

The Bihar Municipal Election Rules, 2007

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Rule THE-BIHAR-MUNICIPAL-ELECTION-RULES-2007 of 2007

- Published on 21 April 2007
- Commenced on 21 April 2007
- [This is the version of this document from 21 April 2007.]
- [Note: The original publication document is not available and this content could not be verified.]

The Bihar Municipal Election Rules, 2007Published vide Memo No. 1747, dated 21.4.2007

1. Short title extent and commencement.

(1)These Rules may be called the Bihar Municipal Election Rules, 2007.(2)They shall extend to the whole of the State of Bihar.(3)They shall come into force at once.Part-1 Definitions

2. Definitions.

- In these Rules, unless there is anything repugnant in the subject or context-(a)"Act" means the Bihar Municipal Act, 2007;(b)"bye-election" means an election held to fill a casual vacancy under Section 484 of the Act and Rule 114 of these Rules;(c)"candidate" means a person who has been or claims to have been duly nominated as a candidate at any election and includes a candidate who, with the election in prospect has held himself out as prospective candidate;(d)"corrupt practice" means any of the practices specified in Section 481 of the Act;(e)"general election" means an election held for the offices of the Councillors under sub-section (6) of Section 12 of the Act;(f)"elector" in relation to a ward of municipality means a person whose name is for the time being entered in the electoral roll of that ward;(g)"electoral right" means the right of a person to stand or not to stand as or to withdraw from being candidate, or to vote or refrain from voting, at an election;(h)"form" means a form set out in these Rules, which may be subject to change if so required by the State Election Commission;(i)"electoral offence" means any of the offences specified in Section 454-469 of the Act;(j)"Registration Officer" means the officer appointed under Rule 5 of these Rules;(k)"returned candidate" means a candidate whose name has been published under Section 14 as an elected Councillor or who has been elected under sub-section (1) of Section 23 of the Act to be the Chief Councillor or Deputy Chief Councillor of a Municipality;(l)"Returning Officer" means an officer appointed as such under the Act;(m)"Section" means a Section of the Act;(n)"Ward" means an area specified as such in Rules made under Section 13 of the Act.

Part II – Preparation of Electoral Rolls.

3. Qualification for registration as electors.

- The qualification for the registration of electors at election of Municipality shall be the same as provided in Section 451 of the Act.

4. Electoral rolls.

- There shall be an electoral roll for every ward of the Municipality.

5. Registration Officer.

- The electoral roll of every ward shall be prepared and published by the officer (referred to in these Rules as the Registration Officer) appointed in this behalf by the State Election Commission by notification: Provided that the Registration Officer subject to the direction, control and supervision of the State Election Commission shall coordinate and supervise all works relating to preparation of electoral roll in the area within his jurisdiction.

6. Agency for the preparation and publication of electoral roll.

- For the purpose of the preparation and publication of the electoral roll, the Registration Officer may employ such agency as he thinks fit.

7. Subdivision of the electoral roll of a ward.

- The Registration Officer may subdivide the electoral roll of a ward in such manner or into such parts as he may deem expedient for the purpose of expediting or facilitating the preparation of the roll.

8. Form of electoral roll.

- The electoral roll for each ward shall be prepared in Hindi in Devanagri script and in such form as the State Election Commission may direct.

9. Publication of draft electoral roll.

- (1) The draft electoral roll for every ward shall be published by the Registration Officer by affixing for public inspection, a complete copy of the roll at (a) the Main Office of the Municipality; (b) the Circle Offices of the Municipality if any; (c) the Police-station situated within the ward or within the jurisdiction of which the ward or any part of it may be situated; (d) the post offices, as the Registration Officer may think fit, situated within the ward; and (e) the municipal markets and such

public reading-rooms and public libraries as the Registration Officer may think fit.(2)The Registration Officer shall also cause to be proclaimed by beat of drum in each ward, and by notices pasted at several places within the area of the Municipality and if it considers it desirable by advertisement in local newspapers, the fact that the electoral roll or rolls has or have been prepared and that copies of them can be inspected at the places mentioned in sub-rule (1).

10. Sale of printed copies of draft electoral roll to the public.

- Printed copies of electoral roll published under Rule 9 shall be sold to the public, at such reasonable price as may from time to time be fixed by the Executive Officer of the Municipality concerned.

11. Appointment of Revising Authority.

(1)(i)For the purpose of the disposal of claims for being included and objections to the inclusion of any name in the electoral roll, the Registration Officer may appoint in writing a person or persons to perform all or any of the duties of the Revising Authority in respect of any ward or part of a ward:Provided that no Officer or servant of the Municipality shall be appointed to perform the functions of a Revising Authority.(ii)The Revising Authority may call upon the Executive Officer to produce all relevant or necessary documents or papers in his power or possession for the discharge of his duties under these Rules.(2)The Executive Officer shall render all necessary assistance to the Registration Officer and the Revising Authority for the discharge of the duties imposed on them under these Rules.

12. Notice inviting claims and objections.

(1)Simultaneously with the publication of the electoral roll under Rule 9 a notice shall be published in like manner in Form-1 as also at the places of publication of the draft roll and in one local Hindi newspaper and press notes may be issued by the Registration Officer in local newspapers, calling upon persons entered in the roll to lodge, in the manner herein prescribed, any objection they may have to make to the roll as published and calling upon persons claiming to be entered on the, roll to lodge their claim in the manner herein prescribed. Such notice shall specify for each ward the, Revising Authority to whom, the place at which and the time referred to in sub-rule (2) within which any such claim or objection may be preferred.(2)Every such claim or objection shall be made in the Form 2 or Form 3, whichever may be appropriate, within a period of 14 days from the date of publication of the electoral roll under Rule 9.(3)A claim or objection shall be addressed to the Revising Authority and shall either be presented to the Revising Authority specified in the notice referred to in sub-rule (2) or be sent by post to the Revising Authority so as to reach him within the said period.(4)A claim or objection which is not lodged within the period specified in or under sub-rule (2) or is lodged otherwise than in the manner herein prescribed or by a person not entitled to lodge the same, shall be rejected.

13. Particulars regarding claims and objections.

(1) Every claim and objection shall be in writing and shall state the grounds on which it is based and when it relates to an entry in the preliminary roll, it shall contain a reference to the particulars of that entry. (2) A claim shall be signed either by the person desiring his name to be included in the electoral roll or by an agent authorized in writing by such person and unless such claim or objection is sent by post, it shall be presented either by such person personally or by his agent.

14. Claim for inclusion of names in the roll.

- No application for transfer of a name for the electoral roll of one ward to that of another ward shall be entertained. If any person desires such a transfer, he shall prefer an objection to the inclusion of his name in the former roll, and a second and separate claim for the registration of his name in the latter roll.

15. Register of claims and objections.

- A register of claims and objections shall be maintained by the Revising Authority and Registration Officer in the form prescribed by State Election Commission.

16. Notice of claims and objections.

- Except in the case where the Revising Authority is prima facie satisfied as to the validity of a claim, every person whose claim or objection is received in time shall be served with a notice in the Form-4 by the Revising Authority specifying the place where and the time when his claim or objection will be heard, and he may produce or cause to be produced such evidence as he may wish to adduce, but in the absence of such evidence, the Revising Authority shall decide the matter on the basis of the relevant entries appearing in the records of the Municipality.

17. Objection to inclusion in roll.

- When an objection is made by any person whose name is on the draft roll to the inclusion of the name of any other person recorded therein, the Revising Authority shall serve on such other person a notice in the Form - 5 stating grounds for such objection, and specifying the place and the time fixed for the hearing of such objection where and when such other person may attend with such evidence as he may wish to adduce: Provided that if any objection shall appear to the Revising Authority to be frivolous or to have been made on insufficient grounds, he shall cause to be served on the person making the objection a notice calling upon him to appear and substantiate his objection either in person or by agent on a specified date, and in such case no notice shall be served upon the other person until the Revising Authority is satisfied that the objection is well founded, and if the person making the objection for any reason fails to appear and substantiate his objection, either in person or by agent, on the specified, date the Revising Authority shall proceed as if no objection has been made.

18. Procedure for issuing notice by Revising Authority.

(1) Every notice issued by Revising Authority shall be in writing and shall be served on the person concerned at the time of presentation of claim/objection and such a notice shall be served on any other person concerned at the address as entered in the draft electoral roll by post or by any other means including through a well publicized general/special notice as the Revising Authority deems fit. (2) The notice to be issued to the person objected to shall be either posted seven days before the date fixed for hearing the objection or served three days before that date if served otherwise than by post.

19. Transfer of claim or objection by Registration Officer.

- The Registration Officer may transfer a claim or objection pending before a Revising Authority to any other Revising Authority appointed for the ward or part of the ward to which it relates, for disposal.

20. Publication of notices for claims and objections.

- The Registration Officer shall cause to be published from time to time on the notice board of the officers of the Municipality a notice showing generally the date on which, the time when and the places at which the Revising Authorities will sit for hearing claims and objections.

21. Disposal of claims by Revising Authority.

- Revising Authority shall dispose of all claims and objections by a date fixed by the Registration Officer.

22. Inquiry into claims and objections by the Revising Authority.

- On the date fixed for the hearing or on such other date to which the hearing may be adjourned the Revising Authority shall hold a summary inquiry into the claims or objection preferred and shall record orders either allowing or disallowing the claim or objections. For the purpose of the enquiry, the roll as published under Rule 9 shall be presumed to be correct. No party shall be represented by any legal practitioner at any proceeding under this Rule.

23. Decisions of the Revising Authority regarding claims and objections to be final.

- The decision of the Revising Authority shall be communicated by him to the Registration Officer who shall cause the roll to be amended in accordance therewith. The Revising Authority shall also direct correction of any clerical or printing errors which he may himself discover in the roll.

24. The Revising Authority.

- May of his own motion, order the correction of any clerical error or incomplete entry in the roll as published, which he is satisfied, should be made, and may likewise order to be expunged from the roll any incomplete entry which cannot be so corrected or the name of any person-(a)whose qualification as entered in the roll is not sufficient to entitle him to be registered, or(b)who is incapacitated from voting by reason of the disqualification or disability imposed by or under the provisions of the Act; or(c)who is proved to him to be dead; or(d)who has been entered in more than one place on the roll of the same ward, provided that(i)before passing an order under clause (a) or (b), the Revising Authority shall, if this can conveniently be done, give an opportunity to any person concerned to be heard; and(ii)before passing an order under clause (d) the Revising Authority shall issue a notice upon the person whose name has been entered more than once on the roll of the same ward, informing that he may select, within such time as may be specified in the notice, the entry to be retained.

25. Power and function of the Registration Officer.

- The Registration Officer may, of his own motion, at any time prior to the final publication of the roll, exercise any or all of the powers conferred on the Revising Authority by Rule 24.

26. Final Publication of electoral rolls.

(1)The electoral roll so amended shall be the final electoral roll and shall be re-published in the manner specified in Rule 9 and shall come into force immediately on such republication and shall remain in force for a period of four years and after the expiration of such period a fresh roll shall be prepared in accordance with these Rules.(2)If a ward is called upon to elect a Councillor after an electoral roll has ceased to have force and before the completion of the new electoral roll, the electoral roll shall, for the purpose of that election, continue to be the electoral roll for that ward.(3)Three copies of the final electoral roll of each ward shall be preserved permanently in the main office of the Municipality.(4)Printed copies of the final electoral roll republished under sub-rule (1) of Rule 26 shall be sold to the public at such price, as may, from time to time, be fixed by the Executive Officer of the Municipality.

27. Revision of electoral rolls after final publication in special cases.

(1)Subject to the provisions of the Act, the State Election Commission may at any time direct the revision of the electoral roll of any ward or part of a ward for the reasons to be specified therein. The electoral roll thereafter be revised by the Registration Officer by the preparation of a list containing additions to, omissions from or alterations in such roll, and all the provisions of these Rules shall apply in the case of every such list in the like manner as they apply in the case of electoral roll.(2)Any person whose name is not included in the electoral roll of a ward for the time being in force and who is entitled to be registered therein or, if included, consider it to be incorrect in respect of any detail, may, at any time after the roll is finally published and before the date on which the

ward is called upon to elect, apply to the Registration Officer for an amendment of the electoral roll by the inclusion of his name or making necessary correction in the entry relating to him, and if Registration Officer is satisfied, after such notice and such enquiry as he thinks fit that the applicant is entitled to be registered therein or that the entry in the electoral roll relating to him should be corrected, the Registration Officer may direct the amendment of the electoral roll by the inclusion therein of an entry relating to the applicant or necessary correction of the entry relating to him: Provided that an application under this sub-rule shall not be entertained if it is not accompanied by a fee of rupees fifty which shall in no case be refunded. (3) When any list is republished under sub-rule (1) or a direction is issued under sub-rule (2), the electoral roll to which such list or direction relates shall be deemed to have been revised accordingly.

28. Costs incurred on the preparation of electoral roll to be borne by the Municipality.

- All costs incurred in connection with the preparation and printing of electoral roll, publication of notice and taking any other action under these Rules, shall be payable from the Municipal Fund: Provided that if the Registration Officer and other persons employed in connection with the preparation and publication of the electoral rolls are servants of the State Government, they shall be paid by the State Government such emoluments as may be fixed by the State Government and the Municipality shall, out of the Municipal Fund, reimburse to the State Government the amount of emoluments so paid.

Part III – Constitution, Reservation and Allotment of Constituencies (Wards/Municipalities)

29. Constitution and numbering of wards of a Municipality.

(1) Subject to the provisions of Section 7 & Section 13 of the Act, wards shall be constituted and numbered in accordance with the procedures laid down by the State Election Commission. The list of ward of every Municipality shall be published in Form -6 in the manner prescribed by the State Election Commission. (2) Determination of seats for reservation in the wards. -(i) For election to the post of Councillors in each Municipality, reservation and allotment of wards for the Scheduled Castes/Scheduled Tribes/ Backward Classes and Women of these categories in admissible number under Section 12(2)(a) of the Act shall be made by the District Magistrate under the direction, controls and supervision of the State Election Commission. (ii) First of all the number of wards to be reserved under Section 12(2) of the Act for each category shall be calculated in Form - 7 in the manner laid down by the State Election Commission. (iii) Wards having highest population of Scheduled Castes and Scheduled Tribes in descending order of population shall be reserved for and allotted to Scheduled Castes or Scheduled Tribes, as the case may be, in admissible number. Out of the seats so reserved for Scheduled Castes or Scheduled Tribes, as nearly as fifty per cent of these seats but not exceeding it, shall be reserved for women of the Scheduled Castes or Scheduled Tribes, as the case may be. Wards which come first in descending order of the population of Scheduled Castes or Scheduled Tribes shall be allotted to the women of these categories. (iv) Subject to the limit

of fifty per cent total reservation including Scheduled Castes/Scheduled Tribes and Backward Classes, a maximum of twenty per cent of total seats of wards shall be reserved for Backward Classes in each Municipality. For this the following procedure shall be followed:-(i)All the wards in the concerned municipality shall be arranged(a)showing categorywise (Scheduled Castes, Scheduled Tribes, other and total) population in Form - 8(b)descending order of the population showing Scheduled Castes population, Scheduled Tribes population, other classes population and total population (including Scheduled Castes/ Scheduled Tribes and other classes) in Form - 9(ii)Those wards which have been reserved and allotted to Scheduled Castes/Scheduled Tribes (including their women) shall not be reserved for the Backward Classes. Seat for Backward Classes shall be reserved and allotted from the remaining wards.(iii)Those wards which have highest total population in descending order, shall be reserved for Backward Classes in admissible number. Out of the wards so reserved for Backward classes, those wards shall be reserved for Backward Class women in admissible number, which come first in descending order of total population.(iv)Details of such reserved/unreserved wards shall be prepared in Form -10.

30. Determination of seats for reservation of Municipalities.

- For election to the post of Chief Councillor in each Municipality (Nagar Panchayat, Nagar Parishad, Nagar Nigam), seats, under Section 29 of the Act, be reserved for and allotted to the Schedules Castes/Scheduled Tribes and Backward Classes (including their women) in admissible number by the State Election Commission for which the following procedure shall be adopted:-(i)All Municipalities in the State (separately for Nagar Panchayat, Nagar Parishad and Nagar Nigam) shall be arranged(a)showing categorywise (Scheduled Castes, Scheduled Tribes, other and total) population in Form - 8(b)descending order of the population showing Scheduled Castes population, Scheduled Tribes population, other classes population and total population (including Scheduled Castes/Scheduled Tribes and other classes) in Form - 9(ii)Municipalities having highest population of Scheduled Castes/Scheduled Tribes in descending order shall be reserved for and allotted to members of Scheduled Castes/Scheduled Tribes in admissible number. Out of constituencies so reserved, as nearly as fifty per cent number of total Municipalities but not exceeding it, municipalities coming first in descending order of the population shall be reserved for women of Scheduled Castes or Scheduled Tribes.(iii)Subject to the limit of fifty per cent reservation (including Scheduled Castes/Scheduled Tribes and Backward Classes) a maximum of twenty per cent of a total seats of Chief Councillors of each category of municipality in the State shall be reserved for members of Backward Classes. For this the following procedure shall be adopted:-Those Municipalities which have been reserved and allotted to Scheduled Castes/Scheduled Tribes (including their women) shall not be reserved for the Backward Classes. Seats for Backward Classes shall be reserved and allotted from the remaining Municipalities.Those Municipalities which have highest total population in descending order, shall be reserved for Backward Classes in admissible number. Out of the municipalities so reserved for Backward Classes, those Municipalities shall be reserved for Backward Class women in admissible number, which come first in descending order of total population.(iv)Details of such reserved/unreserved Municipalities shall be prepared in Form -10.

31. Conditionalities of reservation.

(1) Constituency reserved in previous election shall not be reserved in the subsequent election for the same category: Provided that if any constituency was reserved for woman in a specific category, it may be reserved for women of another category in the subsequent election: Provided further that if any constituency was reserved for woman under others (unreserved) category, it shall not be reserved for women in the subsequent election for other (unreserved) category. (2) If there be no alternative, then the constituency allotted to a particular category in the previous election may be re-allotted to the same category in the subsequent election.

32. The determination of number of Wards/Municipalities.

- The number of Wards/Municipalities to be reserved for different categories shall be determined in accordance with procedure laid down by the State Election Commission.

33. Procedure to be adopted in case of equality of population.

- In case of equality of population in more than one constituency (Ward/Municipality), the constituency coming first in the numerical order will be allotted to the concerned category.

34. Rotation of Wards/Municipalities.

- As far as practicable, Wards/ Municipalities shall be allotted in rotation in the manner prescribed by the State Election Commission.

35. No reservation in case of single post.

- If only one post is available for a specific category, it shall not be reserved for woman.

36. Maintenance of constituencywise reservation register.

- In connection with the reservation of the constituencies the population register in format prescribed by the State Election Commission will be got prepared wardwise at the municipality level through the District Magistrate and municipalitywise at the Commission level through the State Election Commission. Provided a copy of registers prepared at the municipality level will be furnished to the Commission by the District Magistrate and one copy of each register will be preserved in the municipality and district offices.

37. Publication of the list of Constituencies (Wards) reserved by the District Magistrate.

- The list of the wards reserved/unreserved by the District Magistrate will be published in Form -10 in the office of the Municipality, the Subdivision and the District Magistrate, and one copy of each

will be preserved in the Municipality and the District Offices.

38. Publication of the list of Constituencies (Municipalities) reserved by the Commission.

- The list of the Municipalities reserved/unreserved at the stage of Commission will be published in Form -10 in the Commission Office and the Office of the District Magistrate.

39. Publication of the list of reserved Constituencies in the Official Gazette.

- The list of reserved/unreserved constituencies published under Rules 37 and 38 will be published in the District Gazette/State Gazette, as the case may be. Part - IV Conduct of Election of Councillors

40. Notification for election of Councillors.

- For the purpose of constituting the Municipality on expiration of the term of the offices of the Councillors or reconstituting it under the provision of the Act, the State Government on recommendation of the State Election Commission shall fix date or dates for election through notification published in the State Gazette and it shall be expected that the electors shall elect the office-bearers of the Municipality in accordance with provision of the Act: Provided that no such notification shall be issued more than six months before the date for election. (2) The date fixed under sub-rule (1) may be altered by the State Election Commission if such alteration becomes necessary in the opinion of the Commission due to some unforeseen and unavoidable circumstances and the date so altered shall be deemed to be the date or dates fixed under sub-rule (1). (3) The alteration of the date or dates under sub-rule (2) shall not affect any action taken prior to such alteration except as the State Election Commission for reasons to be recorded in writing otherwise direct.

41. Notice of particulars of election.

(1) The Returning Officer shall appoint- (a) the last date for making nominations, which shall be a date not earlier than the eighth day and not later than the fourteenth day after the date of publication of the notice in Form 11 under sub-rule (2); (b) the date for scrutiny of nominations, which shall be a date not later than the third day after the last date for making nominations: Provided that one or more successive dates may be appointed for the scrutiny of nomination. (c) The last date for the withdrawal of candidature, which shall be the third day after the date of scrutiny or the third day after the last date of scrutiny of nomination, as the case may be; and (d) the date or dates on which a poll shall, if necessary, be taken which or the first of which shall be a date not earlier than the fifteenth day after the last date for the withdrawal of candidatures. (2) The Returning Officer shall publish the date fixed under sub-rule (1) by means of notice in Form 11 in the manner prescribed by the State Election Commission. (3) Notwithstanding anything contained in these Rules, where any of the dates fixed under clauses (a), (b) or (c) of sub-rule (1) is a public holiday within the meaning of Section 25 of the Negotiable Instruments Act,

1881 (XXVI of 1881), or has been notified by the State Government as a date to be observed as a holiday in Government Offices in the State, every nomination paper delivered, or scrutiny of nominations held or notice of withdrawal of candidature given shall be considered as having been delivered, held, given in due time if such nomination paper has been delivered or scrutiny held or given before three o'clock in the afternoon on the next succeeding day which is neither such a public holiday nor a date so notified.

42. Nomination of candidates and deposition of fee.

(1) On or before the date appointed under sub-rule (1) of Rule 41, each candidate shall, in person between the hours of eleven o'clock in the forenoon and three o'clock in the afternoon deliver to the Returning Officer at the place specified in the notice issued under sub-rule (2) of Rule 41, a nomination paper in Form -12 and subscribed by the candidate himself as assenting to the nomination and two persons as proposer and seconder. (2) Any person whose name is registered in the electoral roll of the ward and who is entitled to vote and is not subject to any disqualification as a candidate under the Act may subscribe as proposer or seconder as many nomination papers as there are vacancies to be filled in the ward, but no more. (3) A person can not be a proposer or a seconder for more than one candidate. (4) A person, who is himself a candidate for a particular ward can not be a proposer or a seconder for any other candidate for the same ward. (5) A proposer or a seconder for a candidate of a particular ward can not himself be a candidate for election from the same ward. (6) A proposer or a seconder once having signed a nomination paper shall not be allowed to withdraw.

43. Presentation of nomination paper and requirement for a valid nomination.

(1) No nomination paper shall be received by a Returning Officer unless it is accompanied by (a) A declaration regarding enrolment as an elector; (b) a declaration regarding conviction by Court of law or criminal cases pending in any court of law; (c) a caste certificate as a proof of belonging to the Scheduled Caste/ Schedule Tribes/ Backward Classes issued by Block Development Officer/ Sub-divisional Officer/ District Magistrate in case of nomination being filed by a candidate who wants to avail of the benefits of the reservation of seats and amount of nomination fee available to the members of the Scheduled Caste/ Scheduled Tribes/ Backward Classes. (d) A challan of Government Treasury or a Nazir Receipt showing a deposit of a sum of Rupees two hundred, Rupees five hundred and Rupees one thousand of the candidate is a member of the Scheduled Cast/ Scheduled Tribes/ Backward Classes/ Woman for the post of councillor from Nagar Panchayat, Municipal Council and Municipal Corporation respectively or a sum of Rupees four hundred, Rupees one thousand and Rupees two thousand respectively for the post of councillor from Nagar Panchayat, Municipal Council and Municipal Corporation, if a candidate is not a member of such classes, and (e) Particulars of the candidate as may be prescribed by the State Election Commission. (f) A declaration on oath regarding assets and liabilities, educational qualifications etc., of the candidate in a form prescribed by the State Election Commission. (2) No nomination paper shall be received by the Returning Officer unless the candidate wishing to stand for election has deposited the required fee as stated in sub-clause (d) of sub-rule (1) of Rule 43: 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.(3)Any nomination paper which is not received before three o'clock in the afternoon on the last date appointed under clause (a) of sub-rule (1) of Rule 41 shall be rejected.(4)On the presentation of a nomination paper, the Returning Officer shall satisfy himself that the names and electoral roll numbers of the candidate and his proposer and seconder as entered in the nomination paper are the same as those entered in the electoral roll:Provided that the Returning Officer may-(a)permit any clerical error in the nomination paper in regard to said names or number to be corrected in order to bring them into conformity with the corresponding entries in the electoral rolls; and(b)where necessary, direct that any clerical or printing error in the said entries shall be overlooked.(5)Nothing in this Rule shall prevent any candidate from being nominated by more than one nomination paper not exceeding two nomination papers for election in the same ward.

44. Notice of nomination and the time and place for scrutiny.

- The Returning Officer shall on receiving a nomination paper under sub-rule (1) of Rule 41 inform the person or persons delivering the same of the date, hour and place appointed for the scrutiny of nomination and shall enter in the nomination paper its serial number and shall sign thereon a certificate stating the date on which and the hour at which the nomination paper has been delivered to him; and shall, as soon as may be thereafter, cause to be affixed in some conspicuous place in his office a notice of the nomination containing descriptions similar to those contained in the nomination paper, both of the candidate and of the persons who have subscribed the nomination paper as proposer and seconder.

45. Candidate to be given facilities to examine nomination papers.

- On the date appointed for the scrutiny of nomination under Rule 44, the candidate, one proposer and one seconder of each candidate, and one election agent of each candidate, but no other person, may attend at such time and place as the Returning Officer may appoint and the Returning Officer shall give them all reasonable facilities for examining the nomination papers of all candidates which have been delivered within the time.

46. Scrutiny of Nomination papers.

(1)The Returning Officer shall examine the nomination papers and shall decide all objections which may be made to any nomination, and may, either on such objection or on his own motion, after such summary inquiry if any, as he thinks necessary refuse any nomination on any one or more of the following grounds, namely:-(i)that the candidate is not qualified or is disqualified for being chosen to fill the seat under the Act; or(ii)that the name of the proposer or the seconder is not registered on the electoral roll of the Ward for which the candidate is nominated; or(iii)that the proposer or the seconder has subscribed another nomination paper which have already been received by the Returning Officer; or(iv)that there has been any failure to comply with any of the provisions of the Act or of the Rules relating to the nomination of candidates; or(v)that the candidate or any proposer or seconder is not identical with the person whose electoral number is given in the nomination paper as the number of such candidate, proposer or seconder, as the case may be, or(vi)that the

signature of the candidate or of any proposer or seconder is not genuine or has been obtained by fraud; or(vii)that the following documents have not been submitted along with nomination papers(a)declaration regarding enrollment as an elector(b)declaration regarding conviction by a Court of law or criminal cases pending in any Court of law.(c)Castes Certificates as a proof of belonging to the Scheduled castes/Scheduled Tribes/Backward Classes issued' by Block Development Officer/Divisional Magistrate/District Magistrate in case of nomination being filed by a candidate who wants to avail of the benefits of reservation of seats and amount of nomination fee available to the members of the Scheduled Casts/Scheduled Tribes/Backward Classes.(d)Challan or Receipt of fee deposited.Explanation:-For the purpose of sub-rule (1)(i)the production of the electoral roll or certified copy of an entry made in the electoral roll of any ward shall be conclusive evidence of the right of any elector, named in that entry to stand for election or to subscribe a nomination paper, as the case may be, unless it is proved that the candidate or the proposer or seconder is disqualified under the Act or these Rules as the case may be.(ii)where a person has subscribed, whether as proposer or seconder, a larger number of nomination papers than there are vacancies to be filled, those of the papers so subscribed which have been first received up to the number of vacancies to be filled shall be deemed to be valid.(2)Nothing contained in clause (ii), clause (iii), clause (iv), or clause (v) of sub-rule (1) shall be deemed to authorise the refusal of the nomination of any candidate on the ground of any irregularity in respect of a nomination paper, if the candidate has been duly nominated by means of another nomination paper in respect of which no irregularity has been committed.(3)Nothing contained in clause (iv) of sub-rule (1) shall be deemed to authorise the refusal of the nomination of any candidate if notwithstanding any clerical error or misnomer or inaccurate description of any person or place in an electoral roll or in the entries made in the nomination paper the identity of the candidate or of his proposer or seconder is established to the satisfaction of the Returning Officer.(4)The Returning Officer shall hold the scrutiny on the date appointed and shall not allow any adjournment of the proceedings except when such proceedings are interrupted or obstructed by riot or open violence or by causes beyond his control:Provided that in case an objection is made, the candidate concerned may be allowed time to rebut it not later than the following day on which scrutiny is held and the Returning Officer shall record his decision on the date to which the proceedings have been adjourned.

47. Decision of Returning Officer to be final.

- The Returning Officer shall endorse on each nomination paper his decision accepting or rejecting the same and if the nomination paper is rejected or is accepted after objection has been taken to its validity, shall record in writing a brief statement of his reason for such rejection or acceptance, and the decision of the Returning Officer shall be final.

48. Publication of the list of valid nominations and withdrawal of candidature.

(1)Immediately after the nomination papers have been scrutinised and decisions accepting or rejecting the same have been recorded, the Returning Officer shall prepare all list of validly nominated candidates, that is to say candidates whose nominations have been found valid.(2)The list of valid nominations shall be prepared in Hindi in the Devanagari Script and shall contain the names in alphabetical order and addresses of the validity nominated candidates as given in the

nomination papers.(3)Every such list of valid nomination shall be prepared in Form - 14(a) and the Returning Officer shall immediately after its preparation cause a copy of the list so prepared to be affixed in some conspicuous place in his office as well as in the main office of the Municipality.(4)Any candidate may withdraw his candidature by a notice in writing in Form 13 subscribed by him and delivered to the Returning Officer by the candidate in person before three o'clock in the afternoon on the day fixed under clause (c) of sub-rule (1) of Rule - 41. A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to be re-nominated as a candidate for the same election.(5)The Returning Officer shall, on receiving a notice of withdrawal under sub-rule (4) and on being satisfied about the genuineness of the notice of withdrawal and the identity of the person delivering it, as soon as may be thereafter, cause a notice of withdrawal to be affixed at some conspicuous place in his office.

49. No refund of deposit.

- Nomination fee deposited with nomination paper under Rule - 43 shall not be refundable and will be credited to the concerned Municipal Fund after completion of election.

50. Preparation and publication of the list of contesting candidates.

(1)If in any ward the number of validly nominated candidates exceeds the number of seats to be filled, the Returning Officer shall, subject to any general or special direction issued in this behalf by the State Election Commission in the regard assign a distinctive symbol to each candidate. Subject to any general or special direction of the State Election Commission and provision of sub-rule (2) the decision of the Returning Officer in assigning any symbol to a candidate under this sub-rule shall be final.(2)In every case where a symbol has been assigned to a candidate under sub-rule (1), such candidate or his election agent shall forthwith be informed in writing of the symbol so assigned and be supplied with a specimen thereof by the Returning Officer and a symbol once assigned to a candidate shall not be changed except with the prior approval of the State Election Commission.(3)The list of contesting candidates shall be prepared in Form -14(b) and the Returning Officer shall immediately after its preparation cause a copy of the list so prepared to be affixed in some conspicuous place in his office as well as the main office of the municipality.

51. Procedure in contested and uncontested elections.

(1)If the number of contesting candidates is more than the number of seats to be filled, a poll shall be taken.(2)If the number of such candidates is equal to the number of seats to be filled, the Returning Officer shall forthwith declare all such candidates to be duly elected to fill those seats.(3)If there is no duly nominated candidate of election from a ward, the State Election Commission shall, in the manner prescribed under Rule - 40 call upon the ward concerned to fill the seat before such date as may be appointed in this behalf by the State Election Commission:Provided that where the ward having already been called upon under this sub-rule failed to elect a person to fill the vacancy the Returning Officer shall not be bound to call again upon the ward to elect a person until such date as the State Election Commission may specify in this behalf.

52. Fixing time for poll.

- The State Election Commission shall fix the hours during which the poll will be taken and the hour so fixed shall be published in the manner laid down by the State Election Commission: Provided that the total period allotted on any one day for polling at an election shall not be less than eight hours.

53. Polling Station and Presiding and Polling Officers.

(1) Under the general control and direction of the State Election Commission, the Returning Officer shall establish one or more Polling Stations for each ward of the municipality and shall publish, in such manner as prescribed by the State Election Commission a list showing the Polling Stations so established and the wards for which such Polling Stations have respectively been established. The approval of the Commission on the list of Polling Station before the final publication shall be mandatory the State Election Commission may order change in the list of Polling Stations even after final publication, if sufficient and reasonable grounds for the same are brought to its notice. (2) The Returning Officer shall appoint a Presiding Officer for each polling station and such other persons (hereinafter referred to as Polling Officers) to assist the Presiding Officer as he thinks necessary. (3) If the Presiding Officer, owing to illness or other unavoidable cause, is obliged to absent himself from the Polling Station, his functions shall be performed by such Polling Officer as may be authorised in writing by the Returning Officer to perform such functions, during any such absence, and Presiding Officer in these Rules shall be deemed to include a Polling Officer so authorised: Provided that if the Presiding Officer is obliged to absent himself, he shall cause the Returning Officer to be informed of such absence immediately.

54. Appointment of Election Agent and revocation of such appointment on his death.

(1) If a candidate wants to appoint his election agent, he may subject to the provisions of sub-rules (2) and (3) make such appointment in Form -15 at any time before the poll. (2) The appointment of Election Agent may at any time be revoked by the candidate after producing a written declaration duly signed by him and on such revocation or in the case of death of the Election Agent before the election the candidate may appoint a new Election Agent. (3) Any person who is for time being disqualified under the Act to cast his vote in any election of the municipality or be elected, shall not be appointed as Election Agent so long his disqualification continues.

55. Appointment of Polling Agent.

(1) At the time of any election in which polling is to be held the contesting candidate or his Election Agent may appoint maximum two agents for each polling station to act as the Polling Agent of such candidate and this appointment will be made in Form -16 in duplicate. (2) The candidate or his Election Agent will hand over the second copy of the appointment letter to the Polling Agent who will produce the same to the Presiding Officer on the date fixed for the poll and will sign before him on the declaration contained in that appointment letter. The Presiding Officer will keep that second

copy in his custody.(3)During the poll only one agent at a time can remain present at the Polling Station.

56. Revocation of the appointment of the Polling Agent on his death

(1)The appointment of the Polling Agent may, at any time prior to the commencement of the poll be revoked through a written declaration duly signed by the candidate or his Election Agent.(2)Such declaration will be presented to the Presiding Officer.(3)Where the appointment of a Polling Agent has been revoked under sub-rule (1) or where the Polling Agent dies prior to the commencement of the poll, the candidate or his Election Agent may at any time before the end of the poll appoint a new Polling Agent under sub-rule (1) of Rule 55.

57. Appointment of Counting Agent.

(1)Each contesting candidate or his Election Agent may appoint a Counting Agent for the candidate in Form -17 in duplicate.(2)The candidate or his Election Agent will hand over two copies of the appointment letter to the Counting Agent one of which he will keep for himself and produce the second copy before the Returning Officer or the Officer authorised by him on the date of counting of votes and will sign before him on the declaration contained therein and the officer will keep that second copy under his custody.

58. Revocation of the appointment of the Counting Agent on his death.

(1)The appointment of the Counting Agent may at any time prior to the commencement of the counting be revoked through a written declaration duly signed by the candidate or his Election Agent and such declaration will be presented to the Returning Officer or any of the Officer authorised by him.(2)If the Counting Agent of the candidate dies before the completion of the counting then the candidate or his Election Agent may appoint a new Counting Agent under sub-rule (1) of Rule 57.

59. Information at the Polling Station.

- The following information will be exhibited at the outside of each Polling Station:-(a)Name and number of the Polling Station(b)Electoral roll of the ward pertaining to that Polling Station(c)Name of each candidate in Devanagari script and the election symbol allotted to him which will remain in same order as indicated in Rule 50.

60. Manner of voting.

(1)Votes shall be recorded by ballot and in person no votes shall be received by proxy.(2)Notwithstanding anything contained in this Act or the Rules made thereunder, the giving and recording of votes by voting machines in such manner as may be prescribed, may be adopted in all constituencies or in such constituency or constituencies, as the State Election Commission may,

having regard to the circumstances of each case, specify. Explanation. - "Voting machine" means any machine or apparatus whether operated electronically or otherwise used for giving or recording of votes and any reference to a ballot box or a ballot paper in the Act or Rules made thereunder shall, save as otherwise provided, be construed as including a reference to such voting machine wherever such voting machine is used at any election.

61. Duties and powers of the Presiding Officer at the Polling Station.

(1) The Polling Officer shall keep order at the Polling Station, shall see that the election is fairly conducted, shall regulate the number of electors to be admitted at one time and shall exclude all other persons except-(a) the Polling Officers, (b) each candidate, his election agent and one Polling Agent of each candidate (hereinafter referred to as the Polling Agent) appointed in writing by the candidate, and authorised in this behalf by the Returning Officer; (c) the police or other public servants on duty; (d) the companion of blind or infirm electors who cannot move without help, and (e) 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) If any person misconducts himself at the Polling Station or fails to obey any lawful order of the Presiding Officer, he may immediately by an order of the Presiding Officer, be removed from the Polling Station by any Police Officer or by any other person authorised in writing by the Presiding Officer to remove him; and the person so removed shall not without the permission of the Presiding Officer, re-enter the Polling Station during the day: Provided that this power shall not be exercised so as to prevent any elector who is entitled to vote at any Polling Station from having an opportunity of voting at such station. (3) If any person who has been removed from the polling station under the provision of sub-rule (2) above re-enters the Polling Station without the permission of the Presiding Officer, he shall be punishable with imprisonment which may extend to three months or with a fine up to rupees one hundred or with both.

62. Closing and sealing of the Ballot boxes prior to commencement of the poll.

(1) The Presiding Officer just before the commencement of the poll allow the candidates, their Election Agents and Polling Agents, present at the polling station to inspect the Ballot Box to be used for poll and show them that the box was empty. (2) After that the following labels will be pasted on the inner and outer portion of the box-(a) Name of the Municipality; (b) Name of the Polling Station and Number; (c) Serial number of Ballot Box (which will be noted on the label of the outside portion after the polling is over; and (d) Date of poll. (3) The Presiding Officer will fix in the ballot box the paper seal signed by him and if the candidate, Election Agent, Polling Agent may be present may also put their signature on the paper seal if they so like. Thus he will prepare the ballot box ready for poll.

63. Identification of Voters.

(1) The Presiding Officer shall establish the identity of a voter on the basis of such

records/papers/certificates as the State Election Commission may determine.(2)The Presiding Officer may employ any person whom he may consider fit for help in the identification of voters or his own help at the polling station.(3)As soon as the voter enters the Polling Station the Presiding Officer or the Polling Officer authorised by him will compare the name of the voter and other particular with the relevant entries in the electoral roll and read out the serial number, name and other particulars of the voters.(4)In deciding the right of voter to receive the ballot paper the Presiding Officer or the Officer authorised will ignore any printing error in the relevant entry in the electoral roll if he is satisfied that the entry is related to that voter.

64. Electronic Photo Identity Card (EPIC) to be the prime basis of identification.

- The EPIC issued to a voter by the Election Commission of India shall be the prime basis of identification of a voter in municipal election also. Those voters who have been provided EPIC but fail to produce it before the Presiding Officer without sufficient justification, may be denied to cast their vote by the Presiding Officer. The identity of those voters, who have not been provided EPIC, shall be established by other means as prescribed by the State Election Commission.

65. Admission into and closure of Polling Stations.

(1)The Presiding Officer shall close the Polling Station at the hour appointed in that behalf under Rule 52 and shall not admit any elector thereto after that hour:Provided that all the electors present within the Polling Station before it is so closed shall be entitled to have their voters recorded.(2)If any question arises as to whether any elector shall, for the purposes of the proviso to sub-rule (1) 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.

66. Compartment in Polling Stations.

- Each Polling Station shall be furnished with such number of compartments as the Returning Officer thinks necessary, so that electors can record their votes screened from observation.

67. Provisions of ballot boxes/Electronic Voting Machines and other articles at the Polling Station.

(1)The Returning Officer shall provide at each Polling Station a sufficient number of ballot boxes or Electronic Voting Machines, which shall be of such design as may be approved by the State Election Commission.(2)The Returning Officer shall provide at each Polling Station sufficient number of ballot papers, instrument for stamping a distinguishing mark on the ballot papers, as many ballot boxes as may be necessary, and copies of the electoral roll or of such part thereof as contains the names of the electors entitled to vote at such station, as well as such other equipments and accessories as may be required for taking the poll at such Polling Station.(3)Outside the 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.

68. Ballot paper.

(1)The ballot paper shall be in such form as the State Election Commission may direct and the particulars therein shall be in Hindi in the Devanagri script.(2)The names of the candidates shall be arranged on the ballot papers in the same order in which the list of valid contesting candidates after withdrawal of candidature.(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)Every ballot paper shall, before issue to elector, be stamped with such distinguishing mark as the State Election Commission may direct.

69. Procedure before recording of votes.

(1)At any time before a ballot paper is delivered to an elector the Presiding Officer or Polling Officer may, of his own accord, if he has reason to doubt the identity of the elector or his right of vote at such station and shall, if so required by a candidate put to the elector the following questions:(i)are you the person enrolled as follows (reading the whole entry from the roll) ?(ii)have you already voted at the present election in this ward?(iii)have you already voted at this general election for any other ward of the municipality?And the elector shall not be supplied with a ballot paper if he refuses to answer any of the questions and unless he answers the first question in the affirmative, and the second and the third question in the negative.(2)Every elector who applies for a ballot paper or ballot papers for the purpose of voting at a Polling Station shall, before receiving such paper or papers allow-(a)the inspection of his left forefinger to the Presiding Officer or any Polling Officer; and(b)an indelible ink mark to be put on his left forefinger(3)If any such elector-(a)refuses to allow such inspection of his left forefinger; or(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.(4)No person who has already such a mark on his left forefinger at the time he enters the Polling Station shall be supplied with any Ballot Paper.(5)Any reference in this Rule or sub-rule (2) to the left forefinger of an elector shall, in the case where the elector has his left forefinger missing, be construed as a reference to any other finger of his left hand, and shall, in the case where all the fingers of his left hand are missing, be construed as a reference to such extremity of his left or right arms as he proposes.(6)(i)The elector on entering the Polling Station shall first allow his left forefinger to be inspected by a Polling Officer for the purposes of ascertaining if he already has any mark of indelible ink on that finger. If there is no such mark, the Polling Officer in charge of the electoral roll shall ascertain the elector's name and address and such other particulars as appear on the roll and, after having checked these by reference to the roll, shall call out the number, name and description of the elector according to the entry in the roll. The Presiding Officer or Polling Officer in charge of the ballot papers shall then cause the left forefinger of the elector to be marked with indelible ink and shall thereafter deliver to the elector a ballot paper or requisite number of ballot papers having them stamped with distinguishing mark. The elector's number on the electoral roll shall be entered on the counterfoil of the ballot paper by the Presiding Officer or Polling Officer. A

mark shall also be placed against the number of the elector in a copy of the electoral roll to denote that he has received a ballot paper but without showing any particular of the Ballot Paper which he has received.(ii)In deciding the right of a person to obtain a Ballot Paper for the purpose of voting at an election, the Presiding Officer may interpret any entry in the electoral roll so as to overlook merely clerical or printing errors, but shall record his reasons for doing so and the interpretation he has adopted on the counterfoil of the ballot paper issued to such person.

70. Casting of votes.

(1)The elector on receiving the ballot paper shall forthwith(a)proceed to one of the voting compartments;(b)there make a mark on the ballot paper with the instrument supplied for the purpose on or near the symbol of the candidate for which he intends to vote;(c)fold the ballot paper so as to conceal his vote;(d)insert the folded ballot paper into the ballot box; and(e)quit the polling station.(2)Every elector shall vote without undue delay.(3)No elector shall be allowed to enter a voting compartment so long as another elector is inside it.

71. Recording of votes of blind or infirm electors.

(1)If the Presiding Officer is satisfied that owing to blindness or other physical infirmity an elector is unable to recognise the symbols on the ballot paper or to make a mark thereon without assistance, the Presiding Officer shall permit the elector, to take with him a companion of not less than eighteen years of age to the voting compartment for recording the vote on the ballot paper on his behalf and in accordance with his wishes and, if necessary, for folding the ballot paper so as to conceal the vote and inserting it into the ballot box:Provided that no person shall be permitted to act as the companion of more than one elector at any Polling Station on the same day:Provided further that before any person is permitted to act as the companion of an elector on any day under this Rule, the person shall be required to declare in Form 18(a) that he will keep secret the vote recorded by him on behalf of the elector and that he has not already acted as the companion of any other elector at any Polling Station on that day.(2)The Presiding Officer shall keep a record of all cases under this Rule in Form-18(b).

72. Tendered votes.

(1)If any person claims that he is the voter named in the electoral roll but somebody else has already cast the vote as such voter then subject to the Presiding Officer being satisfied that person will be entitled to obtain the ballot paper and the Ballot Paper given to him will be referred to as tendered Ballot Paper.(2)The tendered Ballot Paper will not be dropped in the ballot box but will be handed over to the Presiding Officer after being marked by the voter concern who will place it in a separate packet. On the close of the poll the packet of all such tendered ballot papers will be sealed.(3)The list of tendered ballot papers will be prepared in Form -19 and the voter tendering the Ballot Paper will put his signature or thumb impression against the entry relating to his tendered Ballot Paper in the list.

73. Challenged votes.

(1) If any candidate, election agent or polling agent declares and undertakes to prove that any person by applying for a ballot paper and claiming to be a particular voter has committed the offence of personation, the Presiding Officer shall require such person to enter in the list of Challenged Votes, which shall be in Form - 20, his name and address or if, he is unable to write, affix his thumb-impression thereto, and may further require such person to produce evidence of identification: Provided that no action shall be taken by the Presiding Officer under this sub-rule unless a sum of five rupees has been deposited in cash with the Presiding Officer by the candidate or such agent for each challenge, he makes. (2) If the person so challenged refuses to comply with such requisition, he shall not be permitted to vote; but if such person so complies and on being questioned in the manner provided in Rule - 69, gives answer to the first question in the affirmative and to the other question in the negative, he shall be allowed to vote after he has been warned of the penalty for personation. (3) If the Presiding Officer, after such inquiry on the spot as he thinks necessary is of opinion that the challenge made by the candidate or his agent under sub-rule (1) is frivolous and has not been made in good faith, he shall direct the deposit made under sub-rule (1) to be forfeited to the municipality and his order in this respect shall be final. (4) If the deposit made under sub-rule (1) is not forfeited under sub-rule (3) it shall be returned to the person by whom it was made after the close of the poll on the day on which it is made. (5) The Presiding Officer shall in every case, whether or not the person challenged is allowed to vote, make a note of the circumstance in the list of challenged votes.

74. Spoilt and returned ballot papers and ballot papers found out side ballot boxes.

(1) An elector who has inadvertently dealt with his ballot paper in such manner that it cannot conveniently be used as a ballot may, on returning it to the Presiding Officer and on satisfying him of the inadvertence, be given another ballot paper and the ballot paper so returned shall be marked "spoilt cancelled" by the Presiding Officer. (2) If an elector after obtaining a Ballot Paper decides not to use it, he shall return it to the Presiding Officer and the Ballot Paper so returned shall be marked "returned cancelled" by the Presiding Officer. (3) All ballot papers cancelled under sub-rule (1) and sub-rule (2) shall be kept in separate packet. (4) If a voter does not put the Ballot Paper issued to him in the ballot box, and the Ballot Paper is found at the Polling Station or a place nearby then the Ballot Paper shall be deemed to be returned to the Presiding Officer under sub-section (2) and action with regard to this shall be taken as indicated in sub-rule (2).

75. Recording of votes of Presiding and Polling Officers and Polling Agents.

- A Presiding Officer, Polling Officer, Election Agent or Polling Agent who being an elector of the ward is duly authorised or appointed for duty at Polling Station at which he is not entitled to vote shall apply to the Returning Officer in Form 21 so as to reach him at least four days or such shorter period as the Returning Officer may allow before the date of the poll, for a certificate entitling him to vote at that Polling Station. The Returning Officer, if satisfied that the applicant is such public

servant of the Municipality or Election or Polling Agent in the ward, shall-(a)issue to the applicant an election-duty certificate in Form - 22(b)mark "EDO" against the name of the applicant 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.

76. Issue of ballot papers to persons to whom certificate has been granted under Rule 75.

(1)A ballot paper shall be issued in the same manner as to any other elector to the person to whom a certificate has been granted under Rule 75. The provisions of the Rule shall not apply to any person who produces at the Polling Station an election duty certificate in the form prescribed for the purpose and ask for the issue of Ballot Paper to him although the Polling Station 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)issue to him a Ballot Paper and permit him to vote, in the same manner as an elector entitled to vote at that Polling Station.

77. Sealing of ballot boxes, etc., after the close of the poll.

(1)After the close of the poll the Presiding Officer will close the slit of the ballot box and seal the box in presence of candidates or his Election Agents or Polling Agents who may be available there. He will also allow any candidate, Election Agent or Polling Agent present there to put his seal on the box if he so likes.(2)If one ballot box gets full and the use of second ballot box becomes inevitable due to that then the first box will be sealed forthwith in the manner indicated in sub-rule (1).(3)Other packets to be sealed. - (1) The Presiding Officer will prepare the following packets separately and seal them-(a)The marked copies of electoral roll;(b)Unused Ballot Paper;(c)Cancelled Ballot Paper;(d)The cover and list of tendered votes;(e)List of challenged votes; and(f)Other such papers for which the Returning Officer has directed to place them in the sealed packet.(2)The Presiding Officer will allow the candidate, Election Agent or Polling Agent present there to put his seal on each such packet if he so likes.(4)Ballot Boxes, Packets etc. to be sent to the Returning Officer. - (1) The Presiding Officer will send to the Returning Officer-(a)Ballot boxes;(b)Ballot paper and paper seal account;(c)Sealed packets specified in sub-rule (3); and(d)All other papers used in poll, and deposit them at the specified place.(2)The Returning Officer or the Officer authorized will arrange for the custody of things noted in sub-rule (1) from the time of the commencement of the counting till the end of it.

78. Account of Ballot Papers and Paper Seals.

- After the close of the poll the Presiding Officer will prepare the Ballot Paper account in Form 23(a) and the paper seal account in Form 23(b) and place them in separate envelopes and superscribe on the envelope "Ballot Paper Account"/Paper Seal Account".

79. Notice of counting of votes.

- The Returning Officer shall as soon as may be practicable after the close of the poll, appoint a date, time and place for the counting of votes under the direction of the State Election Commission and shall give notice in writing thereto to all candidates.

80. Persons who may be present during counting of votes.

(1) No person shall be allowed to be present at the counting of the votes except the Returning Officer and such persons as he may appoint to assist to, in the counting of votes, and each candidate and one representative of each candidate authorised in writing by the candidate. (2) No person shall be appointed to assist in counting the votes, who has been employed by or on behalf of any candidate for any purpose whatsoever connected with election.

81. Procedure to be followed at the counting of votes.

- On the date and at the time and place appointed under Rule 79 the Returning Officer shall before he commences to count the votes, call upon such persons as may be required to maintain the purity of the counting. He shall, then proceed as follows- (a) All the ballot boxes placed for the counting of votes shall be counted and checked and the Returning Officer shall satisfy himself that all such ballot boxes as contain the ballot papers which are to be counted at such place have been received and accounted for. (b) The Returning Officer shall then allow the candidates or their Election Agents and Counting Agents present at the counting an opportunity to inspect the ballot boxes and their seals for satisfying themselves that they are in order. (c) The Returning Officer shall also satisfy himself that none of the boxes has in fact been tampered with. If any ballot box is found by the Returning Officer to have been tampered with or destroyed or lost the Returning Officer shall postpone the counting of votes and shall with the approval of the State Election Commission appoint a date for taking of a fresh poll in that ward. After the fresh poll has been completed he shall recommence the counting on the date and at the time and place appointed by him in this behalf of which notice has been previously given to the candidates and their counting agents. (d) If the Returning Officer is satisfied that all such ballot boxes as contain ballot papers which are to be counted at such place have been received and are in order, he shall take up the counting of ballot papers contained in the ballot boxes used at the Polling Station in their serial ; number. (e) As each ballot box is opened for counting, the mark or marks made on the box or in any of its component parts or attachments shall be checked. Thereafter the ballot papers shall be taken out from the box and arranged in convenient bundles and counted with the aid of persons appointed to assist in the counting of votes. An account of the Ballot Paper found in each box shall be recorded in a statement in Form 24(a). (f) Returning Officer shall allow the candidates and their election agents and counting agents who may be present reasonable opportunity to inspect all ballot papers, which in the opinion of the Returning Officer are liable to be rejected but shall not allow them to handle those or any other ballot papers. The Returning Officer shall, on every ballot paper which is rejected endorse the word "Rejected". If any candidate or his election or counting agent questions the correctness of the order of rejection of any ballot paper, the Returning Officer shall also record briefly on such ballot paper the ground of its rejection. All ballot papers rejected shall be bundled together. (g) (i) Every

ballot paper which is not rejected shall be counted as one valid vote: Provided that no cover containing tendered ballot papers shall be opened and no such paper shall be counted. (ii) After the counting of all ballot papers contained in all the ballot boxes used at a polling station has been completed, the Returning Officer shall make the entries in a result sheet in Form 24(b) and announce the particulars. (h) The valid ballot papers of each candidate and the rejected ballot papers shall thereafter be bundled separately and the several bundles made up into a separate packet which shall be sealed with the seals of the Returning Officer and such of the candidates, their election agents or counting agents, if any, as may desire to affix their seals thereon and on the packets, so sealed, and the following particulars shall be recorded therein, namely (i) the name of the ward; (ii) the particulars of the polling station where the ballot papers have been used, and (iii) the date of counting.

82. Ground on which ballot papers may be rejected.

(1) A ballot paper shall be rejected if—(a) it bears any mark or writing by which the elector can be identified; (b) it bears any serial number or marks different from the serial numbers or marks of ballot papers authorised for use at the polling station; or (c) if no vote is recorded thereon; or (d) if votes are given on it in favour of more than one candidate; or (e) if the mark indicating the vote thereon is placed in such manner as to make it doubtful to which candidate the vote has been given; or (f) if it is surplus ballot paper; or (g) if it does not bear the distinguishing mark or signature of the Presiding Officer; or (h) if the mark on the ballot paper has been made by an instrument other than the prescribed one; or (i) if the ballot papers are not printed in accordance with name of the candidate or candidates, serial number or symbol allotted to a candidate as recorded in Form 14(b); or (j) if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established; (k) other such grounds as prescribed by a general or special direction of the State Election Commission: Provided that where the Returning Officer is satisfied that any such defect as mentioned in clause (g) has been caused by any mistake or failure on the part of a Presiding Officer or Polling Officer, the ballot papers shall not be rejected merely on the ground of such defect: Provided further that a ballot paper shall not be rejected merely on the ground that the mark indicating the vote is indistinct or made more than once, if the intention that the vote shall be for a particular candidate clearly appears from the way the paper is marked. (2) Subject to any general or special direction of the State Election Commission, the decision of the Returning Officer as to validity of a ballot paper shall be final.

83. Verification of account of ballot papers, etc.

- The Returning Officer shall not open the sealed packets of the "tendered votes", the marked copy of the electoral roll and of the counterfoils of the ballot papers. He shall verify the statement submitted by the Presiding Officer under Rule - 78 by comparing them with the statement prepared under clause (e) of Rule - 81 and with number of counted votes and with the rejected ballot papers, the unused ballot papers in his possession and tendered votes list, shall then reclose and reseal each packet which has been opened by him, and shall record on each packet a description of its contents and the date of the election to which it refers.

84. Declaration of results and grant of Election Certificate.

(1)When the counting of the votes has been completed, the Returning Officer shall forthwith declare the candidate or candidates, as the case may be, to whom the largest number of votes have been given, to be elected:Provided that upon the application of any candidate or his duly authorised representative, a recount shall be made before the Returning Officer makes the declaration, but the Returning Officer may reject any such application as may appear to him to be frivolous, recording at the same time the ground for such rejection.(2)If after the counting of votes is completed an equality of votes is found to exist between any candidates and the addition of one vote will entitle any of those candidates to be declared elected, the Returning Officer shall forthwith decide between those candidates by lot to be drawn in such manner as prescribed by the State Election Commission and proceed as if the candidate on whom the lot falls had received an additional vote.(3)Election Certificate-The Returning Officer shall after declaration the result grant the Election Certificate in Form 25.

85. Procedure to be adopted when the poll is taken by EVM.

- In case of use of Electronic Voting Machines for polling, procedure to be followed for recording and counting of the votes, sealing of machines and declaration of results etc. shall be prescribed by the State Election Commission:Provided that, as far as practicable, whenever Electronic Voting Machines will be used, a hard copy of all data pertaining to different constituencies will be prepared in the same format, as it is displayed in the control unit, and after putting in signature of all candidates present at the time of counting or their election agents and the Returning Officer on the format, it shall be kept in a gauze envelope sealed by the secret seal specially provided by the State Election Commission to each Returning Officer and kept in safe custody of the District Election Officer. The action regarding custody and destruction of such sealed envelope shall be taken under Rule - 89.The secret seal supplied by the Commission shall invariably be returned to the Commission within thirty six hours of declaration of results.

86. Report of the result.

(1)As soon as may be after the result of an election has been declared, the Returning Officer shall report the result to the District Election Officer. The Returning Officer shall prepare and certify a return of the result containing:-(i)names of the candidates for whom valid votes have been given:(ii)the number of valid votes of each candidate;(iii)the name of the candidate elected;(iv)the number of votes declared invalid; and(v)the number of tender votes given.(2)the Returning Officer shall permit any candidate, or any representative duly authorised in writing by the candidate, to take a copy of extract from such return.(3)The Returning Officer shall send the return to the District Election Officer who shall forthwith forward copies of the return to the State Election Commission and the State Government.

87. Publication of names of elected Councillors.

- The District Election Officer shall forthwith cause the names of all the Councillors elected in the Municipality reported to him under sub-rule (1) of Rule 86, to be published in his office, in the office of the Sub-divisional Officer, in the office of the Municipality and in such other places as he may think fit, and shall communicate a copy or the list of names so published to the State Government for publication in the Official Gazette, and to the State Election Commission.

88. Inspection of contents of packets.

- While in the custody of the officers to whom they have been so forwarded, the packets of ballot papers, whether counted, rejected or tendered, and packets of counter foils of used ballot papers and of the packets of ballot papers and tendered votes lists, shall not be opened and their contents shall not be inspected or produced except under the order of the State Election Commission or the Authority designated by Section 476 of the Act, but all other documents relating to the election shall be open to public inspection subject to such conditions and to the payment of such fee, if any as the State Election Commission may impose.

89. Destruction of packets.

- (1) The packets, aforesaid shall be retained for a period of one year and shall thereafter be destroyed subject to any direction to the contrary made by the State Election Commission or by the Authority designated by Section 476 of the Act. (2) All other papers relating to the election shall be retained until the termination of the next general election for the ward to which they relate and shall thereafter be destroyed subject to any direction to contrary given by an authority designated by Section 476 of the Act or by the State Election Commission.

90. Custody and Preservation of election papers.

(1) The following Rules shall be observed for the custody and preservation of the election papers enumerated below, namely:-(i) claims and objection with reference to the preliminary electoral rolls. (ii) final electoral rolls. (iii) nomination papers of candidates. (iv) withdrawal of candidate. (v) orders by the Returning Officer regarding the division of wards into polling areas and appointment of a Polling Station for each such area. (vi) appointment letters of agents or candidates. (vii) list of candidates nominated, and (viii) return of election expenses. (2) With the exception of the papers mentioned in items (iii) and (viii) of sub-rule (1), the aforesaid election papers shall be kept in the general records room of the main office of the Municipality for one year, unless their retention for a longer period is ordered by the Chief Executive Officer or by an Election Tribunal. (3) The nomination papers of candidates shall remain in the custody of the Concerned Executive Officer and shall be retained for a period of one year and shall thereafter be destroyed subject to any direction to the contrary made by an Election Tribunal. (4) The returns of election expenses lodged with the Chief Executive Officer shall be kept by him for one year and shall then be destroyed unless their retention for a longer period is ordered by an Election Tribunal. (5) The public

shall have the right to inspect the election papers enumerated in sub-rule (1) and to get attested copies thereof on application to the concerned Executive Officer.

91. Prohibition of canvassing or assisting in election by Municipality employees.

(1) No person in employment or pay of the Municipality shall directly or indirectly be engaged in canvassing for votes or otherwise assist in the election of any candidate except by casting his own vote according to these Rules. (2) If any person contravenes the provision of sub-rule (1) he shall render himself liable to dismissal from the service of the Municipality and any Police Officer not below the rank of Assistant Sub-inspector of Police who sees such person contravening the provision of sub-rule (1) shall have the power to prosecute him. On conviction such person may be punished with imprisonment which may extend to six months or with fine or with both.

92. Direction by the State Election Commission.

- The State Election Commission may issue from time to time such directions as it deems fit for the efficient conduct of the election.

Part V – Election of Chief Councillor/Deputy Chief Councillor of Municipalities

93. Calling meeting for election of Chief Councillor and Deputy Chief Councillor.

(1) The District Magistrate or any other officer not below the rank of Deputy Collector authorized by him in this behalf who shall hereinafter be called the Returning Officer for the purpose of Rules 94 to 96, shall call the meeting of the elected Councillors to elect the Chief Councillor and Deputy Chief Councillor for each Municipality in accordance with Section 35 of the Act. Notice of the place, date and time of the meeting shall be issued to the elected Councillors at least seven clear days previous to the day of the meeting.

94. Presiding Officer.

- At the meeting held under Section 35 of the Act for the purpose of electing Chief Councillor and Deputy Chief Councillor, the Returning Officer shall preside but he shall not have the power to vote at the meeting.

95. Nomination of candidates for the office of Chief Councillor and Deputy Chief Councillor.

- At the appointed place, date and time the Returning Officer shall call for nomination of candidates for the office of Chief Councillor and Deputy Chief Councillor. A Councillor desiring to propose a candidate for election shall hand over to the Returning Officer a nomination paper in Form - 26 signed by himself as proposer and by at least one other Councillor as seconder and containing the name of the candidate proposed for election with his consent. If any nomination paper does not bear the signature of two Councillors and the candidate, the Returning Officer shall declare it to be invalid.

96. Procedure in case of contested and uncontested electors.

(1) If only one valid nomination paper is received, the Returning Officer shall declare the candidate so nominated to be duly elected. (2) If more than one candidate is duly nominated, the Returning Officer shall, call on the Councillors to vote by ballot according to the following procedure:- (a) (i) The Returning Officer shall distribute or cause to be distributed, to each Councillor qualified to vote and present at the meeting a ballot paper in Form - 27 containing the names of all duly nominated candidates. (ii) A Councillor desiring to vote shall then proceed to record his vote by placing a cross mark (X) against the name of the candidate for whom he wishes to vote but shall not sign or make any mark on the paper and shall place the paper in the ballot box provided for the purpose. (b) The Returning Officer shall then count the votes recorded in favour of each candidate. If there are only two candidates, he shall declare the one who has majority of votes to be duly elected. If both candidates obtain an equal number of votes, the Returning Officer shall forthwith decide between those candidates by lot in the manner prescribed by State Election Commission and proceed as if the candidate on whom the lot falls had received an additional vote. (c) If there are more than two candidates duly nominated, the following system of elimination shall be followed. (i) After the votes have been recorded and counted, the Returning Officer shall announce the total number of votes recorded for each candidate. If one candidate receives more than half the total number of votes recorded, he shall be declared to be duly elected. (ii) If no candidate obtains more than half the total number of votes the candidate with the least number of votes shall be eliminated and a fresh vote taken. This process shall be continued until a candidate obtains more than half the total number of votes recorded whereupon he shall be declared to be duly elected. (iii) If the number of votes recorded for each of the candidates or for each of the candidates who obtain the least number of votes is equal, one of those candidates shall be eliminated by drawing lots in such manner as the State Election Commission may determine. Examples.- (i) Of 18 votes recorded, A receives 10 votes and B 8, A is duly elected. (ii) Of 18 votes recorded, A receives 9 votes and B 9, lots shall be drawn for the elimination of one of two candidates. (iii) Of 18 votes recorded, A receives 6 votes and B 6 votes and C 6 votes, lots shall be drawn for the elimination of one candidate and a further vote taken. (iv) Of 18 votes recorded, A receives 8, B 6 and C 4, C shall be eliminated and the Councillors will proceed to record their votes for A and B. (v) Of 18 votes recorded, A receives 8, B 5 and C 5 votes, lots shall be drawn for the elimination of B or C, and a further vote taken. (3) The same procedure shall then be followed in the election of the Deputy Chief Councillor. (4) The result shall be prepared in Form - 28 and announced by the Returning Officer. (5) The Returning Officer shall after declaration of results grant the Election Certificate in Form - 25 to the candidate so elected.

97. Procedure for filling a vacancy in a municipality.

- In the case of an election of Chief Councillor and Deputy Chief Councillor to fill a casual vacancy in a Municipality, the procedure prescribed in Rules 93 to 96 shall apply.

Part VI – Miscellaneous

98. Death of candidate before poll.

- If a candidate whose nomination has been found valid under Rule 43, dies and a report of his death is received by the Returning Officer before the commencement of the poll, the Returning Officer shall, upon being satisfied of the fact of the death of the candidate, countermand the poll and report the fact to the State Election Commission and all proceedings with reference to the election shall be commenced anew in all respects as for a new election: Provided that no further nomination shall be necessary in the case of a candidate whose nomination was valid at the time of countermanding of the poll: Provided further that no person who has under Rule 48(4) given a notice of withdrawal of his candidature before the countermanding of the poll shall be ineligible for being nominated as a candidate for the election after such countermanding.

99. Adjournment of poll in emergencies.

(1) If at an election the proceedings at any polling station for the poll are interrupted or obstructed by any riot or open violence, or if at an election it is not possible to take the poll at any Polling Station on account of an unnatural calamity or destruction of election materials or any other sufficient cause, the Presiding Officer for such Polling Station, or the Returning Officer, shall announce an adjournment of the poll to a date to be notified later, and where the poll is so adjourned by a Presiding Officer, he shall forthwith inform the Returning Officer. (2) Whenever a poll is adjourned under sub-rule (1), the Returning Officer shall immediately report the circumstances to the State Election Commission, and shall, as soon as may be, with the previous approval of the State Election Commission appoint a day on which the poll shall recommence and fix the Polling Station at which, and the hours during which, the poll will be taken and shall not count the votes cast at such election until such adjourned poll shall have been completed. In every such case as aforesaid, the Returning Officer shall notify in every ward concerned of the Municipality in such manner as he thinks fit the date, place and hours of polling fixed under sub-rule (2).

100. Maximum election expenses.

(1) Every candidate at an election shall, either by himself or by his election agent, if a separate and correct account of all expenditure in connection with the election incurred or authorised by him or his election agent between the date on which he has been nominated and the date of declaration of the result thereof, both days inclusive. (2) No expense shall be incurred or authorised by the candidate or his election agent on account or in respect of the conduct and management of an election in any

ward in excess of the following amount:-(1)Rupees ten thousand in case of a ward from Nagar Panchayat.(2)Rupees twenty thousand in case of a ward from Municipal Council.(3)Rupees thirty thousand in case of a ward having population between 4000 -10000 from Municipal Corporation.(4)Rupees forty thousand in case of a ward having population between 10001 - 20000 from Municipal Corporation.(3)Any candidate, either by himself or his election agent, who has exceeded the amount mentioned above and who has not kept a separate and correct account of all expenditure in connection with the election incurred or fails to lodge the account of election expenses within the period of thirty days from the date of declaration of the result shall be punishable as per law.

101. Return of election expenses.

(1)The return of election expenses shall be lodged with the Returning Officer within thirty days from the date of publication of the result of the election.(2)The account of election expenses to be kept by a candidate or his election agent shall be in format at Appendix-1.(3)The Returning Officer shall make enquiry as to the genuineness of the account submitted and thereafter cause a notice to be affixed to the notice board of his office, specifying:-(a)the date on which the account has been lodged;(b)the name of the candidate; and(c)the time and place at which such account can be inspected. The enquiry may be completed within ten days of submission.(4)Any person shall on payment of a fee of ten rupees be entitled to inspect any such account and on payment of a fee of two rupees per page be entitled to obtain attested copies of such account or of any part thereof.

102. Election Petitions.

- No election to the office of the Municipal Councillor, Chief Councillor or Deputy Chief Councillor under these Rules shall be called in question except by an election petition presented in accordance with this part.

103. Presentation of Election Petition.

(1)An Election Petition by a candidate or elector, calling in question any election shall be presented, in case of election of Councillors or Chief Councillor or Deputy Chief Councillor in the Nagar Panchayat, before the Munsif and in case of election of Councillors, Chief Councillor or Deputy Chief Councillor in the Municipal Council/Municipal Corporation, before the sub-judge, under whose jurisdiction the ward or the Municipality, as the case may be, is situated.(2)Such election petition shall be filed within thirty days from the date of publication of the results of Councillors or Chief Councillor/Deputy Chief Councillor, as the case may be.(3)When the period presented by sub-rule (2) of the presentation of an election petition expires on a day which is a public holiday within the meaning of Section 25 of the Negotiable Instruments Act, 1881, or has been notified by the State Government to be observed as a holiday in Government offices or courts, the petition shall be considered as having been presented in due time, if it is presented on the next succeeding day which is neither such a public holiday nor a day so notified.

104. Reliefs to be claimed and grounds therefor.

- The petitioner may if he so desires, in addition to calling in question the election of a returned candidate, claim a declaration that he himself or other candidate has been duly elected; but such a declaration shall only be claimed on one or other of the following grounds, namely (a) that the petitioner or such other candidate in fact received a majority of valid votes; or (b) that, but for the votes obtained by the returned candidate by corrupt or illegal practices, the petitioner or such other candidate would have obtained a majority of valid votes; or (c) that, but for improper acceptance or rejection of any nomination, the petitioner or such other candidate would have been entitled to be declared to have been duly elected.

105. Contents of Election Petitions.

(1) An Election Petition shall contain a concise statement of the material facts on which the petitioner relies and shall where necessary, be divided into paragraph numbered consecutively. It shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908, for the verification of pleadings. (2) (a) The petition shall be accompanied by a list signed and verified in like manner setting forth full particulars of any corrupt or illegal practice which the petitioner alleges, including as full statements possible as to the names of the parties alleged to have committed any corrupt or illegal practice and the date and place of the commission of each such practice. (b) The Designated Authority in Rule 103 may, upon such terms as to costs and otherwise as he may direct at any time allow the particulars included in the said list to be amended, or order such further and better particulars in regard to any matter referred to therein to be furnished as may in his opinion, be necessary for the purpose of ensuring a fair and effectual trial of the petition: Provided that the designated authority shall not by means of any such amendment allow particulars to be furnished, or any corrupt or illegal practice other than a corrupt or illegal practice set forth in the list furnished by the petitioner under clause (a) of sub-rule (2).

106. Parties to election petition.

- The petitioner shall join as respondents to his petition- (a) Where the petitioner, in addition to claiming declaration that the election of all or any of the returned candidate is void, claims a further declaration that he himself or any other candidate has been duly elected, all the contesting candidates other than the petitioner; and where no such further declaration is claimed, all the returned candidates, and, (b) Any other candidate against whom allegation of any corrupt practice is made in the petition.

107. Court Fee.

- At the time of presentation of the petition the petitioner shall deposit with it a sum of two thousand five hundred rupees in cash with respect to the post of Councillor or Chief Councillor/Deputy Chief Councillor from Nagar Panchayat/Municipal Council and a sum of rupees five thousand with respect to the post of Councillor or Chief Councillor/Deputy Chief Councillor from Municipal

Corporation.

108. Withdrawal of Election Petition.

- The Election Petition cannot be withdrawn without the order of the Court: Provided that if there be more than one plaintiff in the election petition then the election petition cannot be withdrawn without unanimous consent.

109. Disposal of Election Petition.

- The Authority prescribed under Rule 103 shall hear and dispose of the Election Petitions in accordance with the provisions of the Civil Procedure Code, 1908. The Indian Evidence Act 1872 shall apply in hearing of Election Petition.

110. Copy of the order on Election Petition to be made available.

- The copy of the order passed on the Election Petition by the Court/Prescribed Authority will be made available to the District Election Officer and the Commission.

111. Information or Certified Copy of documents for filling Election Petitions to be made available within time frame.

(1) If a person files application in the prescribed manner for obtaining a copy of the election result or any other information or paper related to election for the purpose of filling Election Petition or for other purposes, it shall be incumbent on the part of the Returning Officer to make available the required information/papers to the applicant maximum within five days of filing of such application. If the applicant does not turn up to receive the information or the certified copy on the fixed date, the matter will be reported to the District Election Officer (Municipality) on the same day. (2) If the concerned Returning Officer fails to furnish the required information or to hand over the certified copy without any reasonable cause within the prescribed period or malafidely denied the request for information or obstructed in any manner, the State Election Commission, on receiving a complaint in this regard and after giving any oral or written direction to submit an explanation for the failure to do so, may impose a fine of rupees five hundred for per day of delay, till the period the required information or the certified copy is made available to the applicant. The fine shall be realized from the personal salary or emoluments of the concerned Returning Officer in the manner as specified by the State Election Commission. Provided that the concerned Returning Officer shall be given a reasonable opportunity of being heard by the State Election Commission before any penalty is imposed on him: Provided further that the burden of proving that he acted reasonably and diligently shall be on the concerned Returning Officer. (3) Where the State Election Commission at the time of deciding is of the opinion that the Returning Officer, without any reasonable cause, failed to furnish information or certified copy within specified time or malafidely denied the request, the State Election Commission shall recommend for disciplinary action against the Returning Officer under the service rules applicable to him.

112. Administration of Oath.

(1)The oath/affirmation of the Councillors elected from each Municipality shall be taken in accordance with procedures laid down in Section 15 of the Act. The programmes for swearing in ceremony shall be determined by the State Election Commission.(2)The Chief Councillor/Deputy Chief Councillor shall also be sworn in accordance with procedure laid down in Section 24 of the Act. The programmes for swearing in ceremony shall be determined by the State Election Commission.

113. Seats in Municipality to become vacant in case of an election of the same candidate to more than one seat.

(1)if a person is elected to represent more than one ward, then unless within fifteen days from the date of publication of his name in the Official Gazette, he resigns all but one of the seats, all the seats shall become vacant.(2)The intimation of such resignation shall be given by the person concerned in writing and, after being duly signed by him, shall personally be delivered to the Executive Officer.(3)Any intimation given under sub-rule (2) shall be final and irrevocable.

114. Bye elections.

- When the seat of a Councillor elected to the Municipality becomes vacant or is declared vacant or his election to the Municipality is declared void, State Government on the recommendation of the State Election Commission shall by a notification call upon the ward concerned to elect a person for the purpose of filling the vacancy so caused before such date as may be specified in the notification and the provisions of the Act and these Rules shall apply as far as may be in relation to the election of a Councillor to fill such vacancy.

115. Interpretation of these Rules.

- If any question or dispute arises as to the interpretation or implementation of these Rules otherwise than in connection with an Election Petition, the question shall be referred for the decision of the State Election Commission whose decision shall be final.

116. Repeals.

- The Bihar Municipal Election and Election Petitions Rules, 1953 (as amended from time to time) and The Patna Municipal Corporation: preparation of Electoral Rolls and Conduct of Election Rules, 1953 (as amended from time to time) are hereby repealed. Appendix-I Register for Account of Election Expense

1. Name of candidate :
2. Ward No. and Name of Municipality :

3. Date of Filing nomination :

4. Date of declaration of result :

DeclarationI,..... a candidate at the above election do hereby declare that-(1)I/my election agent kept a separate and correct account of all expenditure in connection with the above election incurred or authorized by me or my election agent between the date of my nomination and the date of declaration of the result thereof, both days inclusive.(2)The said account was maintained in the Register furnished by the Returning Officer for the purpose and said Register itself is annexed thereto with the supporting vouchers/bills mentioned in the said account.(3)The account of my election expenditure as annexed hereto includes all items of election expenditure incurred or authorized by me or by my election agent and nothing has been concealed or withheld/suppressed therefrom.Signature of CandidateAcknowledgementThe account of the election expenses in respect of(name of ward and name of Local Body) result of which was declared on (date) has been filed by him/on his behalf on(date) has been received by me today, the(date) of (month) (year).Returning OfficerRegister of Account of Election Expenses

Date	Details of Election Expenditure	By whom expenses incurred	Signature of Candidates	Remarks
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Signature of Candidates