

Andhra Pradesh Municipal Corporations (Conduct of Election of Members, Election Expenses and Election Petitions) Rules, 2005

ANDHRA PRADESH

India

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Rule

ANDHRA-PRADESH-MUNICIPAL-CORPORATIONS-CONDUCT-OF-ELECTIONS **of 2005**

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Andhra Pradesh Municipal Corporations (Conduct of Election of Members, Election Expenses and Election Petitions) Rules, 2005Published vide Notification No. G.O. Ms. No. 713, Municipal Administration & Urban Development, (Elec. II), Dated 21.08.2005)Last Updated 25th September, 2019No. G.O. Ms. No. 713. - In exercise of the powers conferred by sub-section (1) of Section 585 read with Sections 20B, 60A, 67, 71, 617B and 617C of the Hyderabad Municipal Corporations Act, 1955 (Act II of 1956), Section 7 and 11 of the Visakhapatnam Municipal Corporation Act, 1979 (Act No. XIX of 1979), sections 7 and 11 of the Vijayawada Municipal Corporation Act, 1981 (Act No. XXIII of 1981) and Sections 7, 14 and 18 of the Andhra Pradesh Municipal Corporations Act, 1994 (Act No. XXV of 1994), and in supersession of all the previous rules on the subject, the Governor of Andhra Pradesh, hereby, makes the following rules relating to the Election of Members, Election Expenses and Election Petitions, namely:-CHAPTER -I Preliminary

1. Short title and application.

(1)These rules may be called the Andhra Pradesh Municipal Corporations (Conduct of Election of Members, Election Expenses and Election Petitions) Rules, 2005.(2)They shall apply to the Municipal Corporations of Hyderabad, Visakhapatnam, Vijayawada and to all Municipal Corporations constituted under the Andhra Pradesh Municipal Corporations Act, 1994.

2. Definitions.

(1) In these rules, unless the context otherwise requires:-(a)'Act' means the Hyderabad Municipal Corporations Act, 1955 (Act II of 1956);(b)'ballot box' includes any box, bag or other receptacle used for the insertion of the ballot paper by a voter;(c)'counterfoil' means the counterfoil attached to a ballot paper printed under the provisions of these rules;(d)'electoral roll' means the electoral roll for the Corporation concerned prepared and published under section 12 of the Act;(e)'electronic voting machine' means, the voting machine referred to in section 60 A of the Act;(f)'Form' means a form appended to these rules and includes a translation thereof in Telugu or any other languages specified in Schedule 8 of the Constitution;(g)'Marked copy of the Electoral Roll' means the copy of the electoral rolls set apart for the purpose of marking the names of electors to whom ballot papers are issued at an election or the names of electors who are allowed to vote through electronic voting machine;(h)'Voter' in relation to an election to any Municipal Corporation means a person in the electoral roll of the ward concerned for the time being in force and who is not subject to any disqualification for voting;(2) Words and expressions used in these rules but not defined shall have the meaning assigned to them in the Act.(3) For the purpose of these rules, a person who is unable to write his name shall, unless otherwise expressly provided in these rules, be deemed to have signed an instrument or other paper if, -(a) he has placed a mark on such instrument or other paper in the presence of the Commissioner, the Returning Officer or the Presiding Officer or such other officer as may be specified in this behalf by the Commissioner; and (b) the officer aforesaid on being satisfied as to his identity has attested the mark as being the mark of that person.

CHAPTER - II Election Of Members

3. Deposit.

(1) A candidate shall not be deemed to be duly nominated unless he deposits or caused to be deposited a sum of rupees two thousand and where the candidate is a member of any of the Scheduled Castes or Scheduled Tribes the amount to be deposited by him or on his behalf shall be rupees one thousand only: 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 deposited under that sub-rule unless at the time of delivery of the nomination paper under sub-section (1) of section 36 of the Act, the candidate has either deposited or caused to be deposited that sum with the Returning Officer in cash or enclosed with the nomination paper a receipt showing that the said sum has been deposited by him or on his behalf in the State Bank of Hyderabad or a Government Treasury.

4. Declarations to accompany Nomination Paper.

(1) Every nomination paper delivered under section 36 of the Act, shall be accompanied by such declaration as are specified in Forms I, II and III, provided that declaration in Form II shall be required -(a) in the case of an election in a Ward where the seat to be filled is reserved for the Scheduled Tribes, Scheduled Castes or Backward Classes;(b) the nomination papers to be presented by or on behalf of any candidate or accepted by the Returning Officer for election in the Ward under

sub-section (8) of Section 36 of the Act, shall not exceed four;(2)Every candidate shall along with the nomination paper also file an affidavit with regard to his criminal antecedents, assets and liabilities and educational qualifications as required by the State Election Commission and in the prescribed format sworn before a Notary Public or a Magistrate of the First Class.

5. Receipt of nomination papers and notice of scrutiny.

- The certificate required under Section 38 of the Act, shall be in Form IV and the receipt for nomination and the notice of scrutiny shall be in Form V.

6. Notice of nominations received.

- The notice of nomination to be affixed under Section 38 of the Act, shall be in Form VI.

7. List of validly nominated candidates.

- (2) The list of validly nominated candidates referred to in sub-section (8) of Section 39 of the Act, shall be in Form VIII.(3)The name of every such candidate shall be shown in the list of validity nominated candidates as it appears in his nomination paper:Provided that if a candidate considers that his name is incorrectly spelt or is otherwise incorrectly shown in his nomination paper or is different from the name by which he is popularly known, he may at any time before the list of contesting candidates is prepared furnish in writing to the Returning Officer, the proper form and spelling of his name and the Returning Officer shall, on being satisfied as to the genuineness of the request, make the necessary correction or alteration in the list in Form VIII and adopt the form and spelling in the list of contesting candidates.

8. Receipt of notice of withdrawal.

(1)On receipt of the notice of withdrawal of candidature, the Returning Officer shall note thereon the date on which it was delivered. The receipt of notice of withdrawal to be handed over to the person delivering the said notice shall be in Form IX.(2)The notice of withdrawal to be affixed under sub-section (3) of Section 40 of the Act, shall be in Form X.

9. Publication of the list of contesting candidates.

(1)On the expiry of the time allowed for withdrawal of candidature, the Returning Officer shall prepare a list in Form XI of persons whose nominations have not been rejected and who have not withdrawn their candidature which may be called as list of contesting candidates and publish it on the notice board of his Office forthwith.(2)The list of the contesting candidates shall be prepared in such languages as the State Election Commission may direct and shall contain the names in alphabetical order and addresses of the contesting candidates as given in the nomination paper. The alphabetical order shall be determined with reference to the surnames of candidates having surnames and the names proper of other candidates duly following the provisions under sub-section

(2) and (3) of Section 41 of the Act and if the list is prepared in more than one language, the names of candidates therein shall be arranged in alphabetical order according to the script of such one of those languages as the State Election Commission may direct. If a poll is found to be necessary, the Returning Officer shall specify symbol assigned to each candidate: Provided that 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. The names of such candidates shall be arranged in the order in which their nominations were received by the Returning Officer. (3) If a poll is found to be necessary the Returning Officer shall assign to every contesting candidate a distinctive symbol as per the provisions of Section 34 of the Act read with paragraph 6 of the Registration of Political Parties and Allotment of Symbols order, 2001 issued by the State Election Commission and any other instructions issued by the State Election Commission in this behalf from time to time. (4) In every case where a symbol has been assigned to a candidate under sub-rule (3) such candidate or his election agent shall forthwith be informed of the symbol so assigned and be supplied with a specimen thereof by the Returning Officer.

10. Appointment of Election Agent.

- The Appointment of an election agent under Section 43 (1) of the Act shall be made in Form XII and the notice of such appointment shall be given by forwarding the same in duplicate to the Returning Officer who shall return one copy thereof to the candidate or the election agent after affixing thereon his seal and signature in token of his approval of the appointment.

11. Revocation of appointment of Election Agent and Appointment of another person.

- The revocation of appointment of an election agent under subsection (1) of Section 45 of the Act shall be in Form XIII. The procedure laid down in Rule 10 shall apply for appointment of another person to be an election agent under sub-section (2) of Section 45 of the Act.

12. Appointment of Polling Agents.

(1) The number of polling agents that may be appointed under Section 47 of the Act shall be one agent and two relief agents for each polling station. (2) Every such appointment shall be made in duplicate in Form XIV and a copy of such appointment shall be given to the Returning Officer and a duplicate copy thereof shall be made over to the polling agent for production at the polling station or the place fixed for the poll, as the case may be. (3) No polling agent shall be admitted into the polling station or the place fixed for the poll 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.

13. Appointment of Counting Agents.

(1)The number of counting agents that a candidate may appoint under Section 48 of the Act shall be one agent for each table plus one more at the table of the Returning Officer.(2)Every such appointment shall be made in Form XV 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 counting of votes.(3)No counting agent shall be admitted at the place fixed for counting, unless he has delivered to the Returning Officer the second copy of his appointment under sub-rule (2) after duly completing and signing the declaration contained therein and receiving from the Returning Officer an authority for entry into the place fixed for counting.

14. Revocation of appointment or death of Polling Agent.

(1)The revocation of the appointment of a polling agent under sub-section (1) of Section 49 of the Act shall be in Form XVI and be lodged with the Returning Officer while sending a copy thereof to the Presiding Officer of the polling station at which the polling agent is appointed.(2)In the event of any such revocation, the candidate / his election agent may at any time before the poll is closed, make a fresh appointment in the manner specified in Rule 12 and the provisions of that rule shall apply to every such appointment.

15. Revocation of appointment or death of Counting Agent.

(1)The revocation of appointment of counting agent under sub-section (2) of Section 49 of the Act shall be in Form XVII and be lodged with the Returning Officer.(2)In the event of any such revocation before the commencement of counting of votes, the candidate / election agent may make a fresh appointment in accordance with the provisions of Rule 13.

16. Admission to Polling Station.

(1)The Presiding Officer shall regulate the number of voters to be admitted at any one time inside the polling station and shall exclude therefrom all other persons except:(a)the polling officers;(b)each candidate, his election agent, and one polling agent of each candidate;(c)other public servants on duty;(d)a child in arms accompanying a voter;(e)the companions of blind or infirm voters who cannot move without help; and(f)such other persons as the Presiding Officer may, from time to time, admit for the purpose of identifying voters or otherwise assisting him in taking the poll.(2)The Presiding Officer shall close the polling station at the hour fixed in that behalf under Section 57 of the Act and shall not admit thereto any voter after that hour:Provided that all voters present within the polling station before it is so closed shall be entitled to have their votes recorded.(3)If any question arises as to whether any voter shall, for the purpose of the proviso to sub-rule (2) be deemed to be present within the polling station before it is closed, the question shall be referred for the decision of the Presiding Officer of such polling station and his decision shall be final.

17. Arrangements for secrecy of voting and special facilities for Women voters at polling station.

(1) Each polling station shall be furnished with a compartment (referred to in these rules as a voting compartment) in which voters can, one after another, cast their votes screened from observation and no voter shall be allowed to enter such voting compartment when another voter is inside the same for the purpose of recording his vote. (2) Where a polling station is for both men and women voters, the Presiding Officer may direct that they shall be admitted into the polling station alternately in separate batches. (3) The Returning Officer or the Presiding Officer may appoint a woman to serve as an attendant at any polling station to assist women voters and also to assist the Presiding Officer generally in taking the poll in respect of women voters and in particular, to help in searching any woman voter in case it becomes so necessary. (4) The Presiding Officer may permit a voter to enter the voting compartment with a child in arms for the purpose of voting.

18. Provision of ballot boxes and other election material at polling station.

(1) There shall be displayed prominently outside each polling station:-(a) a notice specifying the polling area, the voters of which are entitled to vote at the polling station, or the particulars of the voters so entitled; and (b) a copy of the list of contesting candidates for Member in the same language or languages and in the same order in which the name of contesting candidates at the election are published under rule 9. (2) The Returning Officer shall provide for each polling station:-(a) as many ballot boxes as may be necessary; (b) a sufficient number of ballot papers and copies of the relevant part of the list of voters in respect of the polling area, the voters whereof are entitled to vote at the polling station; (c) instruments for stamping the distinguishing mark on ballot papers and articles necessary for the voters to mark the ballot papers.

19. Distinguishing mark on ballot paper.

(1) Every ballot paper before it is delivered to a voter at a polling station shall bear such distinguishing mark as the State Election Commission may direct and it shall be kept secret. (2) When any direction under sub-rule (1) has been issued by the State Election Commission, the Returning Officer shall provide at each polling station, instrument or instruments required for stamping such mark on the ballot paper. (3) The Presiding Officer at each polling station shall sign his name in full on the back of each ballot paper before it is issued to the voter.

20. Ballot Boxes to be locked and sealed before the commencement of poll.

(1) Every ballot box shall be of such design and colour as have been previously approved of by the State Election Commission. It shall be so constructed that ballot papers can be inserted therein but cannot be withdrawn therefrom without the box being unlocked and the seals being broken. (2) The Presiding Officer at each polling station, shall, immediately before the commencement of poll, allow the candidates, their election agents and their polling agents who may be present at such station to inspect each ballot box to be used at the poll and demonstrate to them that it is empty and bears the

labels both inside and outside marked with, (a) the serial number, if any, and name of the Ward; (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. (3) When it is necessary to use a paper seal for securing the ballot box, the Presiding Officer shall fix in the space meant there for in each such box a paper seal provided for the purpose. He shall also affix on such paper seal his own signature or seal of such candidates or of such election or polling agents of the candidates as may be present and may desire to affix such signature or seals. He shall then secure and seal each box in their presence in such manner that the slit in the box for insertion of ballot papers therein remains open. (4) Where it is not necessary to use a paper seal for securing the ballot box, the Presiding Officer shall after complying with the provisions of sub-rule (2), secure and seal the box in such manner that the slit in the box for insertion of ballot papers therein remains open and shall also allow the candidates or their election or polling agents, who may be present affix their own seals on the space in the box meant there for if they so desire. (5) The paper seal or the other seals used for securing a ballot box shall be affixed in such a manner that after the box has been closed, sealed and secured, then they shall be placed in full view of the Presiding Officer and the agents referred to in sub-rule (2).

21. Special procedure for prevention of personation of voters.

(1) Subject to the other provisions of this rule every voter who applies for a ballot paper for the purpose of voting at a polling station shall, before receiving such paper allow: (a) the inspection of his left fore-finger to the Presiding Officer or any Polling Officer, and (b) an indelible ink mark to be put on his left fore-finger; (2) If any such voter:—(a) refuses to allow such inspection of his left fore-finger; (b) refuses to allow an indelible ink mark to be put on his left forefinger, or (c) persists in doing any act with a view to remove such mark after it has been put; he shall not be entitled to be supplied with any ballot paper or to record his vote at the election. (3) No person who has already such a mark on his left fore-finger at the time he enters the polling station shall be supplied with any ballot paper and if any such person applies for a ballot paper he shall be liable to be arrested and prosecuted for personation. (4) Any reference in this rule or in Rule 22 to the left fore-finger of a voter shall, in the case where the voter has his left fore-finger missing, be construed as a reference to any finger of his hand, and shall, in the case where all the fingers of his left hand are missing, be construed as a reference to the fore-finger or any other finger of his right hand, and shall, in the case where all his fingers of both the hands are missing, be construed as a reference such extremity of his left or right arm he possesses.

22. Procedure before recording of votes.

(1) The voter on entering the polling station shall first have his left fore-finger to be inspected by a polling officer for the purpose of ascertaining if he/she already has any mark of indelible ink on that finger. If there is no such mark, such or any other polling officers :—(a) shall ascertain the voter's name and address and such other particulars as appear in the electoral roll and, after having checked these by reference to the electoral roll shall call out the number, name and description of the voter according to the entry in the electoral roll; (b) shall thereafter cause the left hand fore-finger of the voter to be marked with indelible ink and then deliver a ballot paper. Before delivering the

ballot paper to a voter where a direction has been issued in this behalf under rule 19, the polling officer shall stamp the ballot paper and its counterfoil on the back with such mark as may have been specified under that rule; and(c)shall before delivering the ballot paper to a voter :-(i)record on its counterfoil the part number and the serial number of the voter in the electoral roll as entered in the marked copy of the electoral roll;(ii)obtain the signature or thumb impression of that voter on the said counterfoil; or(iii)mark the name of the voter in the marked copy of the list of voters to indicate that the ballot paper has been issued to him without however recording therein the serial number of the ballot paper issued to the voter:Provided that no ballot paper shall be delivered to voter unless he has affixed his signature or thumb impression on the counterfoil of that ballot paper. It shall not be necessary for any Presiding Officer or Polling Officer or any other Officer to attest the thumb impression of the voter on the counterfoil.(2)No person in the polling station shall note down the serial numbers of the ballot papers issued to particular voter.(3)In deciding the right of a person to obtain a ballot paper under this rule, the Presiding Officer at any polling station may interpret an entry in the electoral roll so as to overlook merely clerical or printing errors, provided that he is satisfied that such person is identical with the voter to whom such entry relates.

23. Identification of voters.

(1)The Presiding Officer may employ at the polling station such persons as he thinks fit to assist him or any Polling Officer in identifying the voters.(2)Where the electors have been supplied with identity cards under the provisions of the Registration of Electors Rules, 1960 issued under Representation of People Act, 1950, the elector shall produce his identity card before the Presiding Officer or the Polling Officer authorized by him in this behalf. Where such identity cards are not issued, each elector shall establish his identity by producing any such documents as are specified, by order, by the State Election Commission.

24. Casting of votes after the receipt of Ballot Papers.

(1)The voter on receiving the ballot paper shall forthwith:-(a)proceed to the voting compartment;(b)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;(f)quit the polling station.(2)Every voter shall vote without undue delay.(3)No voter shall be allowed to enter a voting compartment, when another voter is inside it.(4)The Presiding Officer at a polling station shall, when he is so requested by a voter, explain to him the instructions contained in these rules for recording of vote.(5)If a voter to whom a ballot paper has been issued, refuses after warning given by the Presiding Officer to observe the procedure as laid down in sub-rule (1) 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 by a Polling Officer under the directions 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

voter 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.

25. Recording of Votes of Blind or infirm Voters.

(1) If the Presiding Officer is satisfied that owing to blindness or other physical infirmity a voter is unable to read the names or recognize the symbols on the ballot-paper or to make a mark thereon without assistance, the Presiding Officer shall permit the voter to take with him a companion of not less than eighteen years of age to the voting compartment for recording the vote on the ballot paper on his behalf and in accordance with his wishes and, if necessary for folding the ballot paper so as to conceal the vote and inserting it into the ballot box: Provided that no person shall be permitted to act as the companion of more than one voter at any polling station on the same day. Provided further that before any person is permitted to act as companion of a voter 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 voter and that he has not already acted as companion of any other voter at any Polling station on that day. (2) The Presiding Officer shall keep a record in Form XVIII of all cases under this rule.

26. Voter to be questioned in case of doubt as to his identity.

- At any time before a ballot paper is delivered to a voter, the Presiding Officer or a Polling Officer may of his own motion, if he has reason to doubt the identity of the voter or his right to vote at such election and shall if so required by a candidate or polling agent, put to the voter the following questions:- (1) Are you the person enrolled as follows:- (reading the whole entry from the electoral roll) (2) Have you already voted at the present election in this Ward? (3) Have you already voted at the present election in any other Ward? And the voter shall not be supplied with a ballot paper if he refuses to answer any of these questions and unless he answers the first question in the affirmative, the second and the third question in the negative.

27. Form of Ballot Paper.

(1) Every ballot paper to be used at an election shall have a counterfoil attached thereto and the said ballot paper and the counterfoil shall be in such colour, form and the particulars therein shall be in such language, or languages as the State Election Commission may direct. It shall also contain the symbols allotted to the candidates. (2) The ballot paper shall contain the name of candidates 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. (4) The ballot papers shall be serially numbered and the counterfoils thereof shall have on their faces the same serial numbers as those contained on the faces of the ballot paper.

28. Tendered Votes.

(1) If a person representing himself to be a particular voter seeks a ballot paper after another person has already voted as such voter, he shall on satisfactorily answering such questions relating to his

identity as the Presiding Officer may ask, be entitled subject to the following provisions of this rule, to mark a ballot paper (hereinafter in these rules referred to as a "tendered ballot paper") in the same manner as any other voter.(2)Every such person shall, before being supplied with a tendered ballot paper; sign his name against the entry relating to him in a list in Form XIX.(3)A tendered ballot paper shall be the same as the other ballot papers used at the polling station except that -(a)such tendered ballot papers shall be serially the last in the bundle of ballot papers issued for use at the polling station; and(b)such tendered ballot paper and its counterfoil shall be endorsed on the back with the words "tendered ballot paper" by the Presiding Officer, in his own hand and signed by him;(4)The voter after making a tendered ballot paper in the voting compartment and folding it, shall instead of putting it into the ballot box, give it to the Presiding Officer, who shall place it in a cover specially kept for the purpose.

29. Challenged Votes.

(1)Any polling agent may challenge the identity of a person claiming to be a particular voter by first depositing a sum of Rupees five in cash with the Presiding Officer for each such challenge.(2)On such deposit being made, the Presiding Officer shall.-(a)warn the person challenged of the penalty for personation;(b)read the relevant entry in the list of voters 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 XX, and(d)require him to affix his signature in the said list.(3)The Presiding Officer shall thereafter hold a summary enquiry in respect of 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 necessary for the purpose of establishing his identity and require him to answer them on oath; and(c)administer an oath to the person challenged and any other person offering to give evidence.(4)If, after the enquiry, 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 Corporation concerned and in any other case he shall return it to the challenger at the conclusion of the enquiry.

30. Spoilt and Returned Ballot Papers.

(1)A voter 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 a voter 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 the ballot papers cancelled under sub-rule (1) and sub-rule(2) shall be kept in separate packet.

31. Adjournment of poll in emergencies.

(1)(a)Where the poll is adjourned under Section 58 of the Act, the fact that the poll has been so stopped shall be immediately be announced by the Presiding Officer to the persons present at the polling station.(b)If the Presiding Officer considers it necessary to stop polling for a short interval due to heavy rain or dislocation of work in the polling station for some reason or other or due to disturbance of peace in the neighbourhood of the polling station, he can do so by informing the public to that effect under intimation to the Commissioner through the Returning Officer. In such an event, the poll can be resumed and continued beyond the period fixed for the poll to the extent of the time for which the poll was stopped.(2)Where a Presiding Officer stops a poll under sub-rule (1) (a), he shall observe the procedure laid down in Rule 34 and make a full report of the circumstances to the Commissioner through Returning Officer. The Commissioner in turn shall forward the same expeditiously with his remarks thereon, to the State Election Commission through the Election Authority.(3)The State Election Commission shall thereupon order, -(a)that the poll be continued at the polling station for the number of hours for which it was not held on the previous occasion, provided that not less than 50% of the voters had cast their votes; or(b)that the proceedings at the poll held at the polling station on the previous occasion be ignored and that a fresh poll be held at such polling station for the full number of hours for which it should have been held on the previous occasion.(4)Any order passed under sub-rule (3) shall state, -(i)the date on which and the hours between which the continuation poll or the fresh poll, as the case may be, shall be held; and(ii)the date on which and the place and hour at which, the Returning Officer will commence the counting of the votes; and(5)(a)where an order is passed under clause (a) of sub-rule (3) for the continuation of the poll, the Returning Officer shall proceed afresh for conducting the poll and return to the Presiding Officer appointed all the packets received by him under sub-rule (2).(b)the Presiding Officer shall open the packets just before the commencement of the continuation poll in the presence of such persons as may be present at the polling station and commence such poll precisely at the hour fixed there for in the order passed by the State Election Commission under clause (a) of sub-rule (3).(c)at the continuation poll, the Presiding Officer shall allow only such electors to vote who did not vote on the previous occasion.(6)Where an order is passed under clause (b) of sub-rule (3) for holding a fresh poll, the Returning Officer shall proceed afresh for conducting a fresh poll which shall be held at the polling station concerned in accordance with the provisions of these rules in all respects as if it were being held at such polling station for the first time.Explanation. - There shall be no fresh nominations in cases falling under this sub-rule.(7)Notwithstanding anything contained in this rule, if a candidate belonging to a recognised political party or a registered political party to which a symbol, if any, is reserved, dies at any time before orders are passed by the State Election Commission under sub-rule (3) or at any time after the passing of such orders but before the commencement of continuation poll or of the fresh poll, as the case may be, the Returning Officer shall upon being satisfied of the fact of the death of the candidate, intimate such fact to the State Election Commission through the Commissioner and stop all further proceedings in connection with the election and start election proceedings afresh in all respects as if for a new election to the seat concerned:Provided that no fresh nomination shall be necessary in the case of the remaining candidates who stood nominated at the time when poll was stopped.

32. Fresh poll in case of destruction of ballot box.

(1) If at any election, a ballot box is unlawfully taken out of the custody of the Returning Officer or the Presiding Officer and is in any way damaged or tampered with or is either accidentally or intentionally destroyed or lost, the procedure prescribed in section 59 of the Act shall be followed.

33. Adjournment of poll etc., on the ground of booth capturing.

- Where booth capturing taken place the procedure prescribed in Section 59 A of the Act shall be followed.

34. Delivery of Ballot Boxes to the Returning Officer after the close of the Poll.

(1) The Presiding Officer of each polling station shall, as soon as practicable after the close of the poll, in the presence of any candidates or their election or polling agents who may be present, close the slit for insertion of ballot papers of each ballot box, or where the box does not contain any mechanical device for closing the slit, seal up the slit, and seal and secure all the ballot boxes used at the polling station. The Presiding Officer shall allow the candidates or their election agents and their polling agents present at the polling station to fix their seals on the slit of the ballot box or boxes. (2) After sealing and securing the ballot box or boxes in accordance with the provisions of sub-rule (1), the Presiding Officer shall cause each such ballot box wrapped with new cloth which shall be sealed on the seams with his seal and also with the seals of any candidates or their election or polling agents who may be present and desire to affix their seals thereon. He shall also put his signature, and allow those candidates or their election or polling agents who may be present and desire to do so, to put their signature on a piece of paper which shall be properly pasted on the cloth in which each such ballot box has been wrapped. (3) (i) The Presiding Officer shall also make up into separate packets:-(a) the unused ballot paper (i.e., those with the signature of the Presiding Officer and without the signature of the Presiding Officer); (b) Counterfoils of the used ballot papers; (c) the covers containing the tendered ballot papers; (d) the returned ballot paper (i.e., those cancelled under Rule 30 and for violation of voting procedure under rule 24); (e) the marked copy of the electoral roll; (f) the cover containing the tendered ballot papers and the list in Form XIX; (g) the list of challenged votes; and (h) any other papers directed by the Returning Officer to be kept in a sealed packet. (i) Each such packet shall be sealed with the seal of the Presiding Officer and also of such candidates or their election or polling agents as may be present and may desire to affix their seals thereon. He shall as soon as practicable deliver the ballot box or boxes and all such packets and all other papers used at the poll or cause them to be delivered to the Returning Officer at such place as the Returning Officer may direct, subject to any general or special instructions issued in this behalf by the Commissioner.

35. Account of Ballot Papers to be prepared by the Presiding Officer after the close of the poll.

- The packets referred to in Rule 30 shall be accompanied by an account of ballot papers in Form XXI made by the Presiding Officer showing the total number of ballot papers entrusted to him, for the polling station and the number of ballot papers returned by him to the Returning Officer as unused, tendered and returned ballot papers as also the number of ballot papers which should be found in the ballot boxes. 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 thereof and shall also attest it as a true copy.

36. Transport of Ballot Boxes and Packets and their Custody.

- The Returning Officer shall make adequate arrangements for the safe transport of all ballot boxes, packets, and other papers referred to in Rule 30 and for their safe custody until the commencement of the counting of votes.

37. Special Procedure for voting by certain Class of Persons.

- At an election where a poll is taken, any member of the armed forces of the Union or a Member of the Armed Police Force of the State serving outside the State may give his vote by postal ballot and such person shall not be entitled to give his vote in any other manner.

38. Voting by Persons Subject to Preventive Detention.

(1) Subject to the other provisions of this rule, a voter of a Ward may, if he is subjected to preventive detention under any law for the time being in force, give his vote by postal ballot at any election in such Ward where a poll is taken and such a voter shall not so long as he is subject to such detention, be entitled to give his vote in any other manner. (2) As soon as possible after a notification calling upon to elect a Member has been issued, the Commissioner shall ascertain if any voter for the Ward is subject to preventive detention under any law for the time being in force and shall within ten days from the date of publication of such notification forward to the Returning Officer the names of such voters in that Ward who are under such detention together with their addresses and serial numbers in the electoral roll and the particulars about their places of detention. (3) Any voter of a Ward who is subject to preventive detention under any law for the time being in force may, within ten days from the date of publication of a notification calling upon that Ward to elect Member apply to the returning officer of the Ward for permission to give his vote by postal ballot at such election. Every such application shall specify the name of the voter, his address, his serial number in the electoral roll and the particulars regarding his place of detention. (4) If the Returning Officer is satisfied that the person whose name has been forwarded under sub-rule (3) is under preventive detention and is a voter of the Ward to which the election relates and is entitled to vote at such election, he shall permit such person to give his vote at the election by postal ballot. (5) While granting any such permission the Returning Officer shall at the same time cause suitable notes to be recorded in each

copy of the electoral roll in which such person is registered and which is intended to be used at the polling station where such person would if he had not been under detention, have normally voted so as to indicate that such person has been permitted to give his vote at the election by postal ballot.

39. Voting by persons employed on duty at polling station.

(1) Presiding Officer, polling officer, or public servant, who is a voter for any Ward and is by reason of his being on duty at a polling station unable to be present and to vote at the polling station where he is entitled to vote, may apply to the Returning Officer of the Ward for which he is a voter at least seven days before the date or the first of the dates fixed for the poll at the Ward for permission to vote at the election by postal ballot. Every such application which shall be in Form-XXII shall, specify the name of the voter, his address and his serial number in the electoral roll. (2) If the Returning Officer is satisfied that the claim is just and that the applicant is entitled to vote in the Ward, he shall allow the application and permit the applicant to give his vote at the election by postal ballot and thereupon the applicant may give his vote at such election by postal ballot and shall not be entitled to give his vote thereat in any other manner. (3) While allowing such an application the Returning Officer shall, at the same time cause suitable notes to be recorded in each copy of the electoral roll in which the applicant is registered and which is intended to be used at the polling station where the applicant would otherwise have normally voted so as to indicate that the applicant has been permitted to give his vote at the election by the postal ballot. (4) Where such voter, being a Polling Officer, Presiding Officer or other public servant on election duty in the ward of which he is an elector, wishes to vote in person at an election in a ward and not by post, he shall send an application in Form XXIII to the Returning Officer so as to reach him at least four days, or such shorter period as the Returning Officer may allow, before the date of poll; and if the Returning Officer is satisfied that the applicant is such public servant and voter on election duty in the ward he shall - (a) issue to the applicant an election duty certificate in Form XXIV (b) mark 'EDC' against his name in the marked copy of the electoral roll to indicate that an election duty certificate has been issued to him, and (c) ensure that he is not allowed to vote at the polling station where he would otherwise have been entitled to vote.

40. Returning Officer to send Ballot Papers for Postal Voting.

(1) The Returning Officer shall, in the case of every voter, who is authorised under Rule 37 or who has been permitted under sub-rule (4) of Rule 38 to give his vote at the election by postal ballot, as soon as may be after the publication under rule 9 of the list of contesting candidates at the election and in the case of every voter who has been permitted under sub-rule (2) of Rule 38 to give his vote at the election by postal ballot as soon as may be after such permission has been granted, send by post under certificate of posting to each such voter, a ballot paper in Form XXV. The names of the candidates shall be arranged on the postal ballot paper, in the order in which they appear in the list of contesting candidates. 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. The Returning Officer shall at the same time: (a) record on the counterfoil of the ballot paper the electoral roll number of the voter as entered in the marked copy of the electoral roll; (b) mark the name of the voter 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 voter; and(c)ensure that the voter is not allowed to vote at a polling station.(2)A postal ballot paper shall be sent to the voter by post under certificate of posting together with, -(a)a declaration in Form XXVI;(b)an envelope in Form XXVII with the number of ballot paper entered on its face;(c)a large cover addressed to Returning Officer himself in Form XXVIII; and(d)instructions for guidance of voter in Form XXIX.(3)The ballot paper together with the cover, envelope and letter shall be sent:(a)in the case where the voter is a member of the Armed Forces of the Union to the address of the voter as shown in the electoral roll;(b)in the case where the voter is a person subject to preventive detention to such voter at the place of his detention; and(c)in the case where the voter is a person, who has been permitted under sub-rule(2) of rule 38 to give his vote by postal ballot, to such voter at the address given in the application made by him under sub-rule (1) of that rule.(4)After all the ballot papers have been issued under this rule, the Returning Officer shall seal up in a packet the counter foils of all such ballot papers and record on such packet the description of its contents and the name of the Ward and the date of the election to which it refers.(5)No election shall be invalidated by reason that a voter has not received his ballot paper provided that a ballot paper has been issued to him in accordance with these rules.

41. Recording of vote.

(1)A voter who has received a postal ballot paper and desires to vote shall record his vote on the ballot paper in accordance with the directions contained in Part I of Form XXIX and then enclose it in the cover in Form XXVII.(2)The voter shall sign the declaration in Form XXVI in the presence of and have the signature attested by a Stipendiary or Honorary Magistrate or such other officer specified below as may be appropriate, to whom he is personally known, or to whose satisfaction he has been identified,(a)in the case of member of the Armed Force of the Union or an Armed Police Force of the State but in serving outside the State, such officer as may be appointed in this behalf by the commanding officer of the unit, ship or establishment in which the voter or her husband, as the case may be, is employed;(b)in the case of a voter on election duty, any Gazetted Officer,(c)in the case of a voter under preventive detention, the superintendent of the jail or the commandant of the detention camp in which the voter is under detention.

42. Assistance to Illiterate or Infirm voters.

(1)If a voter unable through illiteracy, blindness or other physical infirmity to record his vote on a postal ballot paper and sign the declaration, he shall take the ballot paper together with the declaration and the covers received by him to an officer competent to attest his signature under sub-rule (2) of Rule 38 and request the officer to record his vote and sign his declaration on his behalf.(2)Such officer shall thereupon mark the ballot paper in accordance with the wishes of voter in his presence, sign the declaration on his behalf and complete the appropriate certificate contained in Form XXVI.

43. Re-issue of Ballot Paper.

(1)When a postal ballot paper and other papers sent under Rule 38 are for any reason returned undelivered, the Returning Officer may re-issue them by post under certificate of posting or deliver them or cause them to be delivered to the voter personally on a request being made by him.(2)If any voter has inadvertently dealt with the ballot paper or any of the other papers sent to him under rule 40 in such a manner that they cannot conveniently be used, a second set of papers shall be issued to him after he has returned the spoilt papers satisfying the Returning Officer of the inadvertence.(3)The Returning Officer shall cancel the spoilt papers so returned and keep them in separate packet after noting thereon the particulars of the election and the serial number of the cancelled ballot papers.

44. Return of Ballot Papers.

(1)After a voter has recorded his vote and made his declaration under Rule 41 or Rule 42, he shall return the ballot paper and declaration to the Returning Officer in accordance with the instructions communicated to him in Part - II of Form XXIX, so as to reach the Returning Officer before the hour fixed for the commencement of counting of votes.(2)If any cover containing a postal ballot paper is received by the Returning Officer after the expiry of the time fixed in sub-rule (1), he shall note thereon the date and time of the receipt and shall keep all such covers together in a separate packet.(3)The Returning Officer shall keep in safe custody until the commencement of the counting of votes all cover containing postal ballot papers received by him.

45. Safe custody of covers containing Postal Ballot Papers received by the Returning Officer.

- The Returning Officer shall keep in safe custody until the commencement of the counting of votes all covers containing postal ballot papers received by him under Rule 41 or Rule 43.

46. Time and place for counting of votes.

(1)The counting of votes shall commence on the day and at the place and hour appointed in that behalf. Votes shall be counted by or under the supervision of the Returning Officer. Each candidate, the election agent and the counting agent of each candidate shall have a right to be present at the time of counting. No other person shall be allowed to be present except such person as the Returning Officer may appoint to assist him in counting votes and no person shall be appointed to assist in counting votes who has been employed by or on behalf of any candidate for any purpose whatsoever connected with the election.(2)If, at the time so appointed for the counting of votes at any such place all the ballot boxes containing ballot papers which are to be counted at such place under sub-rule (1) have not been received by the Returning Officer or, if for any other unavoidable cause he is unable to proceed with the counting of votes at the time and date appointed under sub-rule(1), the Returning Officer may postpone the counting, and fix the date and time of counting as per the directions of State Election Commission and may fix, if necessary, another place for the

counting of votes on the date to which the counting has been so postponed, and shall give notice thereof in writing to all the candidates or their election agents.

47. Admission to place fixed for counting.

(1) The Returning Officer shall exclude from the place fixed for counting of votes all persons except:-(a) persons appointed as counting supervisors and counting assistants to assist him in the counting; (b) persons authorised by the State Election Commission or by the Election Authority; (c) Public servants on duty in connection with the election; and (d) Candidates, their election agents and counting agents. (2) No person who has been employed by or on behalf of or has been otherwise working for a candidate in or about the election shall be appointed under clause (a) of sub-rule (1). (3) The Returning Officer shall decide which counting agent or agents shall watch the counting at any particular counting table or group of counting tables. (4) Any person who, during the counting of votes, misconducts himself or fails to obey the lawful directions of the Returning Officer may be removed from the place where the votes are being counted by the Returning Officer or by any police officer on duty or by any person authorised in this behalf by the Returning Officer.

48. Maintenance of secrecy of voting.

- The Returning Officer shall, before he commences the counting of votes read the provisions of Section 602 of the Act to such persons as are present.

49. Counting of postal ballot papers.

- The Returning Officer shall first deal with the postal ballot papers in the manner hereinafter provided; (a) no cover in Form XXVIII received by the Returning Officer after the expiry of the time fixed in that behalf shall be opened and no vote contained in any such cover shall be counted. (b) other covers shall be opened one after another and as each cover is opened the Returning Officer shall first scrutinise the declaration in form XXVI contained therein. (c) if the said declaration is not found or has not been duly signed, attested or is otherwise substantially defective or if the serial number of the ballot paper as entered in it differs from the serial number endorsed on the cover in Form XXVII, that cover shall not be opened, and after making an appropriate endorsement thereon, the Returning Officer shall reject the ballot paper therein contained. (d) each cover so endorsed and the declaration received with it shall be replaced in the cover in Form XXVIII and all such covers in Form XXVIII shall be kept in a separate packet, on which shall be recorded the name of the Ward, the date of counting and brief description of its contents. (e) the Returning Officer shall then place all the declarations in Form XXVI which he has found to be in order in a separate packet which shall be sealed before any cover in Form XXVII is opened and on which shall be recorded the particulars referred to in sub-rule (d). (f) the covers in Form XXVII not already dealt with under the foregoing provisions of this rule shall then be opened one after another and the Returning Officer shall scrutinise each ballot paper and decide the validity of the vote recorded thereon. (g) a postal ballot paper shall be rejected. i. if it bears any mark (other than the mark to record the vote) or writing by which the voter can be identified; or ii. if no vote is recorded thereon; or iii. if votes are given on it in favour of more candidates than one; iv. if it is a spurious ballot paper;

orv. if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established; orvi. if it is not returned in the cover sent along with it to the voter by the Returning Officer.(h)A vote recorded on a postal ballot paper shall be rejected if the mark indicating the vote is placed on the ballot paper in such manner as to make it doubtful to which candidate the vote has been given.(i)A vote recorded on a postal ballot paper shall not be rejected merely on the ground that the mark indicating the vote is indistinct or made more than once, if the intention that the vote shall be for a particular candidate clearly appears from the way the paper is marked.(j)The Returning Officer shall count all the valid votes given by postal ballot in favour of each candidate, record the total thereof in the result sheet in Form XXX and announce the same.(k)Thereafter all the valid ballot papers and all the rejected ballot papers shall be separately bundled and kept together in a packet which shall be sealed with the seal of Returning Officer and of such of the candidates, their election agents, counting agents as may desire to affix their seals thereon and on the packet so sealed shall be recorded the name of the Ward, the date of counting and a brief description of its contents.

50. Scrutiny and opening of ballot boxes.

(1)The Returning Officer shall open, or cause to be opened, simultaneously the ballot box or boxes used at more than one polling station and shall have the total number of ballot papers found in such box or boxes counted and recorded in Part II of Form XXI.Provided that discrepancy, if any, between the total number of such ballot papers recorded as aforesaid and the total number of ballot papers shown against item No.5 of Part I shall also be recorded in Part II of Form XXI.(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 intact.(3)The Returning Officer shall satisfy himself that none of the ballot boxes has in fact been tampered with.(4)If the Returning Officer is satisfied that any ballot box has in fact been tampered with, he shall not count the ballot papers contained in that box and shall follow the procedure laid down in Section 59 of the Act, in respect of that polling station.

51. Counting of Votes.

(1)Subject to such general or special directions, if any, as may be given by the State Election Commission in this behalf, the ballot papers taken out of all boxes used at more than one polling station in a ward shall be mixed together and then arranged in convenient bundles and scrutinised.(2)The Returning Officer shall reject a ballot paper if ;(a)it bears any mark or writing by which the voter can be identified, or(b)to indicate the vote, it bears a mark made otherwise than with the instrument supplied for the purpose, or(c)votes are given on it in favour of more than one candidate, or(d)the mark indicating the votes thereon is placed in such manner as to make it doubtful to which candidate the vote has been given, or(e)it is a spurious ballot paper; or(f)it is so damaged or mutilated that its identify as a genuine ballot paper cannot be established; or(g)it bears a serial number, or is of a design different from the serial numbers, or, as the case may be design of the ballot papers authorised for use at the particular polling station; or(h)does not bear the mark which it should have borne under the provisions of sub-rule (1) of Rule 19: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 the Presiding Officer or polling officer the ballot

paper shall not be rejected merely on the ground of such defect. Provided further that the 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 (1) the Returning Officer shall allow the counting agents present, a reasonable opportunity to inspect the ballot paper but shall not allow them to handle it or any other ballot paper. The Returning Officer shall record on every ballot paper which he rejects the letter "R" and the ground of rejection in abbreviated form either in his own hand or by means of rubber stamp and shall initial such endorsement. All ballot papers rejected shall be bundled together. Every ballot paper which is not rejected under this rule shall be counted as one valid vote provided that no cover containing "Tendered ballot paper" shall be opened and no such paper shall be counted. (4) After the counting of all papers contained in all the ballot boxes used in a Ward has been completed, the Returning Officer shall make the entries in a result sheet in Form XXX and announce the particulars. (5) The decision of the Returning Officer as to the validity of a ballot paper contained in ballot box or of a postal ballot paper or of a vote given on a postal ballot paper shall be final subject to any decision to the contrary given by a tribunal on the trail of an election petition calling in question the election.

52. 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.

53. Recommencement of counting after fresh poll.

- If a fresh poll is held, under section 59 of the Act, Returning Officer shall after completion of the poll recommence counting of votes on the date and at the time and place which have been fixed by him in that behalf and of which notice has been previously given to the candidates and their election agents.

54. Recount of votes.

(1) After completing of the counting, the Returning Officer shall record in the result sheet in Form XXX the total number of votes polled by each candidate and announce the same. (2) After such announcement has been made, a candidate or in his absence, his election agent or any of his counting agents may apply in writing to the Returning Officer to recount the votes either wholly or in part stating the grounds on which he demands such recount. (3) On such an application being made, the Returning Officer shall decide the matter and may allow the application in whole or in part or may reject it in toto, if it appears to him to be frivolous or unreasonable. (4) Every decision of the Returning Officer under sub-rule (3) shall be in writing and contain the reasons therefor. (5) If the Returning Officer decides under sub-rule (3) to allow a recount of the votes either wholly or in part, he shall:-(a) do the re-counting; (b) amend the result sheet in Form XXX 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 XXX and no application for another recount shall be entertained thereafter.(7)Any candidate or his agent shall on application be supplied with a copy of the results sheet in Form XXX.

55. Declaration of result of election and return of election.

- The Returning Officer shall subject to the provisions of sections 64,65 and 66 of the Act, and so far they apply to any particular case,(a)declare in Form XXXI the candidate to whom the largest number of valid votes have been given, to be elected under section 65 of the Act, and send a signed copy thereof to the State Election Commission, Election Authority and the Commissioner as required under section 66 of the Act and(b)complete and certify a return of election in Form XXXII and send signed copies thereof to the State Election Commissioner, Election Authority and the Commissioner.

56. Grant of Certificate of Election to Returned Candidate.

- As soon as may be after a candidate has been declared by the Returning Officer under the provisions of section 65 of the Act, to have been elected, the Returning Officer shall grant to such candidate a certificate of election in Form XXXIII and obtain from the candidate an acknowledgement of its receipt duly signed by him and immediately send the acknowledgement to the Municipal Secretary.

57. Custody and the Return of ballot boxes and papers relating to election.

- All ballot boxes used in the election and the packets of ballot papers and all other papers relating to the election shall be kept in such custody as the Commissioner may direct.

58. Production and inspection of election papers.

- While in custody of the Returning Officer;(a)the packets of unused ballot papers with the counterfoil attached thereto,(b)the packets of used ballot papers whether valid, tendered or rejected,(c) the packets of counterfoils of used ballot papers,(d)the packet of marked copy of electoral roll,(e)the packets of the declaration by voters and attestation of their signatures, and(f)the counterfoils of the postal ballot papers; shall not be opened and their contents shall not be inspected by or produced before any person of authority excepts under the order of a competent court or of a tribunal.

59. Disposal of election papers.

(1)The packets referred to in rule 58 shall be retained for a period of one year and shall thereafter be destroyed subject to any direction to the contrary given by the State Election Commission or by a

competent court or by a tribunal.(2)All other papers relating to the election shall be retained for a period of two years from the date of declaration of the result of election.

60. Return or the forfeiture of candidate's Deposit.

(1)The deposit made under rule 3 shall either be returned to the person making it or his legal representative or be forfeited to the Municipal Corporation concerned in accordance with the provision of this rule.(2)Except in cases hereinafter mentioned in this rule the deposit shall be returned as soon as practicable after the result of the election is declared(3)If the candidate is not shown in the list of contesting candidates or if he dies before the commencement of the poll, the deposit shall be returned as soon as practicable after the publication of the list or after his death, as the case may be.(4)Subject to the provisions of sub-rule (3), the deposit shall be forfeited if at an election where a poll has been taken, the candidate is not elected and the number of valid votes polled by him does not exceed one sixth of the total number of valid votes polled by all the candidates.(5)Notwithstanding anything in sub-rules (2), (3) and (4) if at an election the candidate is a contesting candidate in more than one Ward not more than one of the deposits shall be returned and other shall be forfeited.CHAPTER - III Voting by Electronic Voting Machines

61. Design of Voting Machine.

- Every Electronic Voting Machine (hereinafter referred to as the Voting machine) shall have a Control Unit and a Balloting Unit and shall be of such designs as may be approved by the State Election Commission.

62. Preparation of Voting Machine by the Returning Officer.

(1)One Voting Machine shall be used for Election to the Office of Ward Member.(2)The Balloting Unit of the voting machine shall contain such particulars in such language or languages as the State Election Commission may specify.(3)The names of the candidates shall be arranged on the Balloting Unit in the same order in which they appear in the list of the contesting candidates.(4)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. Subject to the foregoing provisions of the rule, the Returning Officer shall, -(a)fix the label containing the names and symbols of the contesting candidates in the Balloting Unit and secure that unit with his seal and the seals of such of the contesting candidates or their election agents present as are desirous of affixing the same.(b)Set the number of contesting candidates and close the candidate set section in the control unit and secure it with his seal and the seals of such of the contesting candidates or their election agents present as are desirous of affixing the same.

63. Arrangements at the Polling Stations.

(1)Outside each polling station there shall be displayed prominently, -(a)a notice specifying the polling area, the electors of which are entitled to vote at the polling station and when the polling

area has more than one polling station, the particulars of the electors so entitled; and(b)a copy of the list of contesting candidates.(2)At each polling station there shall be set up one or more voting compartments in which the electors can record their votes free from observation.(3)The Returning Officer shall provide at each polling station one voting machine and copies of relevant part of the electoral roll and such other election material as may be necessary for taking the poll.

64. Admission to Polling Station.

- The provision of rule 16 shall apply to regulate the entry of electors and other persons inside the polling station.

65. Preparation of voting machine for poll.

(1)The control unit and balloting unit of every voting machine used at a polling station shall bear a label marked with,-(a)the serial number and the name of the ward;(b)the serial number and the name of the polling station;(c)the serial number of the unit; and(d)the date of poll.(2)Immediately before the commencement of the poll, the Presiding Officer shall demonstrate to the polling agents and other persons present that no vote has been already recorded in the voting machine and it bears the label referred to in sub-rule(4) of rule 62.(3)A paper seal shall be used for securing the control unit of the voting machine, and 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 control unit of the voting machine and shall secure and seal the same.(5)The seal used for securing the control unit shall be fixed in such manner that after the unit has been sealed, it is not possible to press the "result button" without breaking the seal.(6)The control unit shall be closed and secured and placed in full view of the Presiding Officer and the polling agents and the balloting unit placed in the voting compartment.

66. Marked copy of electoral roll.

- Immediately before the commencement of the poll, the Presiding Officer shall also demonstrate to the polling agents and others present, that the marked copy of the electoral roll to be used during the poll does not contain any entry other than that made with regard to issue of postal ballot papers and election duty certificates.

67. Facilities for Women electors.

(1)Where a polling station is for both men and women electors, the Presiding Officer may direct that they shall be admitted into the polling station alternately in separate batches.(2)The Returning Officer or the Presiding Officer may appoint a women 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 / frisking any woman elector in case it becomes necessary.

68. Identification of electors.

(1)The Presiding Officer may employ at the polling station such persons, as he thinks fit to help 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)Where the electors have been supplied with identity cards under the provisions of the Registration of Electors Rules, 1960 issued under Representation of People Act, 1950, the elector shall produce his identity card before the presiding officer or the polling officer authorised by him in this behalf. Where such identity cards are not issued, each elector shall establish his identity by producing any such documents as are specified, by order, by the State Election Commission.(4)In deciding the right of a person to cast his vote, the Presiding Officer or the polling officer, as the case may be, shall overlook the 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.

69. Facilities for public servants on election duty.

(1)The provisions of Rule 68 shall not apply to any person, who produces at the polling station an election duty certificate issued by Returning Officer and seeks permission to cast his vote at that polling station although it is different from the one where he is entitled to vote.(2)On production of such certificate, the Presiding Officer shall(a)obtain thereon, the signature of the person producing it;(b)have the person's name and electoral roll number as mentioned in the certificate entered at the end of the marked copy of the electoral roll; and(c)permit him to cast his vote in the same manner as for an elector entitled to vote at that polling station.

70. Challenging of Identity.

- Where the identity of an elector is challenged, the provisions of Rule 29 shall apply.

71. Safeguard 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,(a)refuse 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, or(b)fails or refuses to produce his identity card as required by sub-rule (3) of rule 68 he shall not be 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 to his left hand, and shall, in the case where all the fingers of his left hand are missing, be construed as a reference to the forefinger or any other finger of both the hands are missing be construed as a reference to such extremity of his left or right arm as he possesses.

72. Procedure for voting by voting machines.

(1) Before permitting an elector, to vote the polling officer shall (a) record the electoral roll number of the elector as entered in the marked copy of the electoral roll in a register of voters in Form - XXXIV (b) obtain the signature or the thumb impression of the elector on the said register of votes, and (c) mark the name of the elector in the marked copy of the electoral roll to indicate that he has been allowed to vote. Provided that no elector shall be allowed to vote unless he has affixed his signature or thumb impression on the register of voters. (2) 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 register of voters.

73. Maintenance of secrecy of voting by electors within the polling station and voting procedure.

(1) Every elector who has been permitted to vote under rule 72 shall maintain secrecy of voting within the polling station and for that purpose observe the voting procedure hereinafter laid down. (2) Immediately on being permitted to vote the elector shall proceed to the Presiding Officer or the polling officer in-charge of the control unit of the voting machine who shall, by pressing the appropriate button on the control unit, activate the balloting unit, for recording of elector's vote. (3) The elector shall thereafter forthwith (a) proceed to the voting compartment: (b) record his vote by pressing the button on the balloting unit against the name and symbol of the candidate for whom he intends to vote, and (c) come out of the voting compartment and leave the polling station. (4) Every elector shall vote without undue delay. (5) No elector shall be allowed to enter the voting compartment when another elector is inside it. (6) If an elector who has been permitted to vote under rule 72 or rule 76 refuses after warning given by the presiding officer to observe the procedure laid down in sub-rule (3) or sub-rule (3) of Rule 76, the Presiding Officer or a polling officer under the direction of the presiding officer shall not allow such elector to vote. (7) Where an elector is not allowed to vote under sub-rule (6), a remark to the effect that voting procedure has been violated shall be made against the elector's name in the register of voters in Form-XXXIV by the Presiding Officer under his signature.

74. Recording of votes of blind or infirm electors.

(1) If the Presiding Officer is satisfied that owing to blindness or other physical infirmities an elector is unable to read the names or recognise the symbols on the balloting unit of the voting machine or unable to record his vote by pressing the appropriate button 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 his behalf and in accordance with his wishes, 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 that 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 other polling station on that day. (2) The Presiding

Officer shall keep a record of all cases under this rule in Form - XVIII

75. Elector deciding not to vote.

- If an elector, after his electoral roll number has been entered in the register of voters in Form - XXXIV and has put his signature or thumb impression thereon as required under clause (b) sub-rule (1) of rule 72, decided not to record his vote, a remark to this effect shall be made against the said entry in Form - XXXIV by the Presiding Officer and the signature or thumb impression of the elector shall be obtained against such remark.

76. Tendered Votes.

(1) If a person representing himself to be a particular elector seeks to vote after another person has already voted as such elector, he shall, on satisfactory answering such questions relating to his identity as the Presiding Officer may ask, be, instead of being allowed to vote through the balloting unit, supplied with a tendered ballot paper which shall be such design and the particulars of which shall be in such language or languages as the State Election Commission may specify. (2) Every such elector shall before being supplied with tendered ballot paper affix his signature or thumb impression against the entry relating to him in a list in Form-XXXV. (3) On receiving the ballot paper he shall forthwith, - (a) proceed to the voting compartment; (b) record there his vote on the ballot paper by placing a cross mark "X" with instrument or article 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) give it to the presiding officer who shall place it in a cover specially kept for the purpose, and (e) leave the polling station. (4) If owing to blindness or physical infirmities, such elector is unable to record his vote without assistance the presiding officer shall permit him to take with him a companion, subject to the same conditions and after following the same procedure as laid down in rule 74 for recording the vote in accordance with his wishes.

77. Presiding Officer's entry in the voting compartment during poll.

(1) The Presiding Officer may whenever he considers it necessary to do so, enter the voting compartment during poll and take such steps as may be necessary to ensure that the balloting unit is not tampered or interfered with in any way. (2) If the Presiding Officer has reason to suspect that an elector who has entered the voting compartment is tampering or otherwise interfering with the balloting unit or has remained inside the voting compartment for unduly long period, he shall enter the voting compartment and take such steps as may be necessary to ensure the smooth and orderly progress of the poll. (3) Whenever the Presiding Officer enters the voting compartment under this rule, he shall permit the polling agents present to accompany him if they so desire.

78. Closing of Poll.

(1) The Presiding Officer shall close a polling station at the hour fixed in that behalf under section 57 of the Act, 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.

79. Account of votes recorded.

(1)The Presiding Officer shall at the close of the poll prepare an account of votes recorded in Form - XXXVI and enclose it in a separate cover with the words "Account of Votes Recorded" 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 Form XXXVI after obtaining a receipt from the said polling agent therefor and shall attest it as a true copy.

80. Sealing of voting machine after poll.

(1)As soon as practicable after the closing of the poll, the Presiding Officer shall close the control unit to ensure that no further votes can be recorded and shall detach the balloting unit from control unit.(2)The control unit and the balloting unit shall thereafter be sealed, and secured separately in such manner as the State Election Commission may direct and the seal used for securing them shall be so affixed that it will not possible to open the units without breaking the seals.(3)The polling agents present at the polling station, who desires to affix their seals, shall also be permitted to do so.

81. Sealing of other packets.

(1)The Presiding Officer shall then make into separate packets, -(a)the marked copy of the electoral roll;(b)the register of voters in Form XXXIV;(c)the cover containing the tendered ballot papers and the list in Form XXXV;(d)the list of challenged votes; and(e)any other papers directed by the State Election Commission to be kept in a sealed packet.(2)Each packet shall be sealed with the seal of the Presiding Officer and with the seal either of the candidate or of his election agent or of his polling agent who may be present at the polling station and may desire to affix his seal thereon.

82. Transmission of voting machines, 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 voting machine;(b)the account of votes recorded in Form XXXVI;(c)the sealed packets referred to in rule 81 and(d)all other papers used at the poll.(2)The Returning Officer shall make adequate arrangements for the safe transport of the voting machine, packets and other papers for their safe custody until the commencement of the counting of votes.

83. Procedure on adjournment of poll.

(1)If the poll at any polling stations is adjourned under sub-section (1) of section 58 of the Act, the provisions of rules 79 to 82, shall, as far as practicable, apply as if the poll was closed at the hour

fixed in that behalf under section 57 of the Act.(2)When an adjourned poll is recommended under sub-section (2) of Section 58 of the Act, 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 sealed packet containing the marked copy of the electoral roll, register of voters in Form XXXIV and a new voting machine.(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 making the names of the electors who are allowed to vote at the adjourned poll.(5)The provisions of Rules 61 to 82 shall apply in relation to the conduct of an adjourned poll before it was so adjourned.

84. Closing of voting machines in case of booth capturing.

- Where the Presiding Officer is of opinion that booth capturing is taking place at a polling station or at a place fixed for the poll, he shall immediately close the control unit of voting machine to ensure that no further votes can be recorded and shall detach the balloting unit from the control unit.

85. Scrutiny and inspection of voting machines.

(1)The Returning Officer may have the control units of the voting machines used at more than one polling station taken up for scrutiny and inspection and votes recorded in such units counted simultaneously.(2)Before the votes recorded in any control unit of a voting machine are counted under sub-rule (1), the candidate or his election agent or his counting agent present at the counting table shall be allowed to inspect the paper seal and such other vital seals as might have been affixed on the unit and to satisfy themselves that the seals are in tact.(3)The Returning Officer shall satisfy himself that none of the voting machines has in fact been tampered with.(4)If the Returning Officer is satisfied that any voting machine has in fact been tampered with he shall not count the votes recorded in that machine and shall report the matter to the State Election Commission.

86. Counting of votes.

(1)After the Returning Officer is satisfied that a voting machine has in fact not been tampered with, he shall have the votes recorded therein counted by pressing the appropriate button marked "Result" provided in the control unit whereby the total votes polled and votes polled by each candidate shall be displayed in respect of each such candidate on the display panel provided for the purpose in the unit.(2)As the votes polled by each candidate are displayed on the control unit, the election officers shall have, -(a)number of such votes recorded separately in respect of each candidate in Part II of Form XXXVI;(b)part II of Form XXXVI completed in other respects and signed by the counting supervisor and also by the candidates or their election agents or their counting agents present; and(c)corresponding entries made in a result sheet in Form XXX, and the particulars so entered in the result sheet announced.

87. Sealing of Machines.

(1)After the result of voting recorded in control unit has been ascertained candidate-wise, and entered in Form XXXVI, and in the form prescribed for this purpose, the Returning Officer shall reseal the unit with his seal and the seals of such of the candidates or their election agents present who may desire to affix their seals thereon so however that the result of voting recorded in the unit is not obliterated and the unit retains the memory of such result.(2)The control unit so sealed shall be kept in specially prepared boxes on which the election officer shall record the following particulars, namely:- (a)the serial number and name of the ward;(b)the particulars of the polling station where the control unit has been used;(c)serial number of the control unit;(d)date of poll; and(e)date of counting.

88. Custody of voting machines and papers relating to election.

(1)All voting machines used at an election shall be kept in the custody of the concerned Collector & District Election Authority or the Officer authorized by him.(2)The Collector & District Election authority or the Officer authorized by him shall keep in the safe custody, - (a)the packets of marked copy of the electoral roll;(b)the packets containing register of voters in Form XXXIV;(c)the packets containing the number of votes recorded in respect of each candidate in Form XXXVI;(d)all other papers relating to election;

89. Production and Inspection of voting machines and election papers.

(1)While in the custody of the Collector & District Election authority or the Officer authorized by him - (a)the packets of marked copy of electoral roll;(b)the packets containing registers of voters in Form XXXIV; shall not be opened and their contents shall not be inspected by, or produced before any person or authority except under the order of the competent court.(2)The control unit sealed as per the provisions of Rule 87 and kept in the custody of the Collector & District Election Authority or the Officer authorised by him and shall be stored in Government Treasury or sub-Treasury and shall not be opened and inspected by, or produced before any person or authority except under the order of the competent court.

90. Safe custody of voting machines and all other packets.

(1)The Voting machines kept in the custody of the Collector & District Election authority or the Officer authorized by him shall be retained in tact for such period as the State Election Commission may direct and shall not be used at any subsequent election without previous approval of the State Election Commission.(2)All other packets relating to elections where there is no election petition, shall be destroyed as per the provisions of these rules.

91. Power of the SEC to issue directions.

- Subject to the other provisions of these rules, the State Election Commission may issue such directions as it may consider necessary to facilitate the proper use and operation of the voting machines and also as occasion requires to facilitate the holding of elections under these rules.

CHAPTER - IV Election Expenditure Returns

92. Particulars of account of election expenses.

(1)The account of election expenses to be kept by a candidate or his election agent shall contain such particulars and shall be in such proforma as may be specified by the State Election Commission.(2)The account of Election Expenses shall be submitted to the District Election Authority through the Commissioner within forty-five days of the declaration of the result of the election. The date of submitting the return in the Office of the Commissioner shall be deemed to be the date of filing the return under Section 617C of the Act. The Commissioner shall forward all returns received by him to the District Election Authority immediately on the expiry of forty-five days from the date of declaration of the results of elections.(3)The Commissioner shall also send a list of contesting candidates who have failed to submit the accounts of election expenditure within the time specified in sub-rule (2). He shall also forward any accounts of election expenditure submitted after the due date with his report.

93. Notice by District Election Authority for inspection of accounts.

- The District Election Authority shall, within two days from the date on which the account of election expenses has been received by him, cause a notice to be affixed to his notice board, specifying, -(a)the date on which the account has been lodged before the Commissioner,(b)the name of the candidate; and(c)the time and place at which such account can be inspected by any intending person.

94. Inspection of account and the obtaining of copies thereof.

- Any person shall on payment of a fee of five rupees, be entitled to inspect any such account and on payment of a fee equal to cost of making copies be entitled to obtain attested copies of such account or of any part thereof.

95. Report by District Election Authority as to the lodging of the Account of election expenses and the decision of the State Election Commission thereon.

(1)As soon as may be, after the expiration of the time specified in Section 617C of the Act for the lodging of the accounts of election expenses at any election, the District Election Authority shall, report to the State Election Commission, -(a)the name of each contesting candidate;(b)whether such candidate has lodged his account of election expenses, and if so, the date on which such account has

been lodged; and(c)whether in his opinion such account has been lodged within the time and in the manner required by the Act and these rules.(2)Where the District Election Authority is of the opinion that the account of election expenses of any candidate has not been lodged within the due date or lodged by not in the manner required by the Act and these rules, he shall make a report to the State Election Commission and with every such report, forward the account of election expenses of that candidate and the vouchers lodged along with it, if any.(3)Immediately after the submission of the report referred to in sub-rule (1), the District Election Authority shall publish a copy thereof affixing the same on his notice board.(4)As soon as may be, after the receipt of the report referred to in sub-rule(1), the State Election Commission shall, consider the same and decide whether any contesting candidate has failed to lodge the account of election expenses within the time and in the manner required by the Act and these rules.(5)Where the State Election Commission decides that a contesting candidate has failed to lodge his account of election expenses within the time and / or in the manner required by the Act and these rules, it shall by notice in writing call upon the candidate to show cause why he should not be disqualified, and declared to have ceased to hold office in case he is elected under Section 20B of the Act for the failure.(6)Any contesting candidate who has been called upon to show cause under sub-rule (5) may, within twenty days of the receipt of such notice, submit in respect of the matter a representation in writing to the State Election Commission, and shall at the same time send to District Election Authority a copy of his representation together with a complete account of his election expenses if he had not already furnished such an account.(7)The District Election Authority shall, within five days of the receipt thereof, forward to the State Election Commission, the copy of the representation and the account, if any, with such comments as he wishes to make thereon.(8)If, after considering the representation submitted by the candidate and the comments made by the District Election Authority, and after such inquiry as it thinks fit, the State Election Commission is satisfied that the candidate has no good reason or justification for the failure to lodge his account, it shall declare him by an order made under Section 20B of the Act to be ineligible for a period of three years, from the date of the said order, to contest any election held for any Office under the Act and if he is an elected candidate declare him to have ceased to hold office with immediate effect and publish the order in the Official Gazette.

96. Maximum election expenses.

- The total of the expenditure of which account is to be kept under Section 617 B of the Act, and which is incurred or authorised in connection with an election shall not exceed the amount specified for in the order made by the State Election Commission in this behalf.

Chapter V

Election Petitions

97. Place of Trial.

- The trial of election petitions shall be held at such place as the Government may appoint:Provided that a tribunal may, in its discretion sit for any part of the trial at any other place in which the election to which the petitions relates has taken place.

98. Another person appointed as Tribunal.

- If during the course of the trial the person appointed under Section 75 of the Act, as an election tribunal, is for any reason unable to perform his functions the Government shall appoint another person as election tribunal in accordance with the provisions of Section 75 of the Act, and the trial shall thereafter be contained as if he has been appointed as the tribunal from the commencement of the trial: Provided that the tribunal so appointed may if it thinks fit recall and reexamine any of the witness already examined.

99. Attendance of Law Officer.

(1) The Tribunal may require the Government Pleader in-charge of Municipal Administration or some person acting under his instruction to attend at the trial. (2) The said Government Pleader or the person acting under his instructions shall when so required, attend at the trial and shall take such part therein as the Tribunal may direct.

100. Procedure before the Tribunal.

(1) Subject to the provisions of the Act and these rules every election petition shall be tried by the Tribunal as nearly as may be in accordance with the procedure applicable under the Code of Civil Procedure, 1908 (Act V of 1908) to the trial of suits: Provided that the tribunal shall have the discretion to refuse for reasons to be recorded in writing to examine any witness or witness if it is of the opinion that their evidence is not material for the decision the petition or that the party tendering such witness or witnesses in doing so on frivolous grounds or with a view to delay the proceedings. (2) The provisions of the Indian Evidence Act, 1872 (1 of 1872) shall subject to the provisions of these rules be deemed to apply in all respects to the trial of an election petition. (3) This Tribunal shall dismiss an election petition which does not comply with the provisions of sections 71, 72 or Rule 114. (4) Any candidate not already a respondent shall upon application made to the tribunal within fourteen days from the commencement of the trial and subject to the provisions of rule 106 be entitled to be joined as respondent. Explanation. - For the purpose of this sub-rule and of rule 99 the trial of petition shall be deemed to commence on the date fixed for the respondents to appear, before the Tribunal and answer the claim or claims made in the petition. (5) The Tribunal may upon such terms as to costs and otherwise as it may deem fit, allow the particulars of any corrupt or illegal practice alleged in the petition to be amended or amplified in such manner as may in its opinion be necessary for ensuring a fair and effective trial of the petition, but shall not allow any amendment to the petition which will have the effect of introducing particulars of a corrupt or illegal practice not previously alleged in the petition.

101. Appearance before the Tribunal.

- Any appearance, application or act before tribunal may be made or done by the party in person or by a pleader duly appointed to act in his behalf. Provided that it shall be open to the tribunal to direct any party to appear in person.

102. 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.

103. 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.

104. 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 to 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 Tribunal. (b) an answer given by a witness to a question put by or before the Tribunal shall not, except in the case of any criminal proceeding for perjury in respect of the evidence, be admissible in evidence against him in any civil or criminal proceedings. (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 Chapter IX-A of the Indian Penal Code (Act 45 of 1860) or under section 17 and 599 to 612 (both inclusive) of the Act arising out of the matter to which such certificate relates but it shall not be deemed to relieve him from any disqualification in connection with an election imposed by the Act or any other law.

105. Expenses of witness.

- The reasonable expenses incurred by any person in attending to give evidence may be allowed by the tribunal to such person, and shall, unless the Tribunal otherwise directs be deemed to be part of the costs.

106. Recrimination when seat claimed.

(1) When in an election petition a declaration that any candidate other than the returned candidate has been duly elected is claimed, the returned candidate or any other party may give evidence to prove that the election of such candidate would have been void if he had been the returned candidate and a petition had been presented calling in question his election: Provided that the returned candidate or such other party as aforesaid shall not be entitled to give such evidence unless he has within fourteen days from the date of commencement of the trial, given notice to the tribunal of his intention to do so and has also given the security and the further security referred to in rule 114 and 115 respectively. (2) Every notice referred to in sub-rule (1) shall be accompanied by the statement and particulars required by section 73 of the Act.

107. Withdrawal of Petition.

(1)An application for withdrawal of an election petition may be made before the Tribunal and such election petition may be withdrawn only by leave of the Tribunal.(2)Where an application for withdrawal is made under sub-rule (1) notices thereof fixing a date for the hearing of the application shall be given to all other parties to the petition.

108. Procedure for withdrawal of petitions before the Tribunal.

(1)If there are more petitions 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 Tribunal 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 respondent therefor incurred or such portion thereof as the tribunal may think fit;(b)notice of withdrawal shall be published in the Andhra Pradesh Gazette by the Tribunal;(c)a person who might himself have been a petitioner, may, within fourteen days of such publication, apply to be substituted as petitioner in place of the party withdrawing and upon compliance with the conditions of rule 114 as to security shall be entitled to be so substituted and to continue the proceedings upon such terms as the Tribunal may think fit.

109. Procedure where the petitioner fails to appear.

(1)Where the petitioner fails or if there are more petitioners than one, all the petitioners fail to appear at any stage during the trial of the petition, the Tribunal may on the application of any other person who might himself have been a petitioner and if satisfied that it is necessary for ends of justice so to do, instead of dismissing the petition for default order that person to be substituted for the original petitioner to petitioners upon such terms as it thinks just.(2)When a petition is dismissed for default, the notice of dismissal, shall be published in the Andhra Pradesh Gazette by the Tribunal.

110. Abatement of election petitions.

- An election petition shall abate only on the death of a sole petitioner or of the survivor or several petitioners.

111. Abatement of petition.

- Where an election petition abates under Rule 103 notice of abatement shall be published in the Andhra Pradesh Gazette by the Tribunal.

112. Substitution on death of Petitioner.

- After a notice of abatement of an election petition is published under rule 111 any person who might himself have been a petitioner may within fourteen days of such publication, apply to be submitted as petitioner and upon compliance with the condition of Rule 107 as to security shall be entitled to be so substituted and to continue the proceedings upon such terms as the Tribunal may think.

113. Abatement of 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 respondent dies or give such notice and there is no other respondent who is opposing the petition, the Tribunal shall cause notice of such event to be published in the Andhra Pradesh Gazette and there upon any person who might have been a petitioner may within fourteen days of such publication apply to be substituted in place of such respondent oppose the petitions and shall be entitled to continue the proceedings upon such terms as the Tribunal may think fit,

114. Deposit Security.

- The petitioners shall enclose with the petition a Government treasury receipt showing that a deposit of rupees one thousand has been made by him either in a Government treasury or in the State Bank of Hyderabad/State Bank of India in favour of the Commissioner concerned, Municipal Corporation as security for the costs of the petition.

115. Further Security for Costs.

- During the course of the trial of an election petition the Tribunal may at any time call upon the petitioner to give such further security for costs as the Tribunal may direct and may if he fails to do so dismiss the petition.

116. Security for cost from a respondent.

- No person shall be entitled to be joined as a respondent under sub-rule (4) of Rule 100 unless he has given security for costs as the tribunal may direct.

117. Costs.

(1) Costs including pleader's fee shall be in the discretion of the Tribunal. (2) The Tribunal may allow interest on costs at rate not exceeding three per cent per annum and such interest shall be added to the costs.

118. Payment of costs out of Security Deposits and Return of such Deposits.

(1) If, in any order as to costs, 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 six months from the date of pronouncement of the order of the Tribunal unless an appeal is preferred therefrom in which case from the date of pronouncement of the order of the High Court to the Commissioner by the person in whose favour the costs have been awarded. (2) If there is any balance left on 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 six months, the whole of the said security deposits may on an application made in that behalf to the Commissioner by the person by whom the deposits have been made or if such person dies after making such deposits, by the legal representative of such person be returned to the said person or to his legal representative as the case may be.

119. Execution of orders as to costs.

- Any order as to costs may be produced before the principal Civil Court of original jurisdiction, within the local limits of whose jurisdiction any person directed by such order to pay any sum of money has a place of residence or business 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 118, no application shall lie under this rule within a period of six months from the date of pronouncement of the order of the tribunal unless an appeal is preferred therefrom in which case from the date of announcement of the order of the High Court unless it is for recovery of the balance of any costs which has been left unrealised after an application has been made under the sub-rule owing to the insufficiency of the amount of the security deposits referred to in that sub-rule. Form - I (See rule 4) Declaration as to Choice of Symbols I am set up at this election as a candidate for the Office for Member from Ward Municipal Corporation by party. or I do hereby declare that the symbols which I have chosen for my election are shown below in the order of preference.

1.

2.

3.

Date:- Signature of the Candidate Name: Form - II (See rule 4) Declaration by a candidate who is a member of any of the *Schedule Tribes / Scheduled Castes / Backward Classes to the election to the office of Member of the Municipal Corporation of from Ward. I hereby declare that I am a member of the Tribe / Caste / Class which has been declared to be *Scheduled

Tribe / Scheduled Caste / Backward Class in Group A/B/C/D/E Date: Signature of the Candidate. Name: * Strike off whichever is inapplicable. Form - III (See rule 4) Declaration to Abide by the Code of Conduct I hereby that the code of conduct prescribed by the State Election Commission has been read by me/read over to me and I will abide by the conditions stipulated therein. Date: Signature of the Candidate Name: Form - IV (See rule 5) Serial No. This nomination paper for the Election to the Office of Member of the Municipal Corporation of from Ward was delivered at my Office at (date and hour) by the *Candidate / Proposer. Returning Officer / Assistant Returning Officer. Date: * Strike off whichever is inapplicable. Form - V (See rule 5) Receipt for Nomination Paper and Notice of Scrutiny (To be handed over to the person presenting the nomination paper) Serial Number of Nomination Paper .. The nomination paper of Sri/Smt/Kum..... a candidate for the election to the Office of Member of the Municipal Corporation of from Ward was delivered to me at my office at (hour) on ... (date) by the * Candidate / Proposer. All nomination paper will be taken up for scrutiny at . (hour) on .. (date) at (Place). Returning Officer/Asst. Returning Officer * Strike off whichever is inapplicable. Form - VI (See rule 6) Notice of Nomination Notice of nomination for election to the office of Member of the Municipal Corporation of from Ward.

Sl. No	Name of Candidate	Age	Address	*Whether the candidate is a member of the Schedule Tribes / Scheduled Caste/ Backward Classes. The particular caste / Tribe / Class to which the candidate belongs	(ward in the electoral roll in which the name of the candidate is included and the ** serial number of candidate in electoral roll.	Name of proposer	** Serial Number of proposer in the electoral roll in which his name is included.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

Returning Officer / Asst. Returning Officer Date: ... * This column is to be filled only in the case of a (Ward) where the seat to be filled is reserved for the Scheduled Tribes / Scheduled Castes/ Backward Classes in other cases this column should be struck out. ** Where the electoral roll is sub-divided into parts and separate serial numbers, are assigned to the voters entered in each part a description of the part in which the name of the person concerned is also to be given here. Form - VII (See rule 7 (1)) Certificate of Scrutiny I have scrutinised the eligibility of the candidate contesting the election to the office of the Member of the Municipal Corporation of from Ward and the proposer, and find that they are respectively qualified to stand for election and to propose the nomination. Returning Officer, Date: Form - VIII (See rule 7(2)) List of Validly Nominated Candidates Election to the Office of Member of the Municipal Corporation of from Ward.

Sl. No. Name of Candidate Name of Father/Husband Address of Candidate

1	2	3	4
1.			
2.			

3.

etc.

Returning Officer Place Date Form - IX (See rule 8(1)) Receipt for Notice of Withdrawal (To be handed over to the person delivering the notice) The notice of withdrawal of candidate by Sri /Smt/ Kum a candidate at the election to the Office of Member of the Municipal Corporation of from ... Ward was delivered to me by Sri /Smt/ Kum the * candidate / the candidate's proposer / election agent who has been authorized in writing by the candidate to deliver it at my Office at (hour) on ... (date). Returning Officer. Date * Strike off whichever is inapplicable. Form - X (See rule 8 (2)) Notice of Withdrawal of Candidatures Election to the ward member/ Municipal Corporation of Notice is hereby given that the following validly nominated* Candidate / candidates at the above election withdraw his* Candidature / their candidatures today.

Name of validly nominated candidate Address of validly nominated candidate Remarks

1.

2.

3.

4.

5.

6.

7.

8.

Returning Officer Date * Strike off the inappropriate alternative. Form - XI (See rule 9) List of Contesting Candidates Election to the Office of the Member of the Municipal Corporation of . from Ward.

Sl. No	Name of Candidate	Address of candidate	Party Affiliation, if any	Symbol assigned to the candidate
--------	-------------------	----------------------	---------------------------	----------------------------------

1.

2.

3.

4.

Note. - The poll will be taken between the hours of . and .. (date or dates) at the polling station fixed for the poll to be notified separately. Returning Officer. Place Date Form - XII (See rule 10) Appointment of Election Agent Election to the Office of the Member of the Municipal Corporation of . from Ward. To The Returning Officer, Ward. I Sri/Smt/Kum a candidate at the above election do hereby appoint Sri/Smt/Kum S/o as my Election Agent from this day at the above election. Signature of Candidate. Place Date I accept the above appointment. Signature of Election Agent Place Date . Form - XIII (See rule 11) Revocation of Appointment of an Election Agent Election to the Office of the Member of the Corporation of from Ward. To The Returning Officer, Ward. I Sri/ Smt/ Kum a candidate at the above election hereby revoke the appointment of Sri/Smt/Kum my election agent. Place Date Signature of Candidate. Form - XIV (See rule

12) Appointment of Polling Agent Election to the Office of the Member of the Municipal Corporation of from Ward. I Sri/Smt./Kum a candidate / the election agent of Sri/Smt./Kum..... who is a candidate at the above election do hereby appoint Sri/Smt./Kum as a polling agent to attend polling station No. at place fixed for the poll on ..Signature of Candidate / Election Agent. Place Date ..I agree to act as such polling agent. Signature of Polling Agent. Place.....Date.....Declaration of Polling Agent to be signed before the Presiding Officer I hereby declare that I will not at this election for the Office of Member to the Municipal Corporation of from Ward do anything forbidden by Section 602 of the Hyderabad Municipal Corporation Act, 1955 which I have read/ has been read over to me. Signature of Polling Agent

Date Signed before me

Presiding Officer Note. - The appointment order shall be made in duplicate and one copy thereof shall be handed over to the polling agent for production at the polling station and the other copy to be sent to the Returning Officer. Form - XV (See rule 13) Appointment of Counting Agents Election to the Office of Member of the Municipal Corporation of from Ward. To The Returning Officer, . Ward. I Sri/ Smt./Kum a candidate / the election agent of Sri/Smt./Kum..... who is a candidate at the above election do hereby appoint the following person as my counting agent to attend the counting of votes at

Name of Counting Agent

Address of Counting Agent

1.

2.

3.

Signature of Candidate/Election Agent

We agree to act as such Counting Agents.

1.

2.

3.

Date:

Signature of Counting Agent

Declaration of counting agents (to be signed before the Returning Officer) We hereby declare that we will not at this election to the Office of the Member of the Municipal Corporation of from Ward do anything forbidden by section 602 of the Hyderabad Municipal Corporation Act, 1955 which we have read/has been read over, by us.

1.

2.

3.

Signature of Counting Agent.

Date Signed before me

Returning Officer. Form - XVI (See rule 14) Revocation of Appointment of Polling Agent Election to the Office of the Member of Municipal Corporation of . from Ward. To The Returning Officer Ward. Presiding Officer, Polling Station No. I Sri/Smt./Kum Candidate / Election Agent of Sri/Smt./Kum a candidate of the above election hereby revoke the appointment of Sri / Smt./ Kum as polling agent. Signature of Candidate / Election Agent. Place Date *Strike out the word not applicable. Note. - This form shall be induplicate. Form XVII (See rule 15) Revocation of Appointment of Counting Agent Election to the Office of Member of Municipal Corporation of ... from Ward. To The Returning Officer, Ward. I Sri/Smt/Kum a candidate/election Agent of Sri/Smt/Kum .. candidate at the above election hereby/revoke the appointment of Sri/Smt/Kum as Counting Agent. Place: Date: Signature of Candidate/Election Agent. * Strike out whichever is inapplicable. Form - XVIII (See rule 25 (2)) List of Blind and Infirm Voters Election to the Office of Member of the Municipal Corporation of from Ward. Number and Name of the Polling Station.....

Part No. and Sl.No. of Voter	Full Name of Voter	Full Name of Companion	Address of Companion	Signature of Companion
1	2	3	4	5

Date: Signature of Presiding Officer.

Form - XIX (See rule 28(2)) List of Tendered Votes Election to the Office of Member of the Municipal Corporation of from Ward. Number and Name of the Polling Station.....

Part No. Sl.No.&Name of voter	Address of voter	Sl.No. of tendered Ballot paper	Sl.No. of ballot paper issued to the person who has already voted	Signature/thumb impression of person tendering vote
1	2	3	4	5

Date: Signature of Presiding Officer

Form - XX (See rule 29 (2) (c)) List of Challenged Votes Election to the Office of Member of the Municipal Corporation of from Ward. Polling Station.

Sl.No.	Name of voter	Serial No. in the electoral Roll	Signature or thumb impression of voter and his address	Name of the identifier if any
1	2	3	4	5

Name of the person Challenging	Amount of deposit made	Order of Presiding Officer in each case	Signature of challenger acknowledging receipt of deposit when deposit is returned
(6)	(7)	(8)	(9)

Date :Signature of Presiding OfficerForm - XXI(See rule 35)Part - I Ballot Paper AccountElection to the Office of Member of the Municipal Corporation of from Ward.Number and Name of the Polling station.

	Serial Nos.	
	From	To Total Nos.
1. Ballot papers received		
2. Ballot papers unused (i.e., not issued to voters) (a) With the signature of Presiding Officer. (b) Without the signature of Presiding Officer.		
Total : (a + b)		
3. Ballot papers used at the polling station (1-2) =.....		
4. Ballot papers used at the polling stations butnot Inserted into the Ballot Box. (a) Ballot papers cancelled for violation ofvoting Procedure under Rule 29. (b) Ballot papers cancelled for other reasons..... (c) Ballot papers used as tendered ballotpapers.		
Total : (a + b+c)		
5. Ballot papers to be found in the box (3-4) * Serial Number need not be given		

Date:

Signature of Presiding
Officer

Part - II Result of Counting

Name of theCandidate

Number of valid votes
cast

- 1.
- 2.
- 3.

4. etc.,

II. Rejected Ballot papers

III. Total

Whether the total number of ballot papers shown against item No. III above tallies

with the total shown against item No. 5 Part - I or any discrepancy noticed between these

two totals.

Place : Date : Signature of Counting Supervisor Signature of the Returning Officer Form - XXII (See rule 39 (1)) Application for Issue of Postal Ballot Paper Election to the Office of Member of the Municipal Corporation of from Ward To The Returning Officer, .. Ward. Sir, I intend to cast my vote by post at the ensuing election to the Office of Member of the Municipal Corporation of from Ward. My name is entered at Serial Number in Part No. ... of the electoral roll for . Ward. The ballot paper may be sent to me at the following address:

Place : Yours faithfully,

Date : Address :

Form XXIII (See rule 39 (4)) Application for Election Duty Certificate To The Returning Officer, Ward No. Sir, I intend to cast my vote in person at the ensuing election to the Ward No. of Municipal Corporation of I have been posted on election duty within the Municipal Corporation (No. & name of the Polling Station) at but my name is entered at Serial No. Part No. .. of the electoral rolls for . Ward no. comprised within the Municipal Corporation. I request that an Election Duty Certificate in Form XXIV may be issued to enable me to vote at the polling station where I may be on duty on the polling day. It may be sent to me at the following

address:- Place ...

Date Yours faithfully,

Name()

Form XXIV (See Rule 39 (4) (a)) Form of Authorisation to Vote Outside Polling Area Certified that Sri / Smt./ Kum. is an elector in the Ward No. of Municipal Corporation and is entitled to vote at For Ward Since he/she has been in election duty in connection with the election for ward and is prevented from voting at the said station and that I have therefore authorised him/her to vote at any polling station in the ward Station :

Date : Signature of Returning Officer

Ward No.

Form XXV (See rule 40 (1))

Counterfoil

Election to the
Member of Municipal
Corporation of.
Postal Ballot Paper
S.No. of Ballot Paper

Electoral Roll P
Serial number o

.....
(Perforated line for cutting)

Ballot Paper

Election to the C
Member of Mur
Corporation of-
Postal Ballot Pa
S.No. of ballot p

.....
Names of Candi
Party Affiliation

(1)

.....
(2)

.....
(3) etc.,
.....

Form - XXVI(See rule 40 (2) (a))Declaration by VoterElection to the Office of Member of the
Municipal Corporation of from .. Ward.(This side is to be used only when the voter signs the
declaration himself.)I hereby declare that, I am voter to whom the postal ballot paper bearing Serial
Number has been issued at the above election.Signature of Voter

.....Address..... Date :Attestation of SignatureThe above has been signed in my
presence by .. (voter) who is personally known to *me/has been identified to my satisfaction by
..... (identifier) who is personally known to me.Signature of identifier, if any

Address..... Signature of Attesting Officer.

Date : Designation

Score out whichever is not applicable(This side to be used when the voter cannot sign himself.)I
hereby declare that, I am the voter to whom the postal ballot paper bearing serial number
has been issued at the above election.

Signature of Attesting Officer on behalf of voter

Date : Address of voter

CertificateI hereby certify that:-(1)the above named voter is personally known to *me/has been
identified to my satisfaction by (identifier) who is personally known to me.(2)I am satisfied
that the voter is *illiterate/suffers from . (infirmary) and is unable to record his vote himself or sign
his declaration,(3)I was requested by him to mark the ballot paper and to sign the above declaration
on his behalf, and(4)the ballot paper was marked and the declaration is signed by me on his behalf
in his presence and in accordance with wishes.Signature of identifier, if any.....Address:

.....Signature of Attesting Officer ...DesignationAddressDate

.....Form - XXVII(See rules 40 (2) (b) and 41 (1))

Cover A

Not to be opened before counting.

Election to the Office of the Member of theMunicipal Corporation offrom
Ward.

Postal Ballot Paper

Serial No. of ballot paper

Form - XXVIIICover(See rule 40 (2) (c))

Cover B

Postage

Prepaid

Election - Immediate

Postal Ballot Paper

Election to the Office of Member of theMunicipal Corporation
of.....from.....Ward.

(Not to be opened before counting)

To

The Returning Officer

.....

Signature of Sender.....

Form XXIX(See rules 40 (2) (d), 41 (1) and 44)Instruction For The Guidance of VotersElection to
the Office of Member of the Municipal Corporation of from Ward.The persons whose names
are printed on the ballot paper sent herewith are candidates at the above election. If you desire to
vote, you should record your vote in accordance with the directions given in Part I below and then
follow the instructions detailed in Part II

Part I – Directions To Voters

1. The number of candidates to be elected is one.

2. You have only one vote.

**3. You must not vote for more than one candidate. If you do, your ballot
paper will be rejected.**

**4. Record the vote by placing clearly a mark opposite the name of the
candidate to whom you wish to give that vote.**

**5. The mark should be so placed as to indicate clearly any beyond doubt to
which candidate you are giving your vote. If the mark is so placed as to make
it doubtful to which candidate you have given the vote, the vote will be**

invalid.

6. Do not put your signature or write any word or mark, sign or writing whatsoever on the ballot paper other than the mark you are required to make thereon in accordance with paragraph 4.

7. A voter shall obtain the attestation of his signature on the declaration in Form XXVI by a Stipendiary Honorary Magistrate; or

(a) If he is a member of Armed Forces of Union, or, of an Armed Police Force of the State of Andhra Pradesh but is serving outside the State, by such officer as may be appointed in this behalf by the Commanding Officer of the Unit, ship or establishment in which the voter or her husband, as the case may be, is employed; (b) If he is on election duty, by any Gazetted Officer; and If he is under preventive detention, by the superintendent of the Jail or the Commandant of the detention camp in which he is under detention.

Part II – Instructions for voters

(a) After you have recorded your vote on the ballot paper, place the ballot paper in the smaller cover marked 'A' sent herewith. Close the cover and secure it by seal or otherwise. (b) You have then to sign the declaration in Form - XXVI also sent herewith, in the presence of a Stipendiary or Honorary Magistrate or any other officer competent to attest your signature (See direction 7 above). Take the declaration to any such officer and sign it in his presence after he has been satisfied about your identity. The Officer will attest your signature and return the declaration to you. You must not show your ballot paper to the Attesting Officer nor tell him how you have voted. (c) If you are unable to mark the ballot paper and sign the declaration yourself in the manner indicated above by reason of illiteracy, blindness or other infirmity, you are entitled to have your vote marked and the declaration signed on your behalf by any officer referred to in item (b). Such an officer will at your request mark the ballot paper in your presence and in accordance with your wishes. He will also complete the necessary certificate in this behalf. (d) After your declaration has been signed and your signature has been attested in accordance with item (b) or item (c), place the declaration in Form - XXVI as also the smaller cover marked 'A' containing the ballot paper in the larger cover marked 'B'. After closing the larger cover, send it to the returning officer by post or by a messenger. You have to give your full signature in the space provided on the cover marked 'B'. No postage stamp need be affixed by you as the stamps of required value have already been affixed on larger cover marked 'B'. (e) You must ensure that the cover reaches the Returning Officer before* *(Hour) on ... (Date) (f) Please note that:-(i) if you fail to get your declaration attested or certified in the manner indicated above, your ballot paper will be rejected, and (ii) if the Cover reaches the Returning Officer after .. *(hour) on the . (date), your vote will not be counted. (*) Here specify the hour and date fixed for the commencement of counting of votes. Form XXX (See rules 49(j), 51 (4) and 54 (1)) Final Result Sheet Election to the Office of Member of the Municipal Corporation of..... from Ward.

Part I – { |

|-| Name of the Ward: || Total No. of Voters in Ward || -| Sl.No. | Polling Station | No. of valid votes cast in favour of | Total valid votes | No. of rejected votes | Total No. of tendered votes | -| ||||| -| ||
 _____ |||| -| | A| B| C| || -| 1. ||||| -| 2. ||||| -| 3. ||||| -| 4. ||||| -| Total
 No. of votes recorded at Polling Stations. || -| | No. of votes recorded on Postal Ballot papers. || -|
 Total Votes Polled |||| } Returning Officer. Place : Date: From XXXI (See rule 55 (a)) Declaration of the
 Result of Election Election to the Office of the Member of the Municipal Corporation of . from
 Ward. In pursuance of the provisions contained in Section 65 of the Hyderabad Municipal
 Corporation Act, 1955 (Act II 1956) and Rule 55 of the Andhra Pradesh Municipal Corporations
 (Conduct of Election of Members, Election Expenses and Election Petitions) Rules, 2005, I declare
 that, --..... (Name)..... (Address) Sponsored by (Name of the political party) has
 been duly elected to fill the *seat / vacancy caused due to the retirement of on (Date,
 month and year) / on the expiration of his term of office / by the *resignation of / *death
 of / . *Election of having been declared void, from the above Ward. Place : Date
 : Returning Officer *Score out the word not applicable. Form XXXII (See rule 55 (b)) Return of
 Election Election to the Office of the Member of the Municipal Corporation of from
 Ward. Return of Election

Sl.No. Name of the candidate Party affiliation Number of votes polled

(1) (2) (3) (4)

Total number of Electors. Total number of valid votes polled. Total number of rejected votes. Total
 number of tendered votes. I declare that..... (Name)..... (Address) has been
 duly elected to fill the seat. Place : Date : Returning Officer Form XXXIII (See rule
 56) Certificate of Election I, Returning Officer for Ward No .. of the Municipal Corporation of
 hereby certify that I have on the day of 2005 declare Sri/Smt/Kum
 of (party) to have been duly elected by the said Ward to be a member of the
 Municipal Corporation of and that in token thereof I have granted to him this certificate of
 election. Place..... Date..... Returning Officer (with seal) Form - XXXIV (See rule
 72 (1) (a)) Register of Voters Election to the office of the Member of Municipal Corporation . from
 ... Ward No. & Name of the Polling Station _____

Sl. No. Sl. No. of elector in the electoral roll Signature / Thumb impression of elector Remarks

1

2

3

4

Etc.

Date . Signature of the Presiding Officer Form - XXXV (See rule 76 (2)) List of Tendered Votes Election
 to the office of the Member of Municipal Corporation . From Ward . No. & Name of the
 Polling Station _____

Sl. Name of Sl. No. of elector Sl. No. in Register of voters (Form-XXXIV) Signature / Thumb
 No. Elector in electoral roll of the person who has already voted in impression of elector

place of elector

1
2
3
4
5
6
7
8
9
10

Date: Signature of the Presiding Officer Form No. XXXVI (See rule 79) Part - I Account of Votes recorded

Election to the office of the Member of Municipal Corporation From
..... Ward

No. & Name of the Polling Station _____

Identification No. of Voting Control Unit _____

Machine Number used at the polling station balloting unit

1. Total No. of electors assigned to the Polling Station.
2. Total No. of voters as entered in the Register of voters (Form-XXXIV)
3. No. of voters decided not to record Votes under Rule 75.
4. No. of voters not allowed to vote under Rule 73.
5. Total No. of votes recorded as per voting machine.
6. Whether the total No. of votes as shown against item 5 tallies with the total No. of voters as shown against item 2 minus Nos. of voters deciding not to record votes as against item No. 3 minus No. of voters as against item 4 (2-3 & 5) or any discrepancy noticed.
7. No. of voters to whom tendered ballot papers were issued under Rule 76.
8. No. of tendered ballot papers.

Sl. No .
From To

- (a) received for use
- (b) issued to electors
- (c) not used returned

9. Account of papers seals

1. Serial number of paper seal

Sl. No .
From To

2. Total number supplied.

3. Number of paper seals used.
4. Number of unused paper seals returned to Returning Officer(Deduct item 3 from item 2)
5. Serial number of damaged paper seal, if any

Signature of
Polling
Agents.

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

DatePlaceSignature of Presiding OfficerPolling Station No.Part - II Result of counting
Sl.No. Name of the Candidate No. of Votes recorded

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10

Total:Whether the total nos. of votes shown above tallies with the total No. of votes shown against item 5 of Part - I or any discrepancy noticed between the two totals. If any discrepancy noticed, the reasons for discrepancy arePlace:Date:

Signature of Counting Supervisor

Name of the candidate/election agent/countingagent

Full signature

- 1.
- 2.
- 3.

4.

5.

6.

7.

8.

Signature of Returning Officer