **Powers of Election Commission:** (1) Where in connection with the tendering of any opinion to the Administrator under sub-section(5) of section 12 of the Regulation, the Commission considers it necessary or proper to make an inquiry, and the Commission is satisfied that on the basis of the affidavits filed and the documents produced in such enquiry by the parties concerned of their own accord, it cannot come to a decisive opinion on the matter which is being inquired into, the Commission shall have, for the purposes of such inquiry, the powers of a civil court, while trying a suit under the Code of Civil Procedure, 1908 (5 of 1908), in respect of the following matters, namely:-

- 
- (a) Summoning and enforcing the attendance of any person and examining him on oath;
  - (b) requiring the discovery and production of any document or other material object producible as evidence;
  - (c) receiving evidence on affidavits;
  - (d) requisitioning any public record or a copy thereof from any court or office;
  - (e) issuing Commissions for the examination of witnesses or documents.

(2) The Commission shall also have the power to require any person, subject to any privilege which may be claimed by that person under any law for the time being in force, to furnish information on such points or matters as in the opinion of the Commission may be useful for, or relevant to, the subject-matter of the inquiry.

(3) Any proceeding before the Commission shall be deemed to be a judicial proceeding within the meaning of section 193 and section 228 of the Indian Penal Code (45 of 1860)

**122. Statements made by persons to the Commission:**

No statement made by a person in the course of giving evidence before the Commission shall subject him to, or be used against him in, any civil or criminal proceeding except a prosecution for giving a false evidence by such statement:

Provided that the statement-

- (a) is made in reply to a question which he is required by the Commission to answer; or
- (b) is relevant to the subject-matter of the inquiry.

**123. Procedure to be followed by the Commission:** The Commission shall have the power to regulate its own procedure (including fixing of places and times of its sittings and deciding whether to sit in public or in private)

**124. Protection of action taken in good faith:** No suit, prosecution or other legal proceeding shall lie against the Commission or any person acting under the direction of the Commission in respect of anything which is in good faith done or intended to be done in pursuance of the foregoing provisions of this Chapter or of any order made thereunder or in respect of tendering of any opinion by the Commission to the Administrator or in respect of the publication, by or under the authority of the Commission of any such opinion paper or proceedings.

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**CHAPTER - X**  
**MISCELLANEOUS**

125. **Extension 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.

126. **Requisitioning of premises, vehicles, etc. for election purposes:**

(1) If it appears to the Administrator that in connection with an election to be held to the Municipal Council -

(a) Any premises are needed or are likely to be 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 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, the Administrator may by order in writing requisition such premises or such vehicle, 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 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 Administrator to be the owner or person in possession of the property, and such order shall be served on the person to whom it is addressed-

(a) where the person so addressed is a Corporation or firm, in the manner provided for the service of summons in the Code of Civil Procedure, 1908 (5 of 1908); and

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

(i) personally by delivering or tendering the order;

(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 he is known to have last resided or carried on business or personally worked for gain.

(3) Whenever any property is requisitioned under sub-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) In this rule -

(a) 'premises' means any land building or part of a building and includes hut, shed or other structure or any part thereof.

(b) 'vehicle' means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical or otherwise.

127. Pay of Compensation: (1) Whenever in pursuance of rule 126 the Administrator requisition any premises, there shall be paid to the persons interested compensation the amount of which shall be determined by taking into consideration the following, namely:-

(i) the rent payable in respect of the premises or if no rent is so payable, the rent payable for similar premises in the locality;

(ii) if in consequence of the requisition of the premises, the person interested is compelled to change his residence or place of business, the reasonable expenses, if any, incidental to such change:

Provided that where any person interested being aggrieved by the amount of compensation so determined makes an application within fourteen days from the date of determination of the amount of such compensation or where the amount of such compensation has been determined in the absence of the person interested or as the case may be, the owner, fourteen days from the date on which the intimation of such determination is sent to that person or owner to the Administrator for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the Administrator may determine:

Provided further that where there is any dispute as to title to receive the compensation or as to the apportionment of the amount of compensation, it shall be referred by the Administrator to an arbitrator appointed in this behalf by him for determination, and shall be determined in accordance with the decision of such arbitrator.

---

**Explanation:** In this sub-rule, the expression 'person interested' means the person who was in actual possession of the premises requisitioned under rule 126 immediately before the requisition, or where no person was in such actual possession the owner of such premises.

(2) Whenever in pursuance of rule 126, the Administrator requisitions any vehicle, there shall be paid to the owner thereof compensation the amount of which shall be determined by the Administrator on the basis of the fares or rates prevalent in the locality for the hire of such vehicle.

Provided that where there is a dispute regarding the amount of compensation or apportionment of the amount of compensation, the procedure laid down in sub-rule (1) shall be followed.

128. **Power to obtain information:** The Administrator may with a view to requisition any property under rule 126 or determine compensation payable under rule 127, by a order, require any person to furnish to such authority as may be specified by him in the order, such information as is in possession relating to such property as may be so specified.

129. **Power to entry into and inspection of premises etc.:**

(1) Any person authorised in this behalf by the Administrator may enter into any premises and inspect such premises and any vehicle, for the purpose of determining whether, and if so in what manner, an order under rule 126 should be made in relation to such premises for vehicle or with a view to securing compliance with any order made under that rule.

(2) In this rule the expression 'premises' and 'vehicle' have the same meanings as in rule 126.

130. **Eviction from requisitioned premises:** (1) Any person remaining in possession of any requisitioned premises in contravention of any order made under rule 126 may be summarily evicted from the premises by any officer empowered by the Administrator in this behalf.

(2) Any officer so empowered may, after giving to any woman not appearing public reasonable warning and facility to withdraw, remove or open any lock or bolt or break open any door of any building or do any other act necessary for effecting such eviction.

131. Release of premises from requisition: (1) when any premises requisitioned under rule 126 are to be released from requisition, the possession thereof shall be delivered to the person from <sup>whom</sup> possession was taken at the time when the premises were requisitioned, or if there were no such person, to the <sup>person</sup> deemed by the Administrator to be the owner of such premises, and such delivery of possession shall be a full discharge of the Administrator from all liabilities in respect of such delivery, but shall not prejudice any rights in respect of the premises which any other person may be entitled by due process of law to enforce against the person to whom possession of the premises is so delivered.

(2) Where the person to whom possession of any premises requisitioned under rule 126 is to be given under sub-rule (1) cannot be found or is not readily ascertainable or has no agent or any other person empowered to accept delivery on his behalf, the Administrator shall cause a notice declaring that such premises are released from requisition to be affixed on some conspicuous part of such premises and publish the notice in the Official Gazette.

(3) When a notice referred to in sub-rule (2) is published in the Official Gazette, the premises specified in such notice shall cease to be subject to requisition on and from the date of such publication and be deemed to have been delivered to the person entitled to possession thereof; and the Administrator shall not be liable for any compensation or other claim in respect of such premises for any period after the said date.

132. Delegation of functions of the Administrator with regard to requisitioning: The Administrator may, by notification in the Official Gazette, direct that any powers conferred or any duty imposed on him by any of the provisions of rules 126 to 131 shall, under such conditions, if any, as may be specified in the direction, be exercised or discharged by such officer or class of officers as may be so specified.

\*\*\*\*\*  
\*\*\*\*\*  
\*\*\*

**APPENDIX TO THE A & N ISLANDS  
(MUNICIPAL) (PREPARATION OF ELECTORAL ROLLS  
AND CONDUCT OF ELECTION) RULES, 1995**

Form Nos.

- Form No. 1 : Notice of Publication of Electoral Roll in draft.
- Form No. 2 : Suggestion or objection to the inclusion or exclusion of names of voters residing in the territorial limits of ..... ward.
- Form No. 3 : Notice of final publication of electoral roll.
- Form No. 4 : Notice of Election.
- Form No. 5 : Nomination paper.
- Form No. 6 : Notice of nomination.
- Form No. 7 : List of Validly Nominated Candidates.
- Form No. 8 : Notice of Withdrawal of Candidate.
- Form No. 9 : List of Contesting Candidate.
- Form No. 10 : Appointment of Election Agent.
- Form No. 11 : Revocation of Appointment of Election Agent.
- Form No. 12 : Appointment of Polling Agent.
- Form No. 13 : Revocation of Appointment of Polling Agent.
- Form No. 14 : Appointment of Counting Agents.
- Form No. 15 : Revocation of the appointment for counting Agent.
- Form No. 16 : List of Challenged Votes.
- Form No. 17 : List of blind and infirm voters.
- Form No. 18 : List of Tendered Votes.
- Form No. 19 : Part I : Ballot Paper Account.  
Part II: Result of Counting.
- Form No. 20 : Final result sheet.
- Form No. 21 : Declaration of the result.
- Form No. 22 : Return of Election.
- Form No. 23 : Certificate of Election.

FORM 1

(See rule 12)

NOTICE OF PUBLICATION OF ELECTORAL ROLL IN DRAFT.

To

The Electors of the ..... Ward.

Notice is hereby given that the electoral roll has been prepared in accordance with rule 10 of the Andaman and Nicobar Islands (Municipal) (Preparation of Electoral Rolls and Conduct of Elections) Rules, 1995 and a copy thereof is available for inspection at my office and at ..... during office hours.

If there be any suggestion or objection to the inclusion or exclusion of names of voters residing within the territorial limits of the said ward, as appear in the electoral roll relating to the Andaman and Nicobar Islands House of the People constituency, it should be lodged on or before .....19..... in Form 2.

Every such suggestion or objection (in duplicate) should either be presented in my office or to ..... or sent by post to the address given below so as to reach me not later than the aforesaid date.

.....  
Electoral Registration Officer

Date .....

(Address) .....

FORM 2  
[See rule 13]

Suggestion or objection to the inclusion or exclusion of names of voters residing in the territorial limits of ..... ward.

To  
The Electoral Registration Officer,  
..... ward.

Sir,  
\*I/we request that the names of voters residing in the following houses falling within the territorial limits of ..... ward may be included/excluded as these houses are within/outside the territorial limit of the ward.

.....

Place..... Signature or thumb impression  
Date..... of the \*applicant/applicants.

**Intimation of action taken**

The Application in Form 2 relating to inclusion/exclusion of names of voters residing in the following houses has been, -

- \* a) accepted and their names have been included in/excluded from the electoral roll vide Serial No..... in part No.....
- \* b) rejected for the reason .....

- \* House Nos.
- 1.
  - 2.
  - 3.
  - 4.
  - 5.
  - 6.
  - 7.
  - 8.

Date.....  
Electoral Registration Officer  
(Address) .....

Receipt for application

Received the application in form 2 relating to the following house numbers:- \*\*

- |    |    |
|----|----|
| 1. | 5. |
| 2. | 6. |
| 3. | 7. |
| 4. | 8. |

.....  
Electoral Registration Officer  
Date ..... (Address) .....

- 
- \* Score out the words not applicable.
  - \*\* To be filled by the applicant.

FORM 3

(See rule 15)

Notice of final publication of Electoral Roll

It is hereby notified for public information that the list of amendments to the draft electoral roll for the ..... ward has been prepared in accordance with the Andaman and Nicobar Islands (Municipal) (Preparation of Electoral Rolls and conduct of Elections) Rules, 1995. A copy of the said roll together with the said list of amendments has been published and will be available for inspection at my office.

.....  
Electoral Registration Officer  
(Address) .....

Place .....  
Date .....

FORM 4  
(See rule 25)  
NOTICE OF ELECTION

Notice is hereby given that :-

1. an election is to be held of a member to ..... ward of the Port Blair Municipal Council.
2. nomination papers may be delivered by a candidate or his proposer to the Returning Officer, at ..... or to the assistant Returning Officer, at ..... between at 11 a.m and 3 p.m on any day (other than a public holiday) not after than the .....
3. forms of nomination paper may be obtained at the place and time aforesaid.
4. the nomination paper will be taken up for scrutiny at place)..... on ..... at time) .....
5. notice of withdrawal of candidature may be delivered by a candidate or his proposer or his election agent who has been authorised in writing by the candidate to deliver it to either of the officers specified in paragraph 2 above at his office before ----- p.m on the .....  
in the event of the election being contested, the poll will be taken on.....between the hours.....and.....

Returning Officer

Place.....

Date.....

FORM 5  
(See rule 27)  
NOMINATION PAPER

Election to the ..... ward of the Port Blair Municipal Council.

I nominate as a candidate for election to the Port Blair Municipal Council from the ..... ward.

Candidate's name .....  
Father's/Husband's name .....  
His postal address .....  
.....  
.....

His name is entered at S.No.....  
in part No. .... of the electoral roll for  
.....ward.

My name is ..... and it is entered at  
S.No..... in part No..... of the  
electoral roll for ..... ward.

Date..... Signature of Proposer.

-----

I, the above-mentioned candidate, assent to this nomination and hereby declare-

- a) that I have completed 21 years of age.
- b) that I am set up at this election by the ..... party.
- c) that the symbols I have chosen are, in order of preference (i) ..... (ii) ..... and (iii) .....
- d) that my name and my father's/husband's name have been correctly spelt out above in ..... (name of the language).
- e) that to the best of my knowledge and belief, I am qualified and not also disqualified for being chosen to fill the seat in the Port Blair Municipal Council.

\* I further declare that I am a woman.

Cash deposit Receipt bearing No.....  
dated ..... for Rupees .....  
is attached/has already been attached with my nomination paper  
received at S.No. ....

Date..... (Signature of Candidate)

-----  
\* Score out the inappropriate alternative.  
(To be filled by the Returning Officer)

Serial No. of nomination paper .....

This nomination was delivered to me at my office at  
..... (hours) on ..... (date) by the  
\*candidate/proposer.

Date..... Returning Officer

-----  
\* Score out the words not applicable.  
-----

Decision of Returning Officer accepting or rejecting the  
nomination paper.

I have examined this nomination paper in accordance with  
rule 32 of the Andaman and Nicobar Islands (Municipal),  
(Preparation of Electoral Rolls and Conduct of Elections) Rules,  
1995 and decided as follows:-

Date..... Returning Officer

Receipt for Nomination paper and notice of scrutiny (To be  
handed over to the person presenting the nomination paper)

Serial No. of nomination paper.....

The nomination paper of ..... a candidate for  
election **from** ..... ward of the Port Blair  
Municipal Council was delivered to me at my office at  
..... (hour) on ..... (date) by the  
\*candidate/proposer. All nomination papers will be taken up for  
scrutiny at .....(hour) on ..... (date) at  
..... (place) .....

Date.....

Returning Officer.

-----  
\* Score out the words/<sup>not</sup>applicable

FORM 6

(See rule 31)

NOTICE OF NOMINATION

Election to the Port Blair Municipal Council from ..... ward.

Notice is hereby given that the following nominations in respect of the above election have been received upto 3 pm. today:-

Serial No. of nomination paper	Name of candidate	Name of father/husband	Age of candidate	Address	Party affiliation	Whether the candidate is a woman.	electora l roll No. of te	Name of proposer	electora l roll number of proposer
1	2	3	4	5	6	7	8	9	10

FORM 7

(See rules 32 (8) and 32 (9))

LIST OF VALIDLY NOMINATION CANDIDATES

Election to the Port Blair Municipal Council from  
..... ward.

Serial No.	Name of Candidate	Name of *father/husband	Address of the candidate	Party affiliation
1	2	3	4	5

Place:

Date:

Returning Officer.

\* Strike off the inappropriate alternative.

FORM 8

(See rule 33)

Notice of Withdrawal of Candidature

Election of the Port Blair Municipal Council from  
..... ward.

To

The Returning Officer.

I, ..... a candidate validly  
nominated at the above election do hereby give notice that I  
withdraw my candidate.

Place.....  
Date.....

Signature of Validly nominated  
candidate.

This notice was delivered to me at my office at .....  
(hours) on ..... (date) by .....(name)  
the \*.....

Date.....

Returning Officer

-----  
Receipt for Notice of withdrawal

(To be handed over to the person delivering the notice)

The notice of withdrawal of candidature by ..... a  
validly nominated candidate at the election to the Port Blair  
Municipal Council from ..... Ward was delivered to  
me by the \*..... at my office at .....  
(hour) on .....(date).

Returning Officer

-----  
\* Here insert one of the following alternatives as may be  
appropriate:-

- (1) Candidate.
  - (2) Candidate's proposer who has been authorised in writing by  
the candidate to deliver it.
-

FORM 9

(See rule 34)

LIST OF CONTESTING CANDIDATES

Election to the Port Blair Municipal Council from  
..... ward.

S.No	Name of Candidate	Address of Candidate	Party affiliation	Symbol allotted
1	2	3	4	5
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				

It is hereby declared that the poll will be taken on  
..... (date) between the hours of ..... and  
..... at the polling stations.

Place:

Date:

Returning Officer

FORM 10

(See rule 36)

APPOINTMENT OF ELECTION AGENT

Election to the Port Blair Municipal Council from  
..... ward.

To  
The Returning Officer  
Ward No.

I, ..... of ..... a  
candidate at the above election do hereby appoint .....  
of ..... as my election agent from this day at  
the above election.

Place:  
Date: Signature of the Candidate.

I accept the above appointment.

Place:  
Date: Signature of Election Agent.

Approved.

Signature and seal of the  
Returning Officer

-----  
Note: To be submitted to the Returning Officer in duplicate.

FORM 11

[See rule 36 (3)]

Revocation of Appointment of Election Agent.

Election to the Port Blair Municipal Council from the  
..... ward.

To  
The Returning Officer

I ..... a candidate at the above  
election, hereby revoke the appointment of .....  
my election agent.

Place.....  
Date.....

Signature of Candidate.

FORM 12

[See rule 37 (2)]

\*APPOINTMENT OF POLLING AGENT

Election to the Port Blair Municipal Council

I.....\*\* candidate/the election agent of ..... who is a candidate at the above election do hereby appoint..... (Name and address) as a polling agent to attend polling station No.....fixed for the poll..... at.....

Place.....

Date.....

Signature of \*\*candidate/ election agent

I agree to act as such polling agent.

Place.....

Date.....

Signature of Polling Agent.

DECLARATION OF POLLING AGENT TO BE SIGNED BEFORE PRESIDING OFFICER

I hereby declare that at the above election, I will not do anything forbidden by Rule 73 of the Andaman and Nicobar Islands (Municipal) (Preparation of Electoral rolls and Conduct of Elections) rules, 1995, which I have read/has been read over to me.

Date.....

Signature of Polling Agent.

Signed before me

Date.....

Presiding Officer

\* To be handed over to the Polling Agent for production at the polling station fixed for the poll. \*\* Strike off the inappropriate alternative.

FORM 13  
[See rule 37 (4)]  
Revocation of Appointment of polling Agent

Election to the Port Blair Municipal Council from the  
..... ward.

To  
The Presiding Officer,  
.....  
.....

I..... a \*\* candidate/election  
agent of ..... at the above election, hereby  
revoke the appointment of .....\*\* my/his  
polling agent ..... at the polling Station  
No..... at .....(place.)

Signature of the Candidate  
\*\*/Election Agent

Place:.....  
Date:.....

-----  
\*\* Strike off the inappropriate alternative.

FORM 14

[See rule 38 (1)]

Appointment of Counting Agents.

To

The Returning Officer,

.....  
.....  
.....

Election to the Port Blair Municipal Council from the  
..... ward.

I, ..... a candidate \*\*/the election  
agent of ..... who is a candidate at the  
above election, do hereby appoint the following person as my  
\*\*/his counting agents to attend the counting of votes at  
.....

Name of the  
counting agent

Address of the  
counting agent.

- 1.
- 2.
- 3.
- etc.

Date:

Signature of the Candidate\*\*/  
Election Agent.

We agree to act as such counting agents.

- 1.
- 2.
- 3.
- etc.

Place:

Date:

Signature of the counting agent.

Declaration of the Counting Agents  
(To be signed before the Returning Officer)

we hereby declare that at the above election we will not do anything forbidden by rule 73 of the Andaman and Nicobar Islands (Municipal) (Preparation of Electoral Rolls and Conduct of Elections) Rule, 1995, which we have read \*\*/has been read over to us.

- 1.
- 2.
- 3.
- etc.

Date: Signature of the Counting agents.

Signed before me

Date: Signature of the Returning Officer

-----  
\*\* Strike off the inappropriate alternative.

FORM 15

[See rule 38 (3)]

Revocation of the appointment for counting Agent.

Election to the Port Blair Municipal Council from the  
..... ward.

To

The Returning Officer

.....

.....

I, ..... a candidate \*\*/the  
election agent of ..... who is a candidate  
at the above election hereby revoke the appointment of  
..... my \*\*/ his counting agent.

Place:

Date:

Signature of the Candidate\*\*/  
Election Agent.

-----  
\*\* Strike off the inappropriate alternatives.

FORM 16

(See rule 58)

LIST OF CHALLENGED VOTES

Election to the Port Blair Municipal Council from ..... ward.

Number and name of Polling Station .....

Sl.No of entry	Name of elector	Serial No. of part of roll	Serial No. of Elector's name in that part	Signature of thumb impression of the person challenged	Address of the person challenged	Name of identifier if any	Name of Challenger	Order of Presiding Officer	Signature of challenger on refund of deposit.
1	2	3	4	5	6	7	8	9	10

Date.....

Signature Presiding Officer

FORM 17  
[See rule 62 (2)]

List of blind and infirm voters.

Election to the Port Blair Municipal Council from the  
..... ward.

Number and name of polling station.....

Part Number & serial No. of elector	Full Name of elector	Full Name off companion	Address of companion	Signature of companion.
1	2	3	4	5

Date:

Signature of the Presiding Officer

FORM 18

[See rule 63 (2)]

List of Tendered Votes

Election to the Port Blair Municipal Council from the  
.....ward.

Number and Name of Polling Station.

Part Serial and name of elector.	Number No. of elector	Address of elector	Serial No. of ballot paper	Serial No. of tendered ballot paper	Serial No. of ballot paper issued to the person who already voted.	Signature of thumb impression of person tendering vote.
1	2	3	4	5		

Date

Signature of Presiding Officer

FORM 19  
 [See rule 66(1)]  
 Part I : Ballot Paper Account.

Election to the Port Blair Municipal Council from the  
 ..... ward.

Number and Name of polling station .....

	Serial Nos		Total
	From	To	

- |   |  |  |  |
|---|--|--|--|
| 1. Ballot paper received  |  |  |  |
| 2. Ballot papers unused<br>(not issued to voters) .....                                   |  |  |  |
| a) with the signature of<br>presiding officer .....                                       |  |  |  |
| b) without the signature of<br>presiding officer .....                                    |  |  |  |
| *Total (a+b)  |  |  |  |
| 3. *Ballot paper used at the<br>polling station (1-2=3) .....                             |  |  |  |
| 4. * Ballot papers used at the<br>polling station but NOT<br>INSERTED INTO THE BALLOT BOX |  |  |  |
| a) Ballot paper cancelled for<br>violation of voting procedure .....                      |  |  |  |
| b) Ballot papers cancelled<br>for other reasons .....                                     |  |  |  |
| c) Ballot papers used as<br>tendered ballot papers .....                                  |  |  |  |
| *Total (a+b+c).....   |  |  |  |
| 5. * Ballot paper to be found<br>in the ballot box (3-4=5)                                |  |  |  |
| * (Serial number need not be given)   |  |  |  |

Date : \_\_\_\_\_ Signature of Presiding Officer

Part II - Result of Counting

I	Name of candidate	No. of valid votes cast
1		
2		
3		
4		
5		
etc		
II	Rejected Ballot Papers	
III	Total	

Whether the total number of ballot papers shown in item No. III tallies with the total shown against item No. 5 of Part I or any discrepancy noticed between these two totals.

Place:  
Date:

Signature of the  
Counting Supervisor

Place:  
Date:

Signature of the  
Returning Officer

FORM 20  
 [See rule 76 (7)]  
 Final result sheet

Election to Port Blair Municipal Council from  
 ..... ward.

Serial No. of polling station	No. of Valid Votes cast in favour of candidates				Total of Valid votes	No. of Rejected votes	Total No. of valid and rejected votes	Total No. of tendered votes.
	A	B	C	D				
	1.							
2.								
3.								
etc								
Total Votes Polled								

Place.....

Date.....

Returning Officer.

FORM 21  
[See rule 82(2)]

Declaration of the result under rule 82(2) (a) of the Andaman and Nicobar Islands (Municipal) (Preparation of Electoral Rolls and Conduct of Elections) Rules, 1995.

Election to the Port Blair Municipal Council from the ..... ward \*\* reserved for Women.

In pursuance of the provisions contained in rule 82(2) (a) of the Andaman and Nicobar Islands (Municipal) (Preparation of Electoral Rolls and Conduct of Elections) Rules, 1995. I declare that

..... (Name)

..... (Address)

sponsored by ..... (name of the recognised/registered Political Party) has been duly elected to fill the seat in the ..... said Municipal Council from the above ward.

Place.....

Date.....

Returning Officer.

-----  
\*\* Strike off the inappropriate alternative.

FORM 22  
 [See rule 82 (2) (b)]  
 Return of Election

Election to the \*.....  
 Municipal from the \*.....ward reserved for  
 Schedule Caste \*\*/Schedule Tribe/ Backward Classes/women.

*Return of Election*

Serial Number	Name of Candidate	Party + Affiliation	Number of valid votes polled.
---------------	-------------------	---------------------	-------------------------------

-----  
 Total number of electors .....  
 Total number of valid votes polled .....  
 Total number of rejected votes .....  
 Total number of tendered votes .....

I declare that -

of ..... Address has been duly  
 elected to fill the seat.

Place.....

Date.....

Returning Officer

-----  
 \* Appropriate particulars of the Election to be inserted here.

\*\* Strike off the inappropriate alternative.

+ Not applicable in the case of Election to Municipality.

FORM 23  
(See rule 83)  
Certificate of Election

I, Returning Officer for the \* .....  
Municipal Ward hereby certify that I have on the .....  
day of .....199..declared Shri/Smt.....  
sponsored by ..... recognised \*\*/registered  
political party to have been duly elected by the said ward to be  
a member of the Port Blair Municipal Council and that in token  
thereof I have granted to him this Certificate of Election.

Place.....  
Date.....

Returning Officer  
(Seal)

- \* Appropriate Particulars of the election to be inserted here.
  - \*\* Strike off the inappropriate alternative.
  - + Score out if not applicable.
- 

LIEUTENANT GOVERNOR.

By order and in the name of the Lieutenant Governor.

ASSISTANT SECRETARY (LSG)