

The M.P. Nagarpalika Nirvachan Niyam, 1994

MADHYA PRADESH

India

The M.P. Nagarpalika Nirvachan Niyam, 1994

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The M.P. Nagarpalika Nirvachan Niyam, 1994 Published vide Notification No. 84-18-2-94. dated 29-7-1994, M.P. Rajpatra (Asadharan), dated 29-7-1994 In exercise of the powers conferred by sub-section (6) of Section 10 read with Section 433 of the Madhya Pradesh Municipal Corporation Act, 1956 (No. 23 of 1956), and sub-section (6) of Section 29 read with Section 355 of the Madhya Pradesh Municipalities Act, 1961 (No. 37 of 1961), the State Government in consultation with the State Election Commission hereby makes the following rules for the preparations of electoral rolls and conduct of all elections to the Municipalities, namely :-

Chapter I Preliminary

1. Short title and commencement.

(1) These rules, may be called the Madhya Pradesh Nagarpalika Nirvachan Niyam, 1994. (2) They shall come into force with effect from the date of their publication in the "Madhya Pradesh Gazette."

2. Definitions.

- In these rules, unless the context otherwise requires :- (a) "Act" means- (i) the Madhya Pradesh Municipal Corporation Act, 1956 (No. 23 of 1956); or (ii) the Madhya Pradesh Municipalities Act, 1961 (No. 37 of 1961), as the case may be; (b) "Appellate Authority" means the officer designated by the State Election Commission as Appellate Authority in consultation with the State Government to hear appeals under these rules; (c) ["District Election Officer" means the Officer appointed by the State Election Commission as District Election Officer (Municipality) in consultation with the State Government for preparation of voter's list and conduct of elections to Municipalities in a district.] [Substituted by Notification No. 82-XVIII-3-97, dated 7-7-1997.] (d) ["Election" means an election to fill a seat or seats in a Municipality and includes the election in relation to recall the Mayor of a

Municipal Corporation or the President of a Municipality or Nagar Panchayat from his office as the case may be;] [Substituted by Notification No. 30/18-3-2000, dated 29-12-2000.](e)"Election Commission" means the Madhya Pradesh State Election Commission constituted under Article 243-K of the Constitution;(f)"Election Proceedings" means the proceedings commencing from the issue of the notice for elections and ending with the declaration of results of such election;(g)"Form" means a form appended to these rules;(h)"Marked copy of voters' list" means the copy of the voters' list set apart for the purpose of marking the names of voters to whom ballot papers are issued at an election;[(h-l) "Mayor" means the Mayor of a Municipal Corporation;] [Inserted by Notification No. 84-XVIII-3-97, dated 7-7-1997.](i)"Municipality" means a Municipal Corporation constituted under Section 7 of the Madhya Pradesh Municipal Corporation Act, 1956 (No. 23 of 1956) for a larger urban area or a Municipal Council constituted under Section 5 of the Madhya Pradesh Municipalities Act, 1961 (No. 37 of 1961) for a smaller urban area or a Nagar Panchayat constituted under Section 5 of the Madhya Pradesh Municipalities Act, 1961 (No. 37 of 1961) for a transitional area, that is to say, an area in transition from a rural area to an urban area;[(i-l) "President" means the President of a Municipal Council or a Nagar Panchayat;] [Inserted by Notification No. 84-XVIII 3-97, dated 7-7-1997.](j)"Recognised Political Party" means a political party for the time being recognised by the Election Commission of India as a National Party or as a State Party in Madhya Pradesh under the Election Symbols (Reservation and Allotment) Order, 1968;(k)"Registration Officer" means the Electoral Registration Officer (Municipality) and includes Assistant Electoral Registration Officer t Municipality) appointed by the State Election Commission, in consultation with the State Government;(l)"Returning Officer" means the Returning Officer (Municipality) appointed by the State Election Commission or when so authorised by the Election Commission, the District Election Officer (Municipality), as a Returning Officer for election to any Municipality and includes an Assistant Returning Officer (Municipality);(m)"Voters' List" means the electoral roll or the list of voters of a ward of a Municipality;(n)"Ward" means the ward of a Municipality;(o)The words and expression used, which have not been delined in these rules, shall carry the meaning as has been assigned to them in the Madhya Pradesh Municipal Corporation Act, 1956 (No. 23 of 1956) or the Madhya Pradesh Municipalities Act, 1961 (No. 37 of 1961), as the case may be.

Chapter II

List of Voters

3. Preparation of Voters' List and appointment of Registration Officer.

(1)The Election Commission shall subject to the provisions of the Act cause to be prepared in Form I a wardwise list of voters in Hindi written in the Devanagri script for each Municipality.(2)The Election Commission shall, in consultation with the State Government, appoint a Registration Officer for each municipality and one or more Assistant Registration Officers as may be found necessary' to assist the Registration Officer in the preparation of the list of voters for the municipality.(3)Every Assistant Registration Officer shall subject to the control of Registration Officer be competent to perform all or any of the functions of the Registration Officer.

4. Publication of Voters' List for inviting claims and objections.

(1)As soon as the voters' list is ready, the Registration Officer shall give a public notice inviting claims for inclusion of names in the list and objections to any entry' therein, by displaying a notice in such form as may be prescribed by the Election Commission and making a copy of the list available for inspection-(a)at his office, if it is within the Municipality;(b)at the office of the Municipality; and(c)at such other places in or near the ward as may be specified by him for the purpose.(2)The notice shall specify the period during which and officer with whom an objection or claim may be lodged and the date, time and place for the hearing of such objections and claims, if any, by the Registration Officer.(3)The voters' list shall remain open for inspection, free of charge, by the public for a period of at least seven days from the date of publication of the notice, during office hours.(4)Copy of the voters' list may be supplied to any person on payment of such fee as may be fixed by the Election Commission by a general or special order.

5. Claims and objections.

(1)Any person, whose name is not entered in the voters' list or is entered at an incorrect place or with incorrect particulars or any person whose name is entered in the list and who objects to the inclusion of his own name or the name of any other person in that list, may prefer a claim or objection by delivering to the Registration Officer an application in writing duly signed by him not later than 3 O'clock in the afternoon of the last day specified in the notice under Rule 4 and no claim or objection thereafter shall be entertained.(2)Every claim or objection shall be preferred in such form as may be prescribed by the Election Commission and shall either be presented to the Registration Officer or to such other officer as may be nominated by him in this behalf.(3)A claim or objection may be accompanied by any documents on which the claimant or objector relies.

6. Disposal of claims and objections.

(1)The Registration Officer shall, after holding such summary inquiry into the claims or objections as he deemed fit, record his decision in writing and shall make available on demand a copy of such decision to the claimant or objector free of charge forthwith.(2)No person shall be represented by any legal practitioner in any proceeding under this rule.(3)The Registration Officer shall amend the voters' list in accordance with his decision.(4)The voters' list so amended shall, subject to decision in appeal, if any, be final and a copy thereof duly authenticated by the Registration Officer shall be kept in his office and another copy deposited in the office of District Election Officer.(5)Any person aggrieved by the decision of the Registration Officer may prefer an appeal to the Appellate Authority within five days of such decision. Every appeal shall be in such form as may be prescribed by the Election Commission and presented to the Appellate Authority alongwith a copy of the decision of the Registration Officer. The Appellate Authority, after giving the appellant an opportunity of hearing and after making such summary enquiry as it deems fit, shall pass suitable orders expeditiously and in the event of the appeal succeeding, direct the Registration Officer to amend the voters' list to give effect to its decision. The decision of the Appellate Authority shall be final :Provided that no amendment shall be carried out in the voters' list according to the decision of the Appellate Authority after the last date and time fixed for making nominations in the notice issued

under Rule 21 and before the completion of election.

7. Inspection and issue of certified copies.

- Every member of the public shall have the right to inspect the voters' list referred to in sub-rule (4) of Rule 6 on payment of a fee of two rupees in cash and certified copies of the same may be issued by the Registration Officer or by an officer authorised by him in this behalf to an applicant on payment of the same fees in cash as are prescribed for copies of revenue records.

8. [Duration of voters' list and its revision. [Substituted by Notification No. 53-XVIII-III-95, dated 18-10-1995.]

(1)The voters' list referred to in sub-rule (4) of Rule 6 shall remain in force until revised under sub-rule (2) or sub-rule (3).(2)Every such list shall be liable to revision by reference to the first day of January of the year in which it is so revised(i)before each General Election to the Municipalities or as the case may be;(ii)before each bye-election to fill a seat in a Municipality.(3)Notwithstanding anything contained in sub-rule (2) it shall not be necessary to revise the voters' list before any bye-election which is held during the calendar year in relation to the first day of January whereof the list has been originally prepared :Provided that the Election Commission may, for reasons considered sufficient by it, direct special revision of the voters' list before holding a bye-election.(4)Notwithstanding anything contained in the foregoing provisions, the validity or continued operation of the voters' list referred to in sub-rule (4) of Rule 6 shall not in any way be affected by non-revision of any such list under sub-rule (2) or when so directed by the Election Commission under proviso to sub-rule (3).]

9. [Finalisation of Voters' List. [Substituted by Notification 82-XVIII-3-97, dated 7-7-1997.]

- Subject to the provision of Rule 9-A. no correction in any entry or inclusion or deletion of any name shall be made in the voter's list after its finalisation under Rule 6 :Provided that clerical, technical or printing error or omission, apparent on the face of the record, regarding any voter may be corrected by the Registration Officer at any time before the last date, and time fixed for making nomination under Rule 21.]

9A. [Deletion of entries in the Voters' List in certain cases. [Inserted by Notification 82-XVIII-3-97, dated 7-7-1997.]

(1)If the Registration Officer, on an application made to him or on his own motion, is satisfied after such inquiry as he thinks fit, that the name of any person in the voters' list of a Municipality after its finalisation under Rule 6 should be deleted on the ground that the person concerned is registered in the voters' list of more than one ward of the Municipality concerned or of any other Municipality or of any Panchayat, the Registration Officer shall subject to such general or special directions, if any, as may be given by the Commission in this behalf, delete the entry :Provided that before taking any

action in this behalf, the Registration Officer shall give the person concerned a reasonable opportunity of being heard in respect of the action proposed to be taken in relation to him.(2)No deletion of any entry shall be made under sub-rule (1) after the last date fixed for making nomination in the notice issued under Rule 21 for an election in any ward of the Municipality concerned and before the completion of that election.(3)The Registration Officer shall record in writing the reasons for his decision to delete an entry under sub-rule (1) and shall make available, on demand, a copy of such decision to the person concerned free of charge, forthwith.(4)Any person aggrieved by the decision of the Registration Officer under sub-rule (1) may prefer an appeal to the District Election Officer within fifteen days of such decision.(5)The District Election Officer, after giving the appellant an opportunity of being heard and making such enquiry as he deems fit, shall pass suitable order on the appeal and the order of the District Election Officer shall be final.]

10. [Custody and destruction of papers. [Substituted by Notification No. 82-XVIII-3-97, dated 7-7-1997.]

- The preliminary voters list published under Rule 4, the claims and objections received under Rule 5 alongwith the order of the Registration Officer or Appellate Authority thereon and the papers relating to the proceedings under Rule 9-A shall be preserved in the record room of the District Election Officer until after the next revision of the list and shall then be destroyed.]

Chapter III

Administrative Machinery for Conduct of Elections

11. Officers and staff for conducting elections.

(1)The State Government shall, when so requested by the Election Commission make available to the Election Commission such staff as may be necessary for the discharge of the functions conferred on the Election Commission under the Act and these rules.(2)All the officers and members of the staff appointed or deployed for preparation of voters' list and conduct of election of any Municipality under the Act or these rules, shall function under the superintendence, direction and control of the Election Commission.(3)[The Commission may assign such duties and functions to officers and members of staff appointed or deployed under sub-rule (1) and invest them with such powers, in relation to such areas, as it may deem necessary or consider fit in relation to conduct of elections and matters connected therewith or incidental thereof.] [Substituted by Notification No. 82-XVIII-3-97, dated 7-7-1997.]

11A. [Commission's power to issue General or Special orders or directions. [Inserted by Notification No. 82-XVIII-3-97, dated 7-7-1997.]

- Notwithstanding anything contained in these rules, the Commission may issue such special or general orders or directions which may not be inconsistent with the provisions of the Act for fair and free elections.]

11B. [Requisition of Vehicles etc. for Election purposes. [Inserted by Notification No. 12-XVIII-3-2001, dated 21-3-2001.]

(1)The District Election Officer may, if it appears to him in connection with an election under the Madhya Pradesh Municipal Corporation Act. 1956 and Madhya Pradesh Municipalities Act, 1961 that any vehicle, vessel or animal is needed or is likely to be needed for the purpose of transport of ballot boxes to or from any polling station or transport of members of the police force for maintaining law and order during the conduct of such election, or transport of any officer or other person for performance of any duties in connection with such election he may by order in writing requisite such vehicle, vessel or animal and may make such further orders as may appear to him to be necessary or expedient in connection with the requesting.](2)The requisitioning shall be effected by an order in writing addressed to the person deemed by the District Election Officer to be the owner or person in possession of the vehicle; vessel or animal and such order shall be served on the person to whom it is addressed.(3)Whenever any vehicle, vessel or animal is requisitioned under this rule, the period of such requisitioning shall not extend beyond the period for such vehicle, or animal is required for any of the purposes mentioned in this sub-rule.Explanation - In this rule "Vehicle" means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise.

11C. Payment of compensation.

- Whenever in pursuance of Rule 11-B any vehicle, vessel or animal is requisitioned there shall be paid to the owner thereof compensation, the amount of which shall be determined by the District Election Officer on the basis of the rate fixed for such vehicle, vessel or animal by the Chief Election Officer of the State of Madhya Pradesh for State Assembly Elections :Provided that any person aggrieved by the amount of compensation determined by District Election Officer, may apply within thirty days from the date of the order determining the compensation to the Divisional Commissioner for a review. The decision of the Divisional Commissioner shall be final.

11D. Manner of serving order or requisition of vehicles, vessels and animals.

- An order of requisition under sub-rule (1) of Rule 11-B shall be served :-(1)Where a person to whom such order is addressed a Corporation or firm, in the manner provided for the service of summons in Rule 2 of Order XXIX or Rule 3 of Order XXX, as the case may be, in the first Schedule to the Code of Civil Procedure, 1908 (No. V of 1908); and(2)Where the person to whom such order is addressed is an individual :-(i)personally by delivering or tendering the order, or(ii)by registered post with acknowledgment due, or(iii)if a person cannot be found, by leaving an authentic copy of the order with any adult male member of his family, or by affixing such copy on some conspicuous part of the premises in which he is known to have last resided or carried on business, or personally worked for gain.

11E. Penalty for contravention of any order regarding requisition.

- If any person contravenes any order made under sub-rule (1) of Rule 11-B he shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to rupees five hundred or with both.

12. District Election Officer (Municipality) and Deputy District Election Officer (Municipality).

(1)The Election Commission shall in consultation with the State Government, appoint a District Election Officer (Municipality) for each district and one or more Deputy District Election Officers (Municipality) as may be found necessary to assist the District Election Officer in the conduct of elections to Municipalities in the district.(2)Subject to the superintendence, direction and control of the Election Commission, the District Election Officer shall coordinate and supervise all work in the district in connection with the conduct of all elections to Municipalities in the district.(3)The District Election Officer shall also be ex-officio Returning Officer (Municipality) for elections to the Municipality at the district headquarters.

12A. [Observers. [Inserted by Notification No. 82-XVIII-3-97, dated 7-7-1997.]

(1)The Commission may nominate an Observer to watch the conduct of election or elections in a Municipality or a group of Municipalities and to perform such other functions as may be entrusted to him by the Commission.(2)The Observer nominated under sub-rule (1) shall have the power to direct the Returning Officer for any Municipality for which he has been nominated, to stop the counting of votes at any time before the declaration of the result or not to declare the result if in the opinion of the Observer 'booth capturing' has taken place at any polling station of that Municipality or at the place fixed for counting of votes or any ballot papers used at a polling station unlawfully taken out of the custody of the Returning Officer or accidentally or intentionally destroyed or lost or damaged or tampered with to such an extent that the result of the poll at that polling station cannot be ascertained.(3)Where an Observer has directed the Returning Officer under sub-rule (2) to stop counting of votes or not to declare the result, the Observer shall forthwith report the matter to the Commission and thereupon the Commission shall, after taking all material circumstances into consideration issue appropriate directions under Rule 62.Explanation. - The expression 'booth capturing' shall have the meaning assigned to it in Section 14-D of the Madhya Pradesh Local Authorities (Electoral Offences) Act, 1964.]

13. Appointment of Returning Officer (Municipality).

- The Election Commission or when so authorised by the Election Commission, the District Election Officer shall appoint an officer of the State Government not below the rank of Naib-Tehsildar as a Returning Officer (Municipality) for even' election to fill a seat in any Municipality other than the Municipality at the district headquarters :Provided that nothing in this rule shall prevent the Election Commission or the District Election Officer from appointing same person to be a Returning

Officer for election to more than one Municipality.

14. Appointment of Assistant Returning Officer (Municipality).

(1)The Election Commission or when so authorised by the Election Commission, the District Election Officer (Municipality) may appoint one or more persons as Assistant Returning Officer (Municipality) to assist the Returning Officer in the performance of his functions.(2)Every Assistant Returning Officer shall, subject to the control of the Returning Officer, be competent to perform all or any of the functions of the Returning Officer.

15. General duty of Returning Officer.

- It shall be the general duty of the Returning Officer in any election to perform all such acts and things as may be necessary for effectively conducting the election in the manner provided by these rules.

16. Polling Stations.

(1)The Returning Officer shall provide sufficient number of polling stations for every election under these rules and shall, not later than 2(1 days before the date of poll, publish a list showing the polling stations and the polling area for which they will be set up.(2)No change shall be made by the Returning Officer in the location of a polling station notified under sub-rule (1), without previous approval of the Election Commission, which shall be sought through the District Election Officer.(3)Change in the location of a polling station, if approved by the Election Commission, shall be-(a)published for general information in the ward affected by the change; and(b)[Communicated in writing to the concerned candidates by the Returning Officer, as expeditiously as possible.] [Substituted by Notification No. 84-XV1II-3-97, dated 7-7-1997.]

17. Appointment of Presiding and Polling Officers.

(1)The Returning Officer shall with the prior approval of the District Election Officer appoint a Presiding Officer for each polling station and such Polling Officer or Officers to assist the Presiding Officer, as he deems necessary :Provided that no person who is not in the employment of the State Government or a local authority or any public undertaking of the State Government, shall be appointed as Presiding Officer:Provided further that if a Polling Officer is absent from the polling station, the Presiding Officer may appoint any person who is present at the polling station, other than a person who has been employed by or on behalf of, or has been otherwise working for, a candidate in or about the election, to be the Polling Officer during the absence of the former officer, and inform the Returning Officer accordingly.(2)A Polling Officer shall, subject to the directions of the Election Commission, if so authorised by Presiding Officer, perform all or any of the functions of the Presiding Officer under these rules.(3)If the Presiding Officer, owing to illness or any other unavoidable cause, is obliged to absent himself from the polling station, his functions shall be performed by such Polling Officer as has been previously authorised by the Returning Officer to

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

18. General duty of Presiding Officer.

- It shall be the general duty of the Presiding Officer at a polling station to maintain order there and to see that the poll is fairly taken.

19. Duty of a Polling Officer.

- It shall be the duty of every Polling Officer at a polling station to assist the Presiding Officer for such station in the performance of his functions.

20. Control of District Election Officer at district level.

- The Returning Officer, Assistant Returning Officer, Presiding Officer, Polling Officers and all other person appointed in accordance with these rules shall, within the overall direction and control of the Election Commission, work under the control of the District Election Officer.

20A. [Returning Officer, Presiding Officer, etc. deemed to be on deputation to Election Commission. [Inserted by Notification No. 65-XVIII-3-98, dated 28-10-1998.]

- The Returning Officer, Assistant Returning Officer, Presiding Officer, Polling Officer and any other officer appointed under this chapter for the conduct of any election shall be deemed to be on deputation to the Commission for the period commencing on and from the date of notice of election and ending with the date of declaration of the results of such election and accordingly, such officers shall, during that period, be subject to the control, superintendence and discipline of the Commission.]

Chapter IV

Conduct of Election

21. Notice of election and time schedule therefor.

- In accordance with the time schedule prescribed by the Election Commission, the District Election Officer shall by notice in Form 2 specify ;-(a)the last date, time and place for making nominations for election to the seat of [Mayor, President or Councillor] [Substituted by Notification No. 84-XVIII-3-97, dated 7-7-1997.] which shall be the seventh day after the date of publication of the

notice or if that day is a public holiday, the next succeeding day which is not a public holiday;(b)the date, time and place for the scrutiny of nominations, and such date shall be the date next following the last date appointed for making nominations, or if that day is a public holiday, the next succeeding day which is not a public holiday;(c)the last date for withdrawal of candidature which shall be the second day after the date for the scrutiny of nominations, or if that day is a public holiday, the next succeeding day which is not a public holiday;(d)the date on which and the time during which the poll shall, if necessary, be taken; and(e)the date, time and place for the counting of votes ; -Note. - "Public Holiday" means any day which is declared to be a holiday by the State Government for its offices as well as the Government Treasuries and Sub-Treasuries in the State.

22. Manner of publication of notice under Rule 21.

- Notice under Rule 21 shall be published at least twenty days before the date appointed for the poll by affixing a copy of such notice on the notice board in the office of the :- (a) District Election Officer (Municipality); (b) Returning Officer (Municipality); and (c) Municipality concerned.

22A. [Publication of notice regarding reservation status seats. [Inserted by Notification, No. 65-XVIII-3-98, dated 28-10-1998.]

(1) The District Election Officer shall, simultaneously with the publication of notice of election under Rule 21, get a notice in Form 2-A published showing the status of reservation of every seat in a Municipality for which election is to be held, by affixing a copy thereof on the notice board in the office of- (a) District Election Officer (b) Returning Officer; and (c) Municipality concerned. (2) The District Election Officer shall issue on demand by any member of public a certified copy of the notice referred to in sub-rule (1), forthwith on payment of the same fee as are prescribed for copies of revenue records.]

23. Extension of time for completion of election.

- It shall be competent for the Election Commission for reasons which it considers sufficient to extend the time for completion of any election by making necessary amendments in the time schedule prescribed by it under Rule 21.

24. Nomination of candidates.

(1) Any person may be nominated as a candidate for election to fill a seat if he is qualified to be elected to fill that seat under the provisions of the Act : [Provided that in the case of a seat reserved for the Scheduled Castes or Scheduled Tribes or Other Backward Classes or a women, no person who is not a member of a Scheduled Caste or Scheduled Tribe or Other Backward Class or is not a women, as the case may be, shall be qualified to be elected to such seat.] [Substituted by Notification No. 53-XVIII-III-95, dated 18-10-1995] (2) Every nomination paper presented under Rule 25 shall be in Form 3. (3) A nomination paper shall be supplied by the Returning Officer to any voter on demand.

24A. [(1) Each candidate shall furnish the information relating to. [Inserted by Notification No. 10-F-1-48-04-XVIII-3, dated 20-8-2004.]

- Declaration of Criminal antecedent, assets, liabilities and educational qualification-(i)any pending criminal case in which he is charged and any disposed criminal case in which he has been convicted;(ii)the movable and immovable property of which he, his spouse and his dependent children are jointly or severally owners or beneficiaries;(iii)his liabilities to any public financial institution;(iv)his liabilities to the Central Government or the State Government; and(v)the educational qualifications which he possesses, to the Returning Officer at the time of filing the nomination paper in an affidavit sworn by the candidate, in such form and in such manner, as may be specified by the State Election Commission.Explanation. - For the purposes of this sub rule-(i)"immovable property" means the land and includes any building or other structure attached to the land or permanently fastened to anything which is attached to the land;(ii)"movable property" means any other property which is not the immovable property and includes corporeal and incorporeal property of every description;(iii)"public financial institution" means a public financial institution within the meaning of Section 4-A of the Companies Act, 1956 (1 of 1956) and includes bank;(iv)"bank" referred to in clause (iii) means,-(a)State Bank of India constituted under Section 3 of the State Bank of India Act, 1955 (23 of 1955);(b)Subsidiary Bank having the meaning assigned to it in clause (k) of Section 2 of the State Bank of India (Subsidiary Banks) Act, 1959 (38 of 1959);(c)Regional Rural Bank established under Section 3 of the Regional Rural Banks Act, 1975 (21 of 1976);(d)Corresponding new bank having the meaning assigned to it in clause (da) of Section 5 of the Banking Regulation Act, 1949 (10 of 1949); and(e)Co-operative Bank having the meaning assigned to it in clause (cci) of Section 5 of the Banking Regulation Act, 1949 (10 of 1949) as modified by sub-clause (i) of clause (c) of Section 56 of the Act; and(v)"dependent children" means sons and daughters who have no separate means of earning and are wholly dependent on the candidate for their livelihood.(2)The nomination paper shall be rejected, if the affidavit is not enclosed.(3)The information given in the affidavit shall not be enquired into by the Returning Officer.(4)The Returning Officer shall, as soon as may be after finishing of the information to him under sub-rule (1), display the aforesaid information by affixing a copy of the affidavit, at a conspicuous place at his office for the information of electors of the concerned ward for which the nomination paper is filed and, shall on demand from any other candidate/elector of the ward, make available the information received of the candidate and, shall also publicize the information received through the media.(5)If any candidate or elector files an affidavit against the information contained in the affidavit filed by a candidate under sub-rule (1), it shall also be displayed in the manner prescribed in sub-rule (4).]

25. Presentation of nomination papers.

(1)On or before the date appointed under clause (a) of Rule 21 each candidate shall either in person or by his proposer deliver to the Returning Officer or Asstt. Returning Officer so authorised by the Returning Officer for that purpose, during the time and at the place specified in the notice issued under Rule 21, a duly completed nomination paper in the prescribed form and signed by the candidate and [in the ease of election of Mayor or President, by a voter of any ward of the Municipality and in the case of election of Councillor from any ward, by a voter of that ward]

[Substituted by Notification No. 84-XVIII-3-97, dated 7-7-1997.] as proposer :Provided that any person who is subject to any disqualifications as voter under the Act shall not be eligible to sign any nomination paper as proposer.(2)Nothing in this rule shall prevent any candidate from being nominated by more than one nomination paper :Provided that not more than [two] [Substituted by Notification No. 53-XVIII-III-95, dated 18-10-1995.] nomination papers shall be presented by or on behalf of any candidate or accepted by the Returning Officer.

26. [Security Deposit. [Substituted by Notification No. 84-XVIII-3-97, dated 7-7-1997.]

(1)A candidate shall not be deemed to be duly nominated for election unless he has deposited or caused to be deposited in cash, either before or at the time of presentation of nomination paper under Rule 25, with the Returning Officer, the following amount, namely :-(a)for the seat of Councillor;(i)of Nagar Panchayat, a sum of Rupees 250/-;(ii)of Municipal Council, a sum of Rupees 500/-;(iii)of a Municipal Corporation, a sum of Rupees 1000/-.(b)for the seat of President of a Nagar Panchayat a sum of Rs. 2000/-;(c)for the seat of President of a Municipal Council, a sum of Rupees 3000/- and(d)for the seat of Mayor of a Municipal Corporation, a sum of Rupees 5000/-:Provided that where a candidate is a woman or a member of Scheduled Caste or Scheduled Tribe or Other Backward Classes he shall be required to deposit only half of the above amount as deposit under this rule.(2)Where the candidature of a candidate has been proposed by more than one nomination paper not more than one deposit shall be required of him under sub-rule (1).]

27. [Notice of nomination and time and place for scrutiny. [Substituted by Notification No. 53-XVIII-III-95, dated 18-10-1995.]

(1)On presentation of the nomination paper under sub-rule (1) of Rule 25, the Returning Officer shall satisfy himself that the serial number and the name of the candidate and his proposer as entered in the nomination paper are the same as those entered in the voters' list:Provided that the Returning Officer shall permit any misnomer or inaccurate description or clerical or technical error in the nomination paper to be corrected and where necessary shall overlook any such misnomer or inaccurate description or clerical or technical error in the nomination paper.(2)The Returning Officer shall inform the person delivering the nomination paper about the date, time and place fixed for the scrutiny of nominations and shall enter in the nomination paper its serial number and sign thereon a certificate stating the date on which and the hour at which the nomination paper was delivered to him, and shall, as soon as may be thereafter, cause to be affixed on the notice board in his office a notice of the nomination in Form 4, containing description similar to those contained in the nomination paper, both the candidate and of the proposer.]

28. Scrutiny of nomination papers.

(1)On the date fixed for the scrutiny of nomination papers received under Rule 25 the candidates, their election agents, one proposer of each candidate, and one other person duly authorised in writing by the candidate but no other person, may attend at the time and place appointed in this

behalf under Rule 21 and the Returning Officer shall give them all reasonable facilities for examining the nomination papers of all candidates which have been delivered as required by Rule 25.(2)The Returning Officer shall then examine the nomination papers and shall decide all objections which may be made with regard to any nomination and may either on such objections or on his own motion, alter such summary inquiry if any, as he deems necessary, reject any nomination paper on any of the following grounds, that is to say-(a)that the candidate is disqualified for being elected to fill the seat by or under the Act;(b)that the proposer is disqualified from subscribing a nomination paper;(c)that there has been a failure to comply with any of the provisions of Rules 24, [24-A] [Inserted by Notification No. 10-F-1-48-04-XVIII-3, dated 20-8-2004.], 25, 26; and(d)that the signature of the candidate or the proposer on the nomination paper is not genuine.(3)Nothing contained in clause (c) or (d) of sub-rule (2) shall be deemed to authorise the rejection of the nomination of any candidate on the ground of any irregularity in respect of a nomination paper, if the candidate has been duly nominated by means of another nomination paper in respect of which no irregularity has been committed.(4)The Returning Officer shall not reject any nomination paper on the ground of mere clerical or printing error or any defect which is not of a substantial nature.(5)The Returning Officer shall hold the scrutiny on the date appointed in this behalf under clause (b) of Rule 21 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 any objection is raised by the Returning Officer or is made by any other person, the candidate may be allowed time to rebut it not later than the next day but one following the date fixed for scrutiny and the Returning Officer shall record his decision on the date to which the proceedings have been adjourned.[(5-A) If nomination of a candidate has been accepted by the Returning Officer for more than one ward through oversight or for want of objection or for any other reason whatsoever, the Returning Officer shall after giving an opportunity to such candidate or his election agent, ignore the nomination paper tendered later in point of time and record this fact on such nomination paper and shall delete or cause to be deleted from the list of validly nominated candidate in Form 5, the name of such candidate from the ward in question. The Returning Officer shall also affix a copy of the revised list in Form 5 on the notice board in his office, duly recording the date and time of such affixture below his signature.] [Inserted by Notification No. 53-XVIII-III-95, dated 18-10-1995.](6)The Returning Officer shall endorse on each nomination paper his decision regarding accepting or rejecting the same and, if the nomination paper is rejected shall record in writing a brief statement of his reasons for such rejection. The order passed by the Returning Officer shall be final.(7)For the purposes of this rule the production of a certified copy of an entry made in the voters' list of the relevant Municipality shall be conclusive evidence of the right of any voter named in that entry' to stand for election, unless it is proved that the candidate is disqualified.(8)Immediately after all the nomination papers have been scrutinised and decision accepting or rejecting the same have been recorded, the Returning Officer shall prepare a list of validly nominated candidates in Form 5 and affix it on the notice board in his office, duly recording the date and time of such affixture, below his signatures.

29. Withdrawal of candidature.

(1)Any candidate may withdraw his candidature by delivering application in Form 6 to the Returning Officer on the date and by the hour appointed under clause (c) of Rule 21.(2)The

application may be given either by the candidate in person or by his proposer or election agent who has been authorised in this behalf in writing by the candidate :Provided that where the application is delivered to the Returning Officer by the proposer or the election agent of a candidate, it shall be accepted only if presented alongwith the acknowledgement of the nomination paper given to the candidate or his proposer at the time of presentation of the nomination paper under Rule 25.(3)No person who has given an application of withdrawal of his candidature under sub-rule (1) shall be allowed to cancel such application.(4)The Returning Officer shall on being satisfied as to the genuineness of an application of withdrawal and the identity of the person delivering it under sub-rule (2). cause a notice in Form 7, giving particulars of the candidates who have withdrawn their candidature, to be affixed on the notice-board in his office.

30. Preparation of list of contesting candidates.

(1)Immediately after the expiry of the period within which candidature may be withdrawn under clause (c) of Rule 21, the Returning Officer, shall prepare a list of contesting candidates, that is to say, candidates whose nomination papers have been finally accepted and who have not withdrawn their candidature within the said period.(2)The said list shall contain the names in alphabetical order and the addresses of the contesting candidates as given in the nomination papers and shall be prepared in Hindi in the Devanagri script.(3)The alphabetical order referred to in sub-rule (1) shall be determined with reference to the names and or surnames of the candidates in such manner as may be prescribed by the Election Commission.

31. Allotment of symbols for election.

(1)Where a poll becomes necessary the Returning Officer shall consider the choice of symbols expressed by the contesting candidates in their nomination papers and shall, subject to any general or special direction issued in this behalf by the Election Commission ;-(a)allot a different symbol to each contesting candidate in conformity, as far as practicable, with his choice :Provided that the choice shall be limited to three symbols only and the choice beyond this number shall be ignored; and(b)if more contesting candidates than one have indicated their preference for the same symbol, decide by lot, to which of such candidates, the symbol will be allotted;(c)not allot a symbol reserved for a recognised political party by the Election Commission of India under the Election Symbols (Reservation and Allotment) Order. 1968, to a candidate who has not been set-up by that party;(d)allot to a candidate set-up by a recognised political party only the symbol reserved for that party and no other symbol.(2)A candidate shall be deemed to be set-up by a recognised political party if and only if-(i)the candidate has made a declaration to that effect in his nomination paper; and(ii)a notice in writing to that effect has been delivered in Form 8, not later than 3.00 p.m. on the last day of withdrawal of candidature to the Returning Officer under the intimation to the District Election Officer; and(iii)the said notice is signed by an office-bearer of the District unit of the party authorised by the State Unit of the party to do so; and(iv)the name and specimen signature of such authorised office-bearer are communicated to the Returning Officer in Form 9 under intimation to the District Election Officer.[(2-A) If any condition of sub-rule (2) has not been fulfilled, the candidate shall be deemed not to have been set up by a recognised political party and the symbol reserved for such party shall not be allotted to him.] [Inserted by Notification No. 53-XVIII-III-95,

dated 18-10-1995.](3)If more nomination papers than one are delivered by or on behalf of a candidate, the choice as to symbols made in the nomination paper first delivered, and no other choice as to symbols, shall be taken into consideration even if that nomination paper has been rejected :[Provided that if a candidate has not expressed any choice of symbols in the nomination paper first delivered in point of time, or has not been able to get a symbol of his choice, the Returning Officer shall allot a symbol to him in accordance with general or special directions issued by the Election Commission in this behalf.] [Inserted by Notification No. 53-XVIII-III-95, dated 18-10-1995.](4)The allotment by Returning Officer of any symbol to a candidate shall be final except where it is inconsistent with any direction issued by the Election Commission in this behalf, in which case the Election Commission may revise the allotment in such manner as it deems fit.(5)Every candidate or his election agent shall forthwith be informed of the symbol allotted to the candidate and be supplied with a specimen thereof by the Returning Officer.(6)The State Government may alter previous publication in the Official Gazette direct that nothing contained in clauses (c) and (d) of sub-rule (1) and sub-rule (2) shall apply to an election [x x x] [Omitted by Notification No. 53-XVIII-III-95, dated 18-10-1995.] and an election symbol reserved for any political party shall not be allotted to any candidate in such election.

**31A. [Substitution of candidates set up by recognised political parties.
[Inserted by Notification No. 53-XVIII-III-95, dated 18-10-1995.]**

- A recognised political party may either cancel the notice in Form X given in favour of a candidate or change such notice by substituting the name of another candidate subject to fulfilment of the following conditions, namely :-(a)Subsequent notice cancelling or substituting the earlier notice in Form 8 is received by the Returning Officer not later than 3.00 p.m. on the last date for withdrawal of candidate;(b)Such subsequent notice in Form 8 is signed by the same authorised office-bearer who had signed the earlier Form 8 and is unambiguous and clearly shows that it either cancels or substitutes the earlier notice, as the case may be;(c)The Returning Officer is satisfied about the genuineness of subsequent notice; and(d)The candidate in whose favour subsequent notice has been given has already made a declaration in his nomination paper that he has been set-up by the said political party.]

32. Publication of the list of contesting candidates.

- Returning Officer shall immediately after its preparation, cause a copy of the list of contesting candidates in Form 10 to be affixed on the notice board in his office and shall also supply a copy thereof, to each contesting candidate or his election agent.

Chapter V

Candidates and their Agents

33. Appointment of election agent.

(1) If a candidate desires to appoint an election agent such appointment shall be subject to the provisions of sub-rule (2) and (3), be made in Form 11 either at the time of delivering the nomination paper or at any time before election. (2) The appointment of the election agent may be revoked by the candidate at any time by a declaration in writing signed by him and lodged with the Returning Officer. Such revocation shall take effect from the date on which it is lodged. In the event of such revocation or in the event of the election agent dying before or during the period of the election, the candidate may appoint a new election agent in accordance with the provisions of sub-rule (1). (3) No person, who is for the time being disqualified under the Act from being elected or from voting at any election of a Municipality, shall, so long as the disqualification subsists, be appointed as an election agent.

34. Appointment of polling agent.

(1) At an election at which poll is to take place any contesting candidate or his election agent, may appoint one agent and one relief agent to act as polling agents of such candidate at each polling station. Such appointment shall be made by a letter in writing in duplicate in Form 12 signed by the candidate or his election agent. (2) The candidate or his election agent shall deliver the duplicate copy of the letter of appointment to the polling agent who, shall, on the date fixed for the poll, present it to and sign the declaration contained therein, before the Presiding Officer. The Presiding Officer shall retain the duplicate copy presented to him in his custody. No polling agent shall be allowed to perform any duty at the polling station unless he has complied with the provisions of this sub-rule.

35. Appointment of counting agent.

- [(1) Each candidate or his election agent may appoint agents to act as counting agents of such candidate by a letter in writing in duplicate in Form 13 signed by the candidate or his election agent, to the extent as mentioned below :-(a) one counting agent for a ward having only one polling station; (b) as many counting agents as there are counting tables for a ward having two or more polling stations.] (2) The candidate or his election agent shall also deliver the duplicate copy of the letter of appointment to the counting agent who shall on the date fixed for counting of votes, present it to and sign the declaration contained therein before the Returning Officer. The Returning Officer shall retain the duplicate copy presented to him in his custody. No counting agent shall be allowed to perform any duty at the place fixed for the counting of votes, unless he has complied with the provisions of this sub-rule.

36. Revocation of the appointment or death of polling agent.

(1) The appointment of the polling agent may be revoked by the candidate at any time before the commencement of the poll by a declaration in writing signed by him. (2) Such declaration shall-(a) in the case where the appointment is revoked not less than seven days before the commencement of the poll be lodged with the Returning Officer; (b) in any other case, be lodged with the Returning

Officer or the Presiding Officer of the polling station where the polling agent was appointed for duty.(3)If the polling agent of a candidate dies before the commencement of the poll, the candidate or his election agent shall forthwith report in writing the fact of such death :-(a)in case where the death takes place less than seven days before the commencement of the poll, to the Returning Officer; and(b)in any other case to the Returning Officer or the Presiding Officer of the polling station where the polling agent was appointed for duty.(4)Whenever the Returning Officer receives any declaration or report made under sub-rule (1) or (3) he shall forthwith communicate such declaration or report, as the case may be, to the Presiding Officer of the polling station where such polling agent was appointed for duty.(5)Where the appointment of a polling agent is revoked under sub-rule (1) or where the polling agent dies before the close of the poll, the candidate or his election agent may at any time before the poll is closed, appoint new polling agent in accordance with the provisions of sub-rule (1) of Rule 34 :Provided that the letter appointing new polling agent shall :-(a)in case such appointment is made not less than seven days before the commencement of the poll be given to the Returning Officer; and(b)in any other case, be given to the Returning Officer or the Presiding Officer of the polling station where the new polling agent is appointed.(6)The provisions of sub-rule (2) of Rule 34 shall apply in relation to a polling agent appointed under sub-rule (5) as they apply in relation to a polling agent appointed under sub-rule (1) of Rule 34.

37. Revocation of the appointment or death of the counting agent.

(1)The appointment of the counting agent may be revoked by the candidate at any time before the commencement of the counting of votes by a declaration in writing signed by him. Such declaration shall be lodged with the Returning Officer.(2)If the counting agent of a candidate dies before the completion of the counting of votes, the candidate or his election agent shall forthwith report the death in writing to the Returning Officer.(3)Where the appointment of counting agent is revoked under sub-rule (1) or where the counting agent dies before the completion of the counting of votes, the candidate or his election agent may appoint a new counting agent in the manner laid down in sub-rule (1) of Rule 35.(4)The provisions of sub-rule (2) of Rule 35 shall apply in relation to a counting agent appointed under sub-rule (3) as they apply in relation to counting agent appointed under sub-rule (1) of Rule 35.

Chapter VI

General Procedure of Election

38. Death of candidates before poll.

(1)Poll shall not be countermanded due to death of a contesting candidate who has not been set up by a recognised political party before the commencement of poll, except when as a result of such death there remains only one candidate in the fray, in which case 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 Election Commission through the District Election Officer.(2)If a candidate, set up by a recognised political party-(a)dies at any time after 11 a.m. on the last date of making nominations

and his nomination is found valid on scrutiny under Rule 28; or(b)whose nomination has been found valid on scrutiny under Rule 28 and who has not withdrawn his candidature under Rule 29 dies; and in either case a report of his death is received at any time before the publication of the list of contesting candidates under Rule 32; or(c)dies as a contesting candidate and a report of his death is received before the commencement of the poll,the Returning Officer shall upon being satisfied about the fact of the death of the candidate by order, countermand the poll and report the fact to the Election Commission through the District Election Officer :Provided that no order for countermanding a poll shall be made in case referred to in clause (a) except after the scrutiny of all the nominations including the nomination of the diseased candidate.(3)When a poll is countermanded under sub-rule (1) or sub-rule (2), all proceedings with reference to the election shall be commenced afresh in all respects as if for a new election in accordance with the rules hereinbefore :Provided that : (i)no further nomination shall be necessary in the case of a person who was a contesting candidate at the time of the countermanding of the poll; and(ii)no person who has given an application of withdrawal of his candidature under sub-rule (1) of Rule 29 before the countermanding of the poll, shall be ineligible for being nominated as a candidate for the election after such countermanding.

39. Uncontested Election.

- [(1) If for any seat, after the date and time fixed for withdrawal of candidature, there remains only one candidate in the field, the Returning Officer shall forthwith declare in Form 14 such candidate as duly elected to fill the seat and shall send copy of such declaration to the Election Commission through the District Election Officer.] [Substituted by Notification No. 53-XVIII-III-95, dated 18-10-1995.](2)If no nomination paper has been filed for any seat or if no candidate has been duly nominated for any seat the Returning Officer shall send a report of this fact to the Election Commission through the District Election Officer and the Election Commission shall take further action to fill the seat in accordance with the provisions of the Act and these rules.

40. Contested Elections.

- In case other than those covered by Rule 39 a poll shall take place.

Chapter VII

Poll and Voting for Election

41. Manner of voting at election.

- At every election where a poll is taken votes shall be given by ballot in the manner hereinafter provided and no votes shall be received by proxy.

42. Ballot Box.

- Every ballot box shall, subject to general or special orders of the Election Commission, be of such design that the ballot papers can be inserted therein but cannot be withdrawn without the box being unlocked and the seal being broken.

43. Form of ballot papers.

(1) Every ballot paper shall have a counterfoil attached thereto and shall be in such form and have such particulars as may be determined by the Election Commission. (2) The ballot paper shall contain the names of the candidates in Hindi in the Devanagari script, arranged in the same order in which they appear in the list of contesting candidates against their election symbols.

44. Arrangement at polling stations.

(1) The District Election Officer shall provide at each polling station sufficient number of ballot boxes and ballot papers, copies of the voters' list in respect of the polling area, articles necessary for voters to make the ballot papers as well as such other instruments and accessories as may be required for taking the poll at such polling station. (2) Each polling station shall be furnished with one or more compartment called "voting compartment" in which voters can, one after another, cast their votes screened from observation, and no voter shall be allowed to enter such voting compartment when another voter is inside the same for the purpose of recording his vote. (3) Outside each polling station there shall be displayed prominently-(a) a notice specifying the polling area, the voters of which are entitled to vote at the polling station; and (b) a notice giving the name of each candidate in Hindi in the Devanagari script in the same order in which the names of such candidates appear in the list of contesting candidates published under Rule 32.

45. Admission to polling station.

(1) The Presiding Officer shall regulate the number of voters to be admitted at any one time inside the polling station and shall exclude therefrom all persons other than-(a) Polling Officers; (b) public servants on duty in connection with the election; (c) persons authorised by the Election Commission, District Election officer or the Returning Officer; (d) candidates, their election agents and subject to the provisions of these rules one polling agent of candidate; (e) a child in arms accompanying a voter; (f) a person accompanying a blind or infirm voter who cannot move without help; and (g) such other person as the Returning Officer or the Presiding Officer may employ for the purpose of identifying the voters.

46. Ballot Boxes to be sealed before the commencement of poll.

(1) The Presiding Officer at each polling station shall immediately before the commencement of the poll, allow inspection of each ballot box, to be used at the poll, by the candidates, their election agents or polling agents, who may be present at such station and demonstrate to them and to all

other persons present, that it is empty.(2)The Presiding Officer shall, after complying with the provisions of sub-rule (1), secure and seal the box in such manner that the slit in the box for insertion of ballot paper therein remains open and shall also allow the candidates or their election agents or polling agents, who may be present, to affix their own seals on the space in the box meant therefor, if they so desire.(3)The seals to be used for ballot box shall be affixed in such manner that it shall not be possible to open the box again without breaking such seal or any thread which the seals have been affixed.

47. Facilities for women voters.

(1)Where a polling station is for both men and women voters, the Presiding Officer may direct that they shall be admitted into the polling station alternatively in separate batches of women and men.(2)The Returning Officer or the Presiding Officer may appoint a woman to serve as an assistant at a polling station to assist women voters and also to assist the Presiding Officer generally in taking the poll in respect of women voters and in particular, to help in searching any woman voter in case it becomes necessary to ensure free and fair election.

48. Identification of voters.

(1)The Presiding Officer may employ at the polling station such persons as he thinks fit to help in the identification of the voters or to assist otherwise in taking a poll.(2)[The State Election Commission may for establishing the identity of the voter give such directions, as it thinks proper and when any voter fails to establish his identity according to such directions, the Ballot Paper shall not be issued to him and he shall be deprived of casting his vote.] [Inserted by Notification No. 17-F-1-39-2005-XVIII-3. dated 4-7-2005.](3)[[Renumbered by Notification No. 17-F-1-39-2005-XVIII-3. dated 4-7-2005.] As each voter enters the polling station, the Presiding Officer or the Polling Officer authorised in this behalf shall check the voter's name and other particulars with the relevant entry in the voters' list and then call out the serial number, name and other particulars of the voter.(4)[[Renumbered by Notification No. 17-F-1-39-2005-XVIII-3. dated 4-7-2005.] In deciding the right of a person to obtain a ballot paper, the Presiding Officer or the Polling Officer, as the case may be, shall overlook merely clerical or printing errors in an entry in the voters' list, if he is satisfied that such person is identical with the voter to whom such entry relates.

49. Challenging of identity.

(1)Any candidate or his election agent or polling agent may challenge the identity of a person claiming to be particular voter by first depositing a sum of Rupees five in cash with Presiding Officer for each such challenge.(2)On such deposit being made, the Presiding Officer shall-(a)warn the person challenged of the penalty for impersonation;(b)read the relevant entry in the voters' list in full and ask him whether he is the person referred to in the entry;(c)enter his name and address in the list of challenged votes in Form 15; and(d)require him to affix his signature or thumb impression in the said list.(3)The Presiding Officer shall thereafter hold a summary inquiry into the challenge and may for the purpose-(a)require the challenger to adduce evidence in proof of the challenge and the person challenged to adduce evidence in proof of his identity;(b)put to the person challenged

any questions necessary for the purpose of establishing his identity and require him to answer them on oath; and(c)administer on oath to the person challenged and other person offering to give evidence.(4)If, after the inquiry, the Presiding Officer considers that the challenge has not been established, he shall allow the person challenged to vote, and if he considers that the challenge has been established, he shall debar the person challenged from voting.(5)If the Presiding Officer is of the opinion that the challenge is frivolous or has not been made in good faith, he shall direct that the deposit made under sub-rule (1) be forfeited to the State Government and in other case, he shall return it to the challenger at the conclusion of the inquiry.

49A. [Safeguards against personation. [Inserted by Notification No. 53-XVIII-III-95, dated 18-10-1995.]

(1)Every voter about whose identity the Presiding Officer or the Polling Officer, as the case may be, is satisfied, shall allow his left forefinger to be inspected by the Presiding Officer or Polling Officer and an indelible ink mark to be put on it as far as possible just below the root of the nail so that the ink also spreads on the ridge between the skin and the root of the nail.(2)If any voter refuses to allow his left forefinger to be inspected or marked in accordance with sub-rule (1) or has already such mark on his left forefinger or does any act to remove the ink mark, he shall not be supplied with any ballot paper or allowed to vote.Explanation. - Any reference in this rule to the left forefinger of a voter shall, in the case where the voter has his left forefinger missing, be construed as a reference to any other finger of his left hand, and shall in the case, where all the fingers of his left hand are missing, be construed as a reference to the forefinger or any other finger of his right hand, and shall in the case where all his fingers of both the hands are missing be construed as a reference to such extremity of his left or right arm as he possesses.] [Substituted by Notification No. 53-XVIII-III-95, dated 18-10-1995.]

50. Issue of ballot paper.

(1)No ballot paper shall be issued to any voter before the hour fixed for the commencement of the poll.(2)No ballot paper shall be issued to any voter after the hour fixed for the closing of the poll except to those voters who are present at the polling station at the time of the closing of the poll. Such voters shall be allowed to cast their votes even after the time for the poll is over.(3)[Every ballot paper and the counterfoil attached thereto shall be stamped on the back with such distinguishing mark as the Election Commission may direct, and every ballot paper, before it is issued to a voter, shall be signed in full on its back by the Presiding Officer.(4)At the time of issuing a ballot paper to a voter, the Polling Officer shall-(a)record on its counterfoil, the serial number of the voter as entered in the marked copy of the voters' list;(b)obtain the signature or thumb impression of that voter on the said counterfoil; and(c)underline the entry relating to a voter in the marked copy of the voters' list to indicate that a ballot paper has been issued to him, without recording therein the serial number of the ballot paper issued to that voter :Provided that no ballot paper shall be delivered to a voter unless he has put his signature or thumb impression on the counterfoil of that ballot paper.] [Substituted by Notification No, 53-XVIII-III-95, dated 18-10-1995.](5)No person in the polling station shall note down the serial number of the ballot paper issued to a particular voter.

51. Voting procedure.

(1)A voter, on receiving the ballot paper, shall forthwith proceed to the voting compartment: there, make a mark on the ballot paper with the instrument supplied for the purpose on or near the symbol of the candidate for whom he intends to vote; fold the ballot paper so as to conceal his vote; insert the folded ballot paper into the ballot box and quit the polling station.(2)No voter shall remain in the polling station longer than what is reasonably necessary for casting his vote.

52. Recording of vote by blind or infirm voter.

(1)If the Presiding Officer is satisfied that owing to blindness or other physical infirmity a voter is unable to recognise the symbols on the ballot paper or to make a mark thereon without assistance, the Presiding Officer shall permit the voter to take with him a companion of not less than eighteen years of age to the voting compartment for recording the vote on the ballot paper on his behalf and in accordance with his wishes, and if necessary for folding the ballot paper so as to conceal the vote and inserting it into the ballot box :Provided that no person shall be permitted to act as the companion of more than one voter at any polling station on the same day :Provided further that before any person is permitted to act as the companion of a voter under this rule, the person shall be required to declare, in Form 16 that he will keep secret the vote recorded by him on behalf of the voter and that he has not already acted as the companion of any other voter at any polling station on that day.(2)The Presiding Officer shall keep a record of all cases under this rule.

53. Spoiled and returned ballot papers and ballot papers found outside ballot boxes.

(1)A voter who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on returning it to the Presiding Officer and on satisfying him of the inadvertence, be given another ballot paper and the ballot paper so returned and the counterfoil of such ballot paper shall be marked "Spoiled, cancelled" by the Presiding Officer.(2)If a voter after obtaining a ballot paper decides not to use it, he shall return it to the Presiding Officer and the ballot paper so returned shall be marked as "Returned, cancelled" by the Presiding Officer.(3)All ballot papers cancelled under sub-rule (1) or sub-rule (2) shall be kept in a separate packet.(4)If any ballot paper, which has been issued to a voter has not been inserted by him into the ballot box, but is found anywhere in or near the polling station, whether within or outside the voting compartment, it shall be deemed to have been returned to the Presiding Officer under sub-rule (2) and dealt with accordingly.

54. Tendered Votes.

(1)If a person representing himself to be a particular voter named in the voters' list applies for a ballot paper after another person has already voted as such voter, the applicant shall after duly answering such questions as the Presiding Officer may ask, be entitled to receive a ballot paper (referred to hereinafter as a "tendered ballot paper") in the same manner as any other

voter.(2)Every such person shall, before being supplied with a tendered ballot paper, affix his signature or thumb impression against the entry relating to him in a list in Form 17.(3)A tendered ballot paper shall be the same as any other ballot paper used at the polling except that:-(a)Such tendered ballot paper shall be serially the last in the bundle of ballot papers issued for use at the polling station; and(b)Such tendered ballot paper and its counterfoil shall be endorsed on the back with the words "Tendered ballot paper" by the Presiding Officer in his own hand and signed by him.(4)The voter, after making a tendered ballot paper in the voting compartment and folding it, instead of putting it into the ballot box, shall give it to the Presiding Officer, who shall place it in a cover specially kept for the purpose.

55. Closing of poll.

(1)The Presiding Officer shall close a polling station at the hour fixed in that behalf under clause (d) of Rule 21 and shall not thereafter admit any voter into the polling station :Provided that all voters present at the polling station before it is closed shall be allowed to cast their votes.(2)If any question arises whether a voter was present at the polling station before it was closed, it shall be decided by the Presiding Officer and his decision shall be final.

56. Sealing of ballot boxes after poll.

(1)As soon as practicable after the closing of poll, the Presiding Officer shall, in the presence of candidates or their election agents or polling agents close the slit of the ballot box and where the ballot box does not contain any mechanical device for closing the slit, he shall seal up the slit and also allow any candidate, election agent or polling agent present to affix his seal.(2)The ballot box shall thereafter be sealed and secured.(3)Where it becomes necessary to use a second ballot box by reason of the first box getting full, the first box shall be closed, sealed and secured as provided in sub-rule (1) and (2) before another ballot box is put into use.

57. Account of ballot papers.

- The Presiding Officer shall at the close of the poll prepare a ballot paper account in Form 18 and enclose it in a separate cover with the words "Ballot Paper Account" superscribed thereon.

58. Sealing of other packets.

(1)The Presiding Officer shall then make into separate packets-(i)the marked copy of the voters' list;(ii)the counterfoils of the used ballot papers;(iii)the ballot papers not issued to the voters;(iv)the tendered ballot papers alongwith their list in Form 17;(v)the cancelled ballot papers;(vi)any other papers directed by the Election Commission to be kept in a sealed packet.(2)Each such packet shall be sealed with the seals of the Presiding Officer and of those candidates, or their election agents or polling agents present who may desire to affix their seals thereon.

59. Delivery of ballot boxes, packets etc. to the Returning Officer.

(1)The Presiding Officer shall then deliver to the Returning Officer at such place as the Returning Officer or such other officer authorised by him in this behalf may direct :-(a)the ballot boxes;(b)the ballot paper account;(c)the sealed packets referred to in Rule 58; and(d)all other papers used at the poll.(2)The Returning Officer or such authorised officer shall make adequate arrangements for the safe transport of all ballot boxes, packets and other papers and for their safe custody until the commencement of the counting of votes.

60. Adjournment of poll in emergency.

(1)If at any election the proceedings at any polling station are interrupted or obstructed by any riot or open violence, or if at any election it is not possible to take the poll at any polling station on account of any natural calamity, or any other sufficient cause, the Returning Officer or the Presiding Officer for such polling station shall announce an adjournment of the poll to a date to be notified later and where the poll is so adjourned by the Presiding Officer, he shall forthwith inform the Returning Officer concerned.(2)Whenever a poll is adjourned under sub-rule (1) the Returning Officer shall immediately report the circumstances to the Election Commission through the District Election Officer and thereupon the Election Commission shall, as soon as may be, appoint the day on which the poll shall recommence and fix the polling station at which and the hours during which, the poll shall be taken. The Returning Officer shall not count the votes cast at such election until such adjourned poll shall have been completed.(3)The Presiding Officer shall follow, as far as practicable, the provisions of Rules, 56 to 59, in the matter of sealing of ballot boxes and other packets, preparation of the account of ballot papers and delivery of the ballot boxes and other polled material, in the case of the adjourned poll, as it the poll were closed at the hour initially fixed in that behalf under Rule 21.(4)In every such case as aforesaid, the District Election Officer shall notify in such manner as the Election Commission may direct the date, place and hours of poll fixed under sub-rule (2) and the provisions of the rules, governing the original poll shall mutatis mutandis apply to the resumed poll under this rule.

61. Recommencement of adjourned poll.

(1)When a poll which was adjourned under Rule 60, is recommenced, the voters who have already voted at the poll so adjourned shall not be allowed to vote again.(2)The Returning Officer shall provide the Presiding Officer of the polling station at which such adjourned poll is held, with the sealed packet containing the marked copy of the voters' list and a new ballot box.(3)The Presiding Officer shall open the sealed packed containing the marked copy of the voters' list in the presence of the candidates or their election agents or polling agents present and use the same for marking the names of the remaining voters to whom the ballot papers are issued at the adjourned poll without, however, recording therein the serial number of ballot papers.(4)The provisions of Rules 41 to 59 shall apply in relation to the conduct of an adjourned poll as they apply in relation to the poll before it was so adjourned.

62. Fresh poll in case of damage, destruction or tampering of a ballot box etc. or due to procedural irregularity.

(1) If at any election—(a) any ballot box used at a polling station is unlawfully taken out of the custody of the Presiding Officer or the Returning Officer or is accidentally or intentionally destroyed or lost or is damaged or tampered with to such extent that the result of the poll at that polling station cannot be ascertained; or (b) any such error or irregularity in procedure as is likely to vitiate the poll, is committed at a polling station, the Returning Officer shall forthwith report the matter to the Election Commission through the District Election Officer. (2) The Election Commission shall on receipt of a report under Rule (1) and after taking all material circumstances into account either—(a) declare the poll at that polling station to be void, appoint a day and fix the hours for taking a fresh poll at that polling station and direct the District Election Officer to notify the day so appointed and the hours so fixed in such manner as it may deem fit; or (b) if satisfied that the result of a fresh poll at that polling station will not, in any way, affect the result of the election or that the error or irregularity in procedure is not material, issue such directions to the District Election Officer as it may deem proper for further conduct and completion of the election. (3) In every case covered by clause (a) of sub-rule (2), the District Election Officer shall proceed to conduct the poll afresh, in accordance with the directions of the Election Commission and the provisions of Rules 41 to 59 shall apply to such fresh poll.

63. Election Duty Ballot.

(1) A person who is registered as a voter in a Municipality and by reason of his being deployed on election duty on the date of poll, is unable to vote at the polling station where he is entitled to vote, shall be known as a voter on election duty and his vote shall be recorded in the manner hereinafter provided. (2) A voter on election duty shall send an application in Form 19 to the Returning Officer so as to reach him at least seven days or such shorter period as the Returning Officer may allow, before the date of poll, and if the Returning Officer is satisfied that the applicant is a voter on election duty, he shall issue an election duty ballot paper (hereinafter called as E.D. ballot paper) to him. Explanation.—A polling agent, a Polling Officer, a Presiding Officer and any other public servant whom the Returning Officer regards as a voter on election duty shall be entitled to receive an E.D. ballot paper. (3) Every E.D. ballot paper shall have a counterfoil attached thereto and shall be in such form and shall have such particulars as may be determined by the Election Commission. The names of candidates shall be arranged on the E.D. ballot paper in the same order in which they appear in the list of contesting candidates and shall be in Hindi in the Devanagari script. (4) Along with the E.D. ballot paper, the Returning Officer shall also send or handover the following forms to applicant, viz.—(a) a small inner envelope (to keep the ballot paper in) in Form 19-A; (b) a large outer envelope, addressed to the Returning Officer in Form 19-B; (c) a declaration to be made by the voter, in Form 19-C; (d) instructions for guidance of the voter, in Form 19-D. (5) Every Officer under whose care or through whom the E.D. ballot paper is sent shall ensure its delivery to the addressee without delay. (6) The Returning Officer shall while issuing an E.D. ballot paper—(a) record on the counterfoil of the E.D. ballot paper the serial number of voter as entered in the marked copy of the voters' list for that polling station; (b) mark "E.D.B." against the name of the voter in the marked copy of the voters' list to indicate that an E.D. ballot paper has been issued to him and that he is not to be

allowed to vote personally at the polling station. The serial number of the E.D. ballot paper issued to the voter shall, however, not be recorded on the marked copy of the voters' list.(7)The voter shall record his vote and despatch the E.D. ballot paper in the following manner, viz.-(a)the voter may record his vote by making a mark (like V or x) anywhere in the space allotted to the candidate for whom he wants to vote. There is no particular mark required to be made; any mark can be accepted as valid so long as the intention of the voter to vote for a particular candidate is clear beyond any reasonable doubt and the identity of the voter is not disclosed by such mark;(b)after making his vote on the E.D. ballot paper, the voter shall enclose the ballot paper in the smaller (inner) envelope in Form 19-A;(c)the voter shall then sign a declaration in Form 19-C in the presence of and have his signature attested by any one of the officers specified below to whose satisfaction he has been identified, viz.-(i)head of the office where he works, if he is a government servant or an employee of a Municipality or a Government, undertaking;(ii)any gazetted officer or the Presiding Officer of the polling station at which he is on election duty;(iii)any Revenue Officer not below the rank of a Naib Tehsildar;(iv)any such officer as may be notified in this behalf by the Election Commission.(d)the voter shall then place the smaller (inner) envelope in Form 19-A containing the E.D. ballot paper, alongwith the declaration in Form 19-C, in the larger (outer) envelope in Form 19-B; close the larger envelope and either hand it over to the Returning Officer personally or send it to him through a messenger or by post, so as to reach the latter before the hour fixed for the commencement of counting of votes.(8)If any envelope containing an election duty ballot paper is received by the Returning Officer after the expiry of the time fixed under clause (e) of Rule 21, he shall note thereon the date and lime of its receipt and shall keep all such covers together in a separate packet.(9)The Returning Officer shall keep in safe custody until the commencement of the counting of votes all envelopes containing election duty ballot papers received by him.(10)A voter against whose name "E.D.B." is marked in the marked copy of the voter's list, shall not be issued a ballot paper at a polling station.

Chapter VIII

Counting of Votes

64. Supervision of counting of votes.

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

65. Admission to the place fixed for counting.

(1)The Returning Officer or such other officers as may be authorised by him in this behalf, shall exclude from the place fixed for counting of votes all persons except-(a)such persons to be known as counting supervisors and counting assistants as he may appoint to assist him in the counting;(b)person authorised by the Election Commission or the District Election Officer;(c)public servants on duty in connection with the election; and(d)candidates, their election agents and

counting agents.(2)No person who has been employed by err on behalf of, or has been otherwise working for a candidate in or about the election shall be appointed under clause (a) of sub-rule (1).(3)The Returning Officer or such other officers authorised by him in this behalf, shall decide which counting agent or agents shall watch the counting at any particular counting table or group of counting tables.(4)Any person, who during the counting of votes misconducts himself or fails to obey the lawful directions of the Returning Officer or such other officers authorised by him in this behalf, may be removed from the place where the votes are being counted, by the Returning Officer or by any police officer on duty or by any person authorised in this behalf by the Returning Officer.

66. Counting of Election Duty (E.D.) ballot papers.

(1)The Returning Officer shall first deal with the E.D. ballot papers in the manner hereinafter provided.(2)No envelope in Form 19-B received by the Returning Officer after the expiry of the time fixed in that behalf shall be opened and no ballot paper contained in any such cover shall be counted.(3)The other covers shall be opened one after another and as each cover is opened, the Returning Officer shall first scrutinise the declaration in Form 19-C contained therein.(4)If the said declaration is not found, or has not been duly signed and attested, or is defective or if the serial number of the ballot paper as entered in it differs from the serial number endorsed on the envelope in Form 19-A that cover shall not be opened, and after making an appropriate endorsement thereon, the Returning Officer shall reject the ballot paper therein contained.(5)Each cover so endorsed and the declaration received with it shall be replaced in the outer envelope in Form 19-B and all such envelopes shall be kept in a separate packet which shall be sealed and on which shall be recorded the number and name, if any, of the ward, the date of counting and a brief description of its content.(6)The Returning Officer shall then place all the declaration in Form 19-C which he has found to be in order in a separate packet which shall be sealed before any envelope in Form 19-A is opened and on which shall be recorded the particulars referred to in sub-rule (5).(7)The smaller envelopes in Form 19-A not already dealt with under the foregoing provisions of this rule shall then be opened one after another and the Returning Officer shall scrutinise each ballot paper and decide the validity of the vote recorded thereon.(8)An E.D. ballot paper shall be rejected-(a)if it bears any mark, other than the mark to record the vote or writing by which the voter can be identified;(b)if no vote is recorded thereon; or(c)if votes are given on it in favour of more candidates than one; or(d)if it is a spurious ballot paper; or(e)if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established; or(f)if it is not returned in the cover sent along with it to the voter by the Returning Officer;(g)if the mark indicating the vote is placed on the ballot paper in such manner as to make it doubtful to which candidate the vote has been given.(9)A vote recorded on an E.D. 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.(10)The Returning Officer shall count all the valid votes given in favour of each candidate, record the total thereof in the result sheet in Form 20 and announce the same.(11)Thereafter, all the valid ballot papers and all the rejected ballot papers shall be separately bundled and kept together in packet which shall be sealed with the seals of the Returning Officer and of such of the candidates, their election agents or counting agents as may desire to affix their seals thereon and on the packet so sealed shall be recorded the number and name, if any, of the ward, the date of counting and a brief description of its contents.

67. Scrutiny and opening of ballot boxes.

(1)The Returning Officer or such other officers authorised by him, may have the ballot boxes used at the polling stations of a ward, opened and their contents counted simultaneously.(2)Before any ballot box is opened at a counting table, a candidate or his election agent or counting agent present at the table, shall be allowed to inspect the paper seal or such other seal as might have been affixed thereon and to satisfy himself that it is intact.(3)The Returning Officer or such other officer authorised by him, shall satisfy himself that none of the ballot boxes has in fact been tampered with.(4)If the Returning Officer or such other officer authorised by him, is satisfied that any ballot box has in fact been tampered with, he shall not count the ballot papers contained in that box and shall follow the procedure laid down in Rule 62, in respect of polling station.

68. Scrutiny and rejection of ballot papers.

(1)A ballot paper contained in a ballot box shall be rejected, if-(a)it bears any mark or writing by which the voter can be identified; or(b)it is a spurious ballot paper; or(c)it has been so damaged or mutilated that its identity as a genuine ballot paper cannot be established; or(d)it bears a serial number, or is of a design, different from the serial numbers of or as the case may be design, of the ballot paper authorised for use at the particular polling station; or(e)it does not bear any mark which it should have borne under the provisions of sub-rule (3) of Rule 50; or(f)it has not been marked; or(g)it has been marked in the columns of more than one candidate; or(h)it has been marked by an equipment and in the manner other than the equipment and the manner prescribed for that purpose ;Provided that where Returning Officer, on being satisfied that any such defect as is mentioned in clause (d) or clause (e) has in respect of all or any ballot paper used at a polling station been caused by the mistake or failure on the part of the Presiding Officer or Polling Officer concerned, has directed that the defect should be overlooked, a ballot paper shall not be rejected only on the ground of such defect under clause (d) or clause (e);[x x x] [Omitted by Notification No. 53-XVIII-III-95, dated 18-10-1995.](2)Before rejecting any ballot paper under sub-rule (1) the Returning Officer or such other officer authorised by him, shall allow each counting agent present a reasonable opportunity to inspect the ballot paper but shall not allow him to handle it or any other ballot paper.(3)The Returning Officer shall record on every ballot paper which he rejects the letter "R" and the grounds of rejection in abbreviated form whether in his own hand or by means of a rubber stamp.(4)All ballot papers rejected under this rule shall be bundled together.

69. Counting of votes.

(1)Every ballot paper which is not rejected under Rule 68 shall be counted :Provided that no cover containing tendered ballot paper shall be opened and no such ballot paper shall be counted.(2)In case the number of polling station in a ward is more than one, the counting for various polling stations in that ward shall be taken up one by one and the result thereof shall be recorded separately for each polling station in Form 21.(3)After the counting in respect of all polling stations in a ward has been completed, the Returning Officer shall compile the result in the final result sheet in Form-22.He shall also record therein the number of E.D. votes cast in favour of each candidate on the basis of entries in Form 20 and then total-up the number of valid votes polled by each candidate

and announce the same.

70. Counting to be continuous.

- The Returning Officer shall as far as practicable proceed continuously with the counting of votes and shall, during any interval when the counting has to be suspended, keep the ballot papers, packets and other papers relating to the election, sealed with his own seal and the seals of such candidates or election agents or counting agents as may be desirous of affixing their seals and shall cause adequate precautions to be taken for their safe custody during such intervals.

71. Recommencement of counting after fresh poll.

(1) If a fresh poll is held under Rule 60 or 62 the Returning Officer shall after completion of that poll, recommence the counting of votes on the date and the time and place which have been fixed in that behalf and of which notice has been previously given to the candidates or their election agents. (2) The provisions of Rules 65 to 69 shall apply so far as may be, to such further counting.

72. Recount of votes.

(1) After an announcement has been made by the Returning Officer of the total number of votes polled by each candidate under sub-rule (3) of Rule 69, a candidate or in his absence his election agent may apply in writing to the Returning Officer to recount the votes either wholly or in part, stating the grounds on which he demands such recount. (2) On such an application being made, the Returning Officer shall decide the matter and may allow the application in whole or in part or may reject it in toto if it appears to him to be frivolous or unreasonable. (3) Every decision of the Returning Officer under sub-rule (2) shall be in writing and contain the reasons therefor. (4) If the Returning Officer decides under sub-rule (2) to allow an application either in whole or in part he shall—(a) count or cause to be counted the ballot papers again in accordance with his decision; (b) amend the result sheet in Form 22 to the extent necessary after such recount; and (c) announce the amendments so made by him. (5) After the total number of votes polled by each candidate has been announced under sub-rule (3) of Rule 69 or under sub-rule (4) the Returning Officer shall complete and sign the result sheet and no application for a recount shall be entertained thereafter : Provided that no step under this sub-rule shall be taken on the completion of the counting until the candidates and election agents present at the completion thereof have been given a reasonable opportunity to exercise the right conferred by sub-rule (1). (6) [All valid ballot papers shall be bundled together and kept along with the bundle of rejected ballot papers in a separate packet which shall be sealed and on which shall be recorded the following particulars, namely :—(a) the name of the Municipality and the nomenclature of the seat to which the ballot papers relate, such as Mayor, President or Councillor. (b) The number of ward in the case of election of a Council. (c) The number of the polling station where the ballot papers have been used; and (d) The date of Counting.]

73. Equality of votes.

- If, after the counting of votes is completed and equality of votes is found to exist between any candidates and addition of one vote will entitle any of those candidates to be declared elected, the Returning Officer shall forthwith decide between those candidates by lot and proceed as if the candidate on whom the lot falls has received an additional vote. In such a case the Returning Officer shall add the following words at the end of his declaration-cum-return of election in Form 23 namely "by draw of lot".

74. Declaration and return of election.

- The Returning Officer shall then complete and certify the declaration-cum-return of election in Form 23 and send two signed copies thereof to the District Election Officer, one for his record and the other for onward transmission to the Election Commission.

75. Grant of certificate of Election to the Returned Candidate.

- As soon as may be after a candidate has been declared by the Returning Officer to be elected under Rule 39 or 74, as the case may be, the Returning Officer shall grant to such candidate a certificate of election in Form-24 and obtain from the candidate an acknowledgement of its receipt duly signed by him and immediately send the acknowledgement to the District Election Officer.[Chapter VIII-A [Inserted by Notification No. 30/18 3-2000. dated 29-12-2000.] Polling in Relation to Recall of the Mayor/President from his Office

75A. Commencement of the process in relation to recall of Mayor/President from his office.

- When a reference under sub-section (3) of Section 24 of the Madhya Pradesh Municipal Corporation Act, 1956 or under sub-section (3) of Section 47 of the Madhya Pradesh Municipalities Act 1961 as the case may be, is received, the State Election Commission shall forthwith initiate the election process in relation to recall the Mayor or the President as the case may be and shall complete it within six months.

75B. Present Rules to remain applicable according to situation.

- For the purpose of Chapter VIII-A the Rules from chapter one to eight and chapter nine of the Madhya Pradesh Nagar Palika Nirvachan Niyam, 1994 shall be applicable with such changes as the Commission may deem proper.

75C. Notice of poll and time schedule therefor.

- In accordance with the time schedule published by the Election Commission, the District Election Officer shall by notice in Form 25 :-(i)specify the date and time of polling;(ii)specify the place, date

and time of counting of votes.

75D. Manner of publication of notice under Rule 75-C.

- Notice under Rule 75-C shall be published at least twenty days before the date prescribed for polling by affixing one copy of the notice on the notice boards of the following offices :-(i) District Election Officer (Nagar Palika);(ii) Returning Officer (Concerned Municipality);(iii) Concerned Municipality, and the Returning Officer shall deliver a copy of the said notice to the concerned Mayor/President or to his agent.

75E. Publication of the list of the Polling Stations.

- The Returning Officer shall in accordance with these rules, provide sufficient numbers of polling stations and along with the notice issued under Rule 75-C shall publish a list showing the polling stations and the polling Areas for which they shall be set up.

75F. Allotment of symbols.

- Subject to the direction of State Election Commission, the Returning Officer shall prescribe symbols separately for recalling and for continuing in office of the concerned Mayor/President and shall publish the same in Form 2b.

75G. The manner of publication of Form 26 under Rule 75-F.

- Form 2b shall be published along with the publication of the notice of election under Rule 75-C and such publication shall be made by affixing the notices on the notice boards of the following offices :-(i) District Election Officer (Municipality);(ii) Returning Officer (Concerned Municipality);(iii) Concerned Municipality, and the Returning Officer shall also deliver one copy of Form 2b to the concerned Mayor/President or to his agent.

75H. Declaration of the result of poll.

- The Returning Officer, as far as possible, immediately after counting of votes shall declare the result of poll in Form 27 and shall send its two duly signed copies to the District Election Officer, out of which one shall be for record and the other shall be forwarded by him to the State Election Commission.

75I. Notification of the result of election in recall of Mayor/ President.

- The result of election in relation to recall of Mayor/President shall be notified by the State Election Commission in the official Gazette.

75J. Notification of Vacancy.

- If out of the total number of voters casting their votes, more than half have cast then votes in favour of recalling the concerned Mayor or the President, the office of the concerned Mayor or the President, as the case may be, shall be deemed to be vacant with effect from the date of declaration of the result and the notice of such vacancy shall be notified by the State Government in the official Gazette.] [Substituted by Notification No 84-XVIII-3-97, dated 7-7-1997.]

Chapter IX

Election Papers

76. Return or forfeiture of security deposit.

(1)The security deposit made under Rule 26 shall either be returned to the person making it or his legal representative or be forfeited to the State Government in accordance with the provisions of this rule.(2)Except in cases hereafter mentioned in this rule, deposit shall be returned as soon as practicable after result of the election is declared.(3)If the candidate is not shown in the list of contesting candidates or if he dies before the commencement of the poll, the deposit shall be returned as soon as practicable after the publication of the list or after his death, as the case may be.(4)Subject to the provisions of sub-rule (3) the deposit shall be forfeited if at an election where a poll has been taken, a candidate is not elected and the number of valid votes polled by him does not exceed one-sixth of the number of valid votes polled by all the candidates.(5)[Notwithstanding anything contained in this rule, the security deposit made under Rule 26 shall not be returned and shall stand forfeited to the State Government, if a claim therefore is not preferred by the person making in or through his legal representative, as the case may be within six months from the date of declaration of result of election.] [Inserted by Notification No. 12-XVIII-3-2001, dated 21-3-2001.]

77. Custody of papers relating to election.

- The District Election Officer shall keep in his custody the packets referred to in Rules 58 and 59 and all other papers relating to the election.

78. Production and inspection of election papers.

- While in the custody of the District Election Officer-(a)the packets of unused ballot papers,(b)the packets of used ballot papers whether valid, tendered or rejected;(c)the packets of the counterfoils used of ballot papers; and(d)the packets of marked copies of the voters' list.shall not be opened and their contents shall not be inspected by or produced before any person or authority except a competent Court or Authority.

79. Disposal of election papers.

(1)The packets referred to in Rule 78 shall be retained for a period of six months and shall thereafter be destroyed subject to any direction to the contrary given by the Election Commission or by the Competent Court or Authority or pending legal proceedings.(2)All other papers relating to the election shall be retained for such period as the Election Commission may direct by a general or special order.

79A. [Casual vacancies. [Inserted by Notification No. F-7-2-XVIII-III-94, dated 30-9-1994.]

(1)On occurrence of a vacancy of an elected [Mayor, President or Councillor] of a Municipality, due to any reason such as death, disqualification, resignation, absence without leave, setting aside of election etc. the Chief Executive Officer or the Commission of the Municipality, as the case may be, shall inform the District Election Officer about such vacancy within seven days from the date of its occurrence.(2)The District Election Officer shall ensure due observance of sub-rule (1) and send to the State Government and the Election Commission in the first week of every month a consolidated statement of vacancies of elected Councillors in various Municipalities of the District, whereupon, the Election Commission shall take necessary action to fill the vacant seats and the provisions of these rules shall, mutatis mutandis apply to fresh poll taken to fill such seats.]

80. [Repeal. [Substituted by Notification No 84-XVIII-3-97, dated 7-7-1997.]

- All rules, bye-laws and orders if any, in force on the subject immediately before the commencement of these rules shall stand repealed.]Form-I(See Rule 3)List of Voters-1994To.*Name of Municipal Corporation/Council/Nagar Panchayat.....District.....Ward No.....Voters' List Part No. (If any)

Serial No.	House No.	Name of Voter	Father's/Husband's Name	Male/Female	Age
(1)	(2)	(3)	(4)	(5)	(6)

Registration Officer(Municipality)*Score out word not applicable.Supplementary Voters' ListWard Number.....Name of the ward.....Voters' List Part No. (if any)(I)Additions

Serial No.	House No.	Name of Voter	Father's/Husband's Name	Male/Female	Age
(1)	(2)	(3)	(4)	(5)	(6)

(II) Corrections

S. No.	Name of Voter	Existing Entry	Corrected Entry
(1)	(2)	(3)	(4)

(III) Deletions

S. No. of Entry Name of voter

(1) (2)

Registration Officer (Municipality)[Form-II] [Substituted by Notification No. 84-XVIII-3-97, dated 7-7-1997.](See Rule 21)Office of the District Election Officer (Municipality).....Notice of Election of Councillor/Mayor/PresidentNo..... In exercise of the powers conferred by Rule 21 of the Madhya Pradesh Nagarpalika Nirvachan Niyam, 1994, I District Election Officer (Municipality)....do hereby give the following notice in relation to the Election of Mayor/President/Councillors* of the Municipal Corporation/Municipal Council/Nagar Panchayat, specified in column (1) of the Schedule hereto :-(a)The seat/seats for which election is to be held is/are specified in column (2) of the schedule;(b)In the case of election of the Councillor/s the number/s of the concerned ward/s is/are specified in column (3) of the schedule;(c)The officer specified in column (4) of the schedule will be the Returning Officer for conducting the election;(d)The place, date and time specified in column (5) of the schedule will be the place, last date and time for making nominations;(e)The place, date and time specified in column (6) of the schedule will be the place, date and time for the scrutiny of nominations;(f)The place, date and hour specified in column (7) of the schedule will be the place, date and hour for withdrawal of candidature;(g)The date and time specified in column (8) of the schedule will be the date and time during which the poll shall be taken;(h)The place, date and time specified in column (9) of the schedule will be the place, date and time for the counting of votes.PlaceDateDistrict Election Officer (Municipality)District.....*Strike out the inappropriate alternative.

Schedule

Name of Municipality	Particulars of the seat/seats for which election will be held e.g. Mayor/ President/Councillor	The Number of ward, (in the case of election of Councillor only)	Name and designation of the Returning Officer
(1)	(2)	(3)	(4)
Place, last date, time for making nominations	Place, date and time for scrutiny of nominations	Place, date and time for scrutiny of nominations	Date and time during which poll shall be taken
(5)	(6)	(7)	(8)
			Place, date and time for counting of votes
			(9)

PlaceDateDistrict Election Officer
(Municipality)District.....Name.....Seal.....[Form-II-A]
[Inserted by Notification No. 65-XVIII-3-98, dated 28-10-1998.](See Rule 22-A)Office of the
District Election Officer (Mun.).....NoticeSubject. - Notice regarding Status of Reservation
of seatsIn pursuance of Rule 22-A of the Madhya Pradesh Nagarpalika Nirvachan Niyam, 1994, it is
hereby notified for general information that the status of reservation of the seat/seats of
Mayor/President/Councillor of the Municipal Corporation/Municipal Council/Nagar Panchayat

..... for which election is to be held, is as shown in the following table :-Table

Particulars of the seat for which election is to be held (e.g. Mayor/President/Councillor)	The number of ward (in the case of election of Councillor only)	Status of reservation (e.g. SC VSC-Woman/ST/ST-Woman/OBC/OBC-Woman/(Gen.)/(Gen -Woman)
(1)	(2)	(3)

Place.....Date.....(Sd/-).....District Election Officer
(Mun.)District.....Name.....]Seal Form-III[See Rule 24
(2)]Nomination Paper[Election of Mayor of Municipal Corporation/President of Municipal Council/Nagar Panchayat.....; and] [Inserted by Notification No. 84-XVIII-3-97, dated 7-7-1997.]Election of Mayor/President/Councillor from ward No.....of (*) Municipal Corporation/Council/Nagar Panchayat.....I nominate as a candidate for Election to the seat of Mayor/President/Councillor from ward No..... of Municipal Corporation/Council/Nagar Panchayat.....District.....Candidate's name.....Fathers'/Husband's name.....His postal address.....His name is entered at S. No..... in Part No.....of the voters' list of ward No..... of the above mentioned Municipal Corporation/Council/Nagar Panchayat.

2. My name is.....anti it is entered at S. No.....in Part No. of the voters' list of Ward No..... of the above mentioned Municipal Corporation/Council/Nagar Panchayat.

Date.....Signature of proposer(Name)I, the above mentioned candidate, assent to this nomination and hereby declare :-(a)that I have completed.....years of age;*(b) that I am set up at this election by the.....(party);(c)that the Symbols I have chosen are, in order of preference :(i)..... (ii).....(iii).....(d)that to the best of my knowledge and belief, I am qualified and not also disqualified for being chosen to the seat of [Mayor/President/Councillor] [Substituted by Notification, No. 84/XVIII/3/97, dated 7-7-1997.] in the above mentioned Municipal Corporation/Council/Nagar Panchayat;(e)that I am a member of the.....*caste/tribe/other backward class which is notified as a Scheduled Caste/Scheduled Tribe/Other Backward Class in relation to.....(district) of the State of Madhya Pradesh;(f)that my name and my father's/husband's name have been correctly spelt out above in Hindi and that my name in the ballot paper and other election related documents be written as under :-@Date.....Signature of proposer(Name)* Score out the word not applicable.** Score out this paragraph, if not applicable.@ If required, additions to the name may be made such as honorific title, professional title, Father's/husband's name, residence etc.(To be filled by the Returning Officer)S. No. of the nomination paper.....This nomination was delivered to me at my office at.....(hour) on(date) by the *candidate/proposer.Date.....Returning Officer (Municipality)(Name.....)*Score out the word not applicable.Decision of Returning Officer Accepting or Rejecting the Nomination PaperI have examined this nomination paper in accordance with Rule 28 of the Madhya Pradesh Municipalities Election Rules 1994 and

decide as follows :-.....Returning Officer (Municipality)(Name.....)DateSeal.....* In case nomination paper is rejected, state the reasons therefor.Receipt of Nomination Paper and Notice of Scrutiny(To be handed over to the person presenting the nomination paper)Serial number of nomination paper.....This nomination paper of Shri/Kum/Smt..... a candidate for election as Mayor/President/Councillor from Ward No.....of (*) Municipal Corporation/Council/Nagar Panchayat..... was delivered to me at my office at.....(hour) on.....(date) by the *candidate/proposer. All nomination papers will be taken up for scrutiny at.....(hour) on.....(date) at (place).Date.....Returning Officer (Municipality)(Name)* Score out the word not applicable.Form-IV(See Rule 27)Notice of Nomination[Election of Mayor of Municipal Corporation/President of Municipal Council/Nagar Panchayat.....; and] [Inserted by Notification No. 84-XVIII-3-97, dated 7-7-1997.]Election of Councillor from Ward No of *Municipal Corporation/Council/Nagar Panchayat.....Notice is hereby given that the following nominations in respect of the above election have been received up to 3 p.m. today.

No. of the nomination paper	Name of the candidate	Name of Father/*husband	Age of the candidate	Address
(1)	(2)	(3)	(4)	(5)

Party affiliation	Particulars of castes or tribes for candidates belonging to Scheduled Castes/ Scheduled Tribes or Other Backward Classes	No. of the Candidate in the Voters' List	Name of Proposer	S. No. of the proposer in Voter's List
(Part No..... S. No.....)	(Part No.....S. No.....)			
(6)	(7)	(8)	(9)	(10)

Place.....Date.....Returning Officer (Municipality)(Name.....)Seal.....*Strike off the inappropriate alternative.Form-V[See Rule 28 (8)]List of Validly Nominated Candidates[Election of Mayor of Municipal Corporation/President of Municipal Council/Nagar Panchayat ; and] [Inserted by Notification No. 84-XVIII-3-97, dated 7-7-1997.]Election of Councillor from Ward No.....of *Municipal Corporation/Council/Nagar Panchayat.....

S. No.	Name of Candidate	Name of *father/husband	Address of Candidate	Party affiliation
(1)	(2)	(3)	(4)	(5)

PlaceReturning Officer(Municipality)(Name.....)Seal.....

Date

Time

.....

* Strike off the inappropriate alternative. Form-VI [See Rule 29 (1)] Application for Withdrawal of Candidature [Election of Mayor of Municipal Corporation/President of Municipal Council/Nagar Panchayat.....; and] [Inserted by Notification No. 84-XVIII-3-97, dated 7-7-1997.] Election of Councillor from Ward No..... of *Municipal Corporation/Council/Nagar

Panchayat..... To, The Returning Officer

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

2. The *receipt/receipts given in acknowledgement of the nomination paper/papers submitted to you on (date) on my behalf * is/are enclosed herewith in original.

Place..... Date..... Signature of validly nominated candidate This notice was delivered to me at my office at (hour) on..... (dated)

by..... (name)..... Returning Officer

(Municipality) Date..... (Name.....) Seal Receipt for Notice of

Withdrawal (To be handed over to the person delivering the notice) The notice of withdrawal of candidature by..... a validly nominated candidate at the election of [Mayor/President/Councillor]

[Substituted by Notification No. 84-XVIII-3-97, dated 7-7-1997.] from ward No. of

*Municipal Corporation/Council/Nagar Panchayat..... was delivered to me by (**). at my office at (hour) on..... (date). Date..... Returning

Officer (Municipality) (Name.....) *Strike off the inappropriate alternative. **Here insert one of the following alternatives as may be appropriate.-(1) Candidate, (2)

Candidate's Proposer, (3) Candidate's Election Agent. Form-VII [See Rule 29 (4)] Notice of

Withdrawal of Candidature [Election of Mayor of Municipal Corporation/President of Municipal Council/Nagar Panchayat.....; and] [Inserted by Notification No. 84-XVIII-3-97, dated

7-7-1997.] Election of Councillor from Ward No..... of *Municipal Corporation/Council/Nagar Panchayat..... Notice is hereby given that following validly nominated *Candidate/Candidates

at the above election *has/have withdrawn *his/their candidature today.

Name of validly nominated candidate	Address of validly nominated candidate	Remark
-------------------------------------	--	--------

(1)

(2)

(3)

1.

2.

3.

..... Returning Officer (Municipality) Date..... (Name.....) Seal*

Strike off the inappropriate alternative. [Form-VIII] [Substituted by Notification No. 84-XVIII-3-97, dated 7-7-1997.] [See Rule 31 (2) (ii)] Notice as to Names of Candidates set up by the Political

Party To, The Returning Officer (Municipality), Municipal Corporation/Council/Nagar

Panchayat.....District.....Subject. - Election of Mayor/President/Councillors* to Municipal Corporation/Municipal Council/Nagar Panchayat District Names of Party candidates.Sir,In pursuance of Rule 31 of the Madhya Pradesh Nagarpalika Nirvachan Niyam, 1994 I hereby give notice that the following persons have been set up by (Party) as its candidates at the ensuing Municipal Election cited above.

Particulars of the seat e.g. Mayor/President orCouncillor	The No. of ward (Inthe case of election for Councillor only)	Name of the approved candidate	Father's/Husband's name of the approvedcandidate	Postal address of the approved candidate
In figures	In words			
(1)	(2)	(3)	(4)	(5) (6)

Name of the substitute candidate (who will step in, in the event of the approved candidate's nomination beingrejected on scrutiny or his withdrawing from the contest)	Father's/Husband's name of the substitutecandidate	Postal address of the substitute candidate
(7)	(8)	(9)

Place.....Dale..... (Seal of the Party) Yours faithfully,Name and signature oftheauthorised office-bearer of theDistrict unit of theParty

Copy to :-The Collector and District Election Officer (Municipality)District.....for information.

Place.....Dale..... (Seal of the Party) Name and signature oftheauthorised person of the Party

*Strike out the inappropriate alternative.[Form-IX] [Substituted by Notification No. 84-XVIII-3-97, dated 7-7-1997.][See Rule 31 (2) (iv)]Notice of Authorisation of Office-Bearer by Political Party.....Party, Madhya PradeshTo,The Returning Officer (Municipality)Municipal Corporation/Municipal Council/Nagar

Panchayat.....District.....Subject.-Election of Mayor/President/Councillors* to Municipal Corporation/Municipal Council/Nagar Panchayat..... District.....Authorisation of office-bearer for intimating the names of Party candidates.In pursuance of Rule 31 of the Madhya Pradesh Nagarpalika Nirvachan Niyam, 1994 I hereby communicate for the following person (s) has/have been authorised by the party, which is a National party/State party in the State of the Madhya Pradesh, to intimate the names of the candidates proposed to be set up by the Party at the election cited, above :-

Name of office-bearer authorised to send notice	Name of office held in the District unit of theparty	District (*) in respect of which he has beenauthorised
(1)	(2)	(3)

2. The specimen signatures of the above mentioned office-bearer of the District Unit of the party so authorised are given below :-

Name Specimen Signature

(i) Shri (i)

(ii) Shri (ii)

(iii) Shri (iii)

Place.....Dale..... (Seal of the Party) Your faithfully,President/SecretaryName of the Party.]

*Strike out the inappropriate alternative. Form-X(See Rule 32)List of Contesting Candidates[Election of Mayor of Municipal Corporation/President of Municipal Council/Nagar Panchayat.....; and] [Inserted by Notification No. 84-XVIII-3-97, dated 7-7-1997.]Election of Councillor from Ward No.....of *Municipal Corporation/Council/Nagar Panchayat.....

S. No. Name of candidate Address of candidate Party affiliation Symbol allotted

(1) (2) (3) (4) (5)

1.

2.

PlaceDateReturning Officer (Municipality)(Name.....)Seal.....*Strike off the inappropriate alternative. Form-XI[See Rule 33 (1)]Appointment of Election Agent[Election of Mayor of Municipal Corporation/President of Municipal Council/Nagar Panchayat.....; and] [Inserted by Notification No. 84-XVIII-3-97, dated 7-7-1997.]Election of Councillor from Ward No.....of *Municipal Corporation/Council/Nagar Panchayat.....To,The Returning Officer (Municipality).....I resident of..... a candidate at the above election do hereby appoint.....resident of....as my election agent from this day at the above election.Place.....Date.....Signature of candidate

(Name.....)I Accept the Above

AppointmentPlace.....Date.....Signature of Election

Agent(Name.....)Approved.....Signature of Returning Officer

(Municipality)(Name.....)Seal* Strike off the inappropriate alternative. Form-XII[See Rule 34 (1)]Appointment of Polling Agent[Election of Mayor of Municipal Corporation/President of Municipal Council/Nagar Panchayat ; and] [Inserted by Notification No. 84-XVIII-3-97, dated 7-7-1997.]Election of Councillor from Ward No.....of *Municipal Corporation/Council/Nagar Panchayat.....I..... *candidate/the election agent of....who is a candidate at the above election, do hereby appoint (Name) (Address).....as a polling agent to attend polling station No.at (Place fixed for the poll).Place.....Date.....Signature of *candidate/election

agent)(Name.....)I Agree To Act As Such Polling

AgentPlace.....Date.....Signature of Polling agent(Name.....)Declaration of Polling Agent to be Signed Before Presiding OfficerI hereby declare that at the above election I will not do anything forbidden by law and rules pertaining to elections in general and secrecy of voting

in particular.....Signature of polling agent(Name.....)Signed
before me.....

Place..... Presiding Officer

Dale..... (Name.....)

* Strike off the inappropriate alternative. Form-XIII[See Rule 35 (1)]Appointment of Counting Agent[Election of Mayor of Municipal Corporation/President of Municipal Council/Nagar Panchayat.....; and] [Inserted by Notification No 84-XVIII-3-97, dated 7-7-1997.]Election of Councillor from Ward No.....of *Municipal Corporation/Council/Nagar Panchayat.....To, The Returning Officer

(Municipality).....I *a candidate/the election agent of..... who is a candidate at the above election, do hereby appoint (Name)..... (Address)as my counting agent to attend the counting of votes at (place fixed for counting).

Place.....DateSignature of
..... *candidate/election agent(Name.....)

I Agree to Act as Such Counting Agent

Place.....DateSignature of Counting
..... agent(Name.....)

Declaration of Counting Agent(To be signed before the Returning Officer)I hereby declare that at the counting of votes of the above election, I will not do anything forbidden by law or rules pertaining to election in general and secrecy of voting in particular.

Place.....Signature of Counting agent(Name.....)

Signed before me.....Date.....Signature of Returning

Officer(Municipality)(Name.....)Seal* Strike off the inappropriate alternative. Form-XIV(See Rule 39)Declaration of Result of Uncontested Election[Election of Mayor of Municipal Corporation/President of Municipal Council/Nagar Panchayat ; and] [Inserted by Notification No. 84-XVIII-3-97, dated 7-7-1997.]Election of Councillor from Ward No..... of *Municipal Corporation/Council/Nagar Panchayat.....In pursuance of sub-rule (1) of Rule 39 of the Madhya Pradesh Nagarpalika Nirvaehan Niyam, 1994, I declare that

:.....(Name).....(Address)**Sponsored by..... (Name of the recognised Political Party) has been duly elected as Mayor/President/Councillor.

Place..... Signature.....

Date..... Returning Officer (Municipality)

Seal

*Strike off the inappropriate alternative. **Strike off if not required. Form-XV[See Rule 49 (2) (e)]List of Challenged Votes[Election of Mayor of Municipal Corporation/President of Municipal Council/Nagar Panchayat ; and] [Inserted by Notification No. 84-XVIII-3-97, dated 7-7-1997.]Election of Councillor from Ward No.....of *Municipal Corporation/Council/Nagar Panchayat.....

S. No. of entry	Name of the voters	Particulars of entry in voters' list	Signature or thumb impression of the person challenged	Address of the person challenged
-----------------	--------------------	--------------------------------------	--	----------------------------------

Part number of voters' list	Voter's Serial Number				
(1)	(2)	(3)	(4)	(5)	(6)
Name of identifier if any	Name of challenger	Order of Presiding Officer	Signature of challenger on receiving refund of deposit		
(7)	(8)	(9)	(10)		

Signature of Presiding Officer(Name.....)Date* Strike off the inappropriate alternative.Form-XVI[See Rule 52 (1)]Declaration by the Companion of Blind or Infirm Voter[Election of Mayor of Municipal Corporation/President of Municipal Council/Nagar Panchayat.....; and] [Inserted by Notification No 84-XVIII-3-97, dated 7-7-1997.]Election of Councillor from Ward No.....of *Municipal Corporation/Council/Nagar Panchayat.....I.....son of.....aged.....resident of.....address.....hereby declare that-(a)I have not acted as companion of any other voter at polling station today;(b)I will keep secret the vote recorded by me on behalf of.....(Name).....Serial No. and Part No. of Voter's List.....Signature of Companion(Name.....)Place.....Date.....Countersigned Presiding OfficerPolling Station No.....* Strike off the inappropriate alternative.Form-XVII[See Rule 54 (2)]List of Tendered Voters[Election of Mayor of Municipal Corporation/President of Municipal Council/Nagar Panchayat.....; and] [Inserted by Notification No. 84-XVIII-3-97, dated 7-7-1997.]Election of Councillor from Ward No of *Municipal Corporation/Council/Nagar Panchayat.....Number of Polling Station.....

S. No.	Name of voter	Particulars of entry in the voters' list	Address of voter
Part No. of voters' list	S. No. of voter		
(1)	(2)	(3)	(4)
			(5)

Serial Number of tendered ballot paper	Serial numbers of ballot paper issued to the person who has already voted	Signature or thumb impression of person tendering vote
(6)	(7)	(8)

Date.....Signature of Presiding Officer(Name.....)* Strike off the inappropriate alternative.Form-XVIII(See Rule 57)Ballot Paper Account[Election of Mayor of Municipal Corporation/President of Municipal Council/Nagar Panchayat.....; and] [Inserted by Notification No. 84-XVIII-3-97, dated 7-7-1997.]Election of Councillor from Ward No..... of *Municipal Corporation/Council/Nagar Panchayat.....(No. and Name of Polling Station.....)

Serial
Nos.

From	To	Total No.
1. Ballot

	papers received by the Presiding Officer.		
2.	Ballot papers unused	
3.	Ballot papers used at the polling station (1-2 = 3)	
	Ballot papers used at the polling station but not inserted into the ballot box. -(a) Ballot papers cancelled due toprinting mistake(b) Ballot papers used as tendered ballot papers(c) Ballot papers cancelled(a + b + c)Total		
5.	Ballot papers to be found in the ballot box (3-4 =	

5)(*Serial
numbers
need not be
given)

Place.....Date.....Signature of the Presiding Officer*
Strike off the inappropriate alternative.

Part II – Result of Initial Counting

1. Total number of ballot papers found in the ballot box(es) used at the polling station.....

2. Discrepancy, if any between the total number as shown against item 1 in this part and the total number of ballot papers to be found in the ballot

box(es) as shown in Item 5 of Part I.DateSignature of
Counting
Supervisor(Name.....).....Signature
of Returning Officer (Municipality)(Name.....)Form-XIX[See Rule 63
(2)]Application For Election Duty Ballot Paper[Election of Mayor of Municipal
Corporation/President of Municipal Council/Nagar Panchayat.....; and] [Inserted by Notification
No. 84-XVIII-3-97, dated 7-7-1997.]Election of Councillor from Ward No..... of *Municipal
Corporation/Council/Nagar Panchayat.....To,The Returning Officer
(Municipality).....District.....Sir,I intend to cast my vote
at the above mentioned Election.I have been posted on Election duty at Polling Station No of Ward
No of *Municipal Corporation/Council/Nagar Panchayat.....

2. My name is entered at Serial No.....of the above mentioned Municipal Corporation/Council/Nagar Panchayat.

3. I request that an Election duty Ballot paper may be sent to me to vote, at the following address :-

Yours

faithfully,.....(Name.....)Address.....
off the inappropriate alternative.Form-XIX-A[See Rule 63 (4) (a)]Envelope-A

(A)

{|

NOT TO BE OPENED BEFORE COUNTING

[-|Election of[Mayor/President/Councillor] [Substituted by Notification No. 84-XVIII-3-97, dated 7-7-1997.]For WardNo.of MunicipalCorporation/Council/Nagar Panchayat.....| -| -|

ELECTION DUTY BALLOT PAPER

[-| Serial Number of Ballot Paper.....|}Form-XIX-B[See Rule 63 (4) (b)]Envelope-B (B)

{|

NOT TO BE OPENED BEFORE COUNTING

| -| -| ELECTION IMMEDIATE| -| -| Election of[Mayor/President/Councillor] [Substituted by Notification No. 84-XVIII-3-97, dated 7-7-1997.]For WardNo.of MunicipalCorporation/Council/Nagar Panchayat.....| -| -|

ELECTION DUTY BALLOT PAPER

| -| To,| -| The Returning Officer (Municipality)| -|| -| Distt.....| -| -| Signature of Sender| -||}* Strike off the inappropriate alternative.Form-XIX-C[See Rule 63 (4) (c)]Declaration by Voter on Election DutyElection of [Mayor/President/Councillor] [Substituted by Notification No. 84-XVIII-3-97. dated 7-7-1997.] from Ward No.....of *Municipal Corporation/Council/Nagar Panchayat..... District.....I hereby declare that I am the voter to whom the Election Duty Ballot Paper bearing serial No.....has been issued at the above election.Date.....Signature of the voter(Name.....)Address.....Attestation of SignatureThe above has been signed in my presence by (voter) who is personally known to me/has been identified to my satisfaction by(identifier) who is personally known to me.Signature of Identifier, if any.....Signature of Attesting Officer (Name.....) (Name.....) Designation..... Address..... Address..... Date.....

*Strike off the inappropriate alternative.Form-XIX-D[See Rule 63 (4) (d)]Instructions for Guidance of Voters on Election DutyElection of [Mayor/President/Councillor] [Substituted by Notification No. 84-XVIII-3-97, dated 7-7-1997.] from Ward No.....of *Municipal Corporation/Council/Nagar Panchayat.....The persons whose names are printed on the ballot paper sent herewith are candidates at the above election. Record your vole by placing clearly a mark opposite the name of the candidate to whom you wish to give your vote in the space provided for the purpose the mark may be made in the form 'V' or 'X' or in any other manner at such place so as to indicate clearly and beyond doubt to which candidate you are giving you vote. If the mark is so placed as to make it doubtful to which candidate you have given your vote will he invalid.

2. Do not put your signature or write any word or make any mark, sign or write whatsoever on the ballot paper other than the mark required to record your vote.

3. After you have recorded your vote on the ballot paper place the ballot paper in the smaller envelope marked 'A' sent herewith. Close the envelope and secure it by seal or otherwise.

4. You may then sign the declaration in Form 19-C also sent herewith in the presence of anti have your signature attested by any one of the officers specified below :-

(a)head of office where you are working, if you are a government servant or an employee of a Municipality of a government undertaking;(b)any gazetted officer known to you or the Presiding Officer of the polling station at which you are on election duty.(c)any Revenue Officer not below the rank of Naib Tahsildar.You may take the declaration to any of the above mentioned specified officers and sign it in his presence after he has satisfied himself about your identity. The officer will attest your signature and return the declaration to you. You must not show your ballot paper to the attesting officer nor tell him how you have voted.

5. After your declaration has been signed and your signature has been attested, place the declaration in Form 19-C, as also the smaller cover marked A (containing the ballot paper) in the larger envelope marked 'B'. After closing the larger envelope, send it to the Returning Officer (Municipality) by post or by messenger or deliver it to him personally. Please fill in all the entries on the larger envelope 'B' before sending it or handing it over to the Returning Officer (Municipality).

6. You must ensure the envelope reaches the Returning Officer before (*) the hour and the date fixed for the commencement of counting of votes that is, before AM/PM on.....(Date)

7. Please note that :-

(i)If you fail to get your declaration attested or certified in the manner indicated above, your ballot paper will be rejected;(ii)If the cover reaches the Returning Officer (Municipality) after the hour and date specified before, your vote will not be counted.*Strike off the inappropriate alternative.Form-XX[See Rule 66 (10)]Result of Counting of E.D. Ballot Papers[Election of Mayor of Municipal Corporation/President of Municipal Council/Nagar Panchayat.....; and] [Inserted by Notification No. 84-XVIII-3-97, dated 7-7-1997.]Election of Councillor from Ward No.....of *Municipal Corporation/Council/Nagar Panchayat.....

S. No.	Name of candidate	Valid votes cast in favour of the candidate
--------	-------------------	---

(1) (2) (3)

2. (a) Total No. of E.D. votes.....

(b)Total No. of invalid E.D. votes.....(c)Total No. of valid E.D. votes received.....Place.....Date.....Signature of Returning Officer (Municipality)(Name.....)*Strike off the inappropriate alternative.Form-XXI[See Rule 69 (2)]Result of Counting[Election of Mayor of Municipal Corporation/President of Municipal Council/Nagar Panchayat.....; and] [Inserted by Notification No. 84-XVIII-3-97, dated 7-7-1997.]Election of Councillor from Ward No.....of *Municipal Corporation/Council/Nagar Panchayat.....Polling Station No.....

S. No.	Name of candidate	Valid votes cast in favour of the candidate
(1)	(2)	(3)

2. (a) Total No. of valid votes.....

(b)Total No. of invalid votes.....(c)Total No. of votes cast.....Place.....Date.....Signature of Counting Supervisor(Name.....).....Signature of Returning Officer (Municipality)(Name.....)*Strike off the inappropriate alternative.Form-XXII[See Rule 69 (3)]Final Result Sheet[Election of Mayor of Municipal Corporation/President of Municipal Council/Nagar Panchayat.....] [Inserted by Notification No. 84-XVIII-3-97, dated 7-7-1997.]Election of Councillor from Ward No.....of *Municipal Corporation/Council/Nagar Panchayat.....

S. No.	Name of candidate	No. of valid E.D. votes cast in favour of the candidate	No. of valid votes cast in favour of the candidate Polling Station wise	Grand Total
PN. P.N. P.N.				
PN. P.N. P.N.				
Total				
(1)	(2)	(3)	(4)	(5)

2. (i) Total No. of valid votes.....

(ii)Total No. of invalid votes.....(iii)Total No. of valid votes cast.....(iv)Total No. of valid E.D. votes.....(v)Total No. of invalid E.D. votes.....(vi)Total No. of E.D. votes cast.....Signature of Counting

Supervisor(Name.....)Signature of Returning Officer
(Municipality)(Name.....)Place.....Date.....*Strike off the
inappropriate alternative.Form-XXIII(See Rule 74)Declaration-Cum-Return of Election[Election of
Mayor of Municipal Corporation/President of Municipal Council/Nagar Panchayat.....] [Inserted
by Notification No. 84-XVIII-3-97, dated 7-7-1997.]Election of Councillor from Ward No.....of
*Municipal Corporation/Council/Nagar Panchayat.....

S. No. Name of Candidate Party Affiliation No. of Votes Polled

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

Total No. of voters.....Total number of valid votes polled.....Total
number of rejected votes.....Total number of tendered votes.....(2)Declaration
of Election on the Basis of ReturnI declare that :.....(Name)of.....(Address)has
been duly elected.PlaceDate.....Returning Officer
(Municipality)(Name.....)Seal*Strike off the inappropriate
alternative.Form-XXIV(See Rule 75)Certificate of ElectionI, Returning Officer (Municipality) for
the..... *Municipal Corporation/Council/Nagar Panchayat District hereby certify that I have on
..... day of 1994 declared. Shri/Smt./Ku..... Resident of *Sponsored by (name of
recognised political party) to have been duly elected as [Mayor/President/Councillor] [Substituted
by Notification No. 84-XVIII-3-97, dated 7-7-1997.] from Ward No of the (*) Municipal
Corporation/Council/Panchayat.....and in token hereof, I have granted to him/her this
certificate of election.Place.....Date.....Returning Officer
(Municipality).....(Name)*Strike off the
inappropriate alternative.[Form 25] [Inserted by Notification No. 30/18-3-2000, dated
29-12-2000.][See Rule 75-C]Office of the District Election Officer (Municipality)District
Notice of election in relation to recall of Mayor/President..... No.....under sub-section (2) of
Section 24 of the Madhya Pradesh Municipal Corporation Act, 1956/under sub-section (2) of
Section 47 of the Madhya Pradesh Municipalities Act, 1961 the Government of Madhya Pradesh.
Department of Urban Administration and Development Department has made a reference to the
State Election Commission to conduct polling in relation to recall of the Mayor of Municipal
Corporation...../President of Municipality/Nagar Panchayat Shri/Smt on the ground that three
fourths of the Councilors have signed the motion of recalling.Whereas, under sub-section (3) of
Section 24 of the Madhya Pradesh Municipal Corporation Act, 1956/under sub-section (3) of
Section 47 of the Madhya Pradesh Municipalities Act, 1961, the State Election Commission has
directed me to arrange for polling, in relation to recall of the said Mayor/President in, accordance
with the rules;Therefore, in exercise of the power conferred by Rule 75-C of Madhya Pradesh
Nagarpalika Nirvachan Niyam, 1994, I District Election Officer (Municipality) District hereby give
notice for polling in relation to recall of the said Mayor/President Shri/Smt..... of Municipal
Corporation/Municipal Council/Nagar Panchayat as follows ;(1)The polling shall be held
on.....from.....A.M. to.....P.M.(2)The counting shall be held on.....at
place.....from..... A.M. to.....P.M.(3)Shri..... Collector/Sub-Divisional Officer
(Revenue) shall be Returning Officer for this polling.Place
.....Dated.....District Election Officer
(Municipality)District.....Name.....Form 26[See Rule 75-F]Polling in Relation to

Recall of the Mayor/President Polling in relation to recall of the Mayor/President Shri/Smt of Municipal Corporation/Municipal Council/Nagar Panchayat.....

Name Voting options		Symbol
(1)	(2)	(3)
A. For recall (To vacate Office)	
B. Against recall (To continue to hold office as before)	

Place.....Date.....Returning Officer
 (Nagarpalika)(Name.....)Form 27[See Rule 75-H]Declaration of Result of Polling
 in Relation to Recall of Mayor/President Polling was held on in relation to recall of the
 Mayor/President Shri/Smt.....of Municipal Corporation/Municipal Council/Nagar
 Panchayat Total votes were cast of which.....votes were in favour of recall and.....votes
 were against recall and were found invalid. Therefore, I..... the Returning Officer hereby declare
 that more than half/less than half of the total number of voters casting their votes have cast votes in
 favour of recalling the Mayor/President, consequently the Mayor/President is deemed to have
 vacated the office/shall continue to hold office as
 before. Place.....Date.....Signature (Returning
 Officer)(Name.....)(Seal.....)