## FORM 8 - APPOINTMENT OF ELECTION AGENT

FORM 8

Appointment of Election agent [See Rule 12 (1)]

Election to the ......................

To

The Returning Officer,

I, ………………………………... of.......................................a candidate at the above

election do hereby appoint.........................of........................as my election agent from this day at the above election.

Place..........................

Date...........................

I accept the above appointment Place..........................

Date...........................

Approved

Signature of Candidate

Signature of Election Agent

Signature and Seal of the Returning Officer

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

1. House of the People from the constituency.
2. Legislative Assembly from the constituency.
3. Council of States by the elected members of the Legislative Assembly of (State).
4. Council of States by the members of the electoral c o l l e g e of (Union territory).
5. Legislative Council by the members of the Legislative Assembly.
6. Legislative Council from the constituency.

## FORM 9 - REVOCATION OF APPOINTMENT OF ELECTION AGENT

FORM 9

Revocation of Appointment of Election Agent [See Rule 12(2)]

Election to the ...................

To

The Returning Officer,

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

Place..........................

Date...........................

Signature of Candidate

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

1. House of the People from the constituency.
2. Legislative Assembly from the constituency.
3. Council of States by the elected members of the Legislative Assembly of (State).
4. Council of States by the members of the electoral college of (Union territory).
5. Legislative Council by the members of the Legislative Assembly.
6. Legislative Council from the constituency.

# ANNEXURE - 9

**(CHAPTER 7, PARA 7.2)**

**PROVISIONS OF LAW RELATING TO OFFENCES AND CORRUPT PRACTICES IN CONNECTION WITH ELECTIONS**

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| **Sl.**  **No.** | **Brief Description of offence** | **Section/ Rules** | **Type** | **Punish- ment** |
| **ELECTORAL OFFENCES CONCERNING MEETINGS:** | | | | |
| 1 | Promoting or attempting to promote | Sec 125 of the | Cogniza- | 3 years |
|  | on ground of religion, race, caste, | Representation | ble | impris- |
|  | community or language, feeling of | of the People |  | onment |
|  | enmity or hatred, between different | Act, 1951 and |  | or fine or |
|  | classes of the citizens of India. | Section 153A |  | both. |
|  |  | of the IPC. |  |  |
| 2 | Prohibition of public meetings during period of forty- eight hours ending with the hour fixed for the conclusion of the poll: -  No person shall – | Sec 126 of the Representation of the People Act, 1951 | Non- Cogniza- ble | 2 years impris- onment or fine or both. |
|  | (a) convene, hold or attend, join or address any public meeting or procession in connection with an election; or |  |  |  |
|  | (b)display to the public any elec- tion matter by means of cine- matograph, television or other similar apparatus; or |  |  |  |
|  | (c) propagate any election matter to public by holding, or by arrang- ing the holding of, any musical concert or any theatrical perfor- mance or any other entertain- ment or amusement with a view to attracting the members of the public thereto, in any polling area during the period of forty-eight hours ending with the hour fixed for the conclusion of the poll for any election in the polling area.. |  |  |  |
| 3 | Acting or inciting others to act in | Sec 127 of the | Cogniza- | 6 months |
|  | disorderly manner at a public meet- | Representation | ble | impris- |
|  | ing, for the purpose of disturbing | of the People |  | onment |
|  | the meeting. | Act, 1951. |  | or fine or |
|  |  |  |  | both. |

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| **OFFENCES CONCERNING VEHICLES** | | | | |
| 1 | If any person illegally hires or procures any vehicle for the free conveyance of any elector other than the candidates himself, member of his family or his agent, to or from any polling station commits an offence. | Sec 133 of the Representation of the People Act, 1951. | Non- Cogniza- ble | 3 months imprison- ment and fine. |

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| **CONCERNING OFFICERS/PERSONS INVOLVED IN ELECTION DUTY** | | | | |
| 1 | Every officer, clerk , agent, or other | Sec 128 of the | Non- | 3 months |
|  | person who performs any duty in | Representation | Cogniza- | impris- |
|  | connection with the recording or counting of votes at and election shall maintain the secrecy of the voting. Its violation constitutes an | of the People Act, 1951 | ble | onment or fine or both. |
|  | offence. |  |  |  |
| 2 | No official connected with conduct of | Sec 129 of the | Cogniza- | 6 months |
| elections shall do any act (other than | Representation | ble | impris- |
|  | giving of vote) for the furtherance | of the People |  | onment |
|  | of the prospects of election of any | Act, 1951. |  | or fine or |
|  | candidate. |  |  | both. |
| 3 | Breach of official duty, without reasonable cause, by any person involved in any duty in connection with an election | Sec 134 of the Representation of the People Act, 1951. | Cogniza- ble | Fine upto Rs. 500/-. |
| 4 | Any person in the service of the | Sec 134A of | Non- | 3 months |
|  | Government acing as an election | the Represen- | Cogniza- | impris- |
|  | agent or a polling agent or a counting | tation of the | ble | onment |
|  | agent of a candidate at an election | People Act, 1951. |  | or fine or  both |
| **AT OR NEAR POLLING STATION ON THE DATE(S) OF POLL** | | | | |
| 1 | Prohibition on the date(s) of poll of :-   1. canvassing in or near polling station; or 2. soliciting the vote of any elector; or 3. persuading any elector not to vote for any particular candidate; or 4. persuading any elector not to vote at the election; or 5. exhibiting any notice or sign(other than an officialnotice) relating to the election. | Sec 130 of the Representation of the People Act, 1951. | Cogniza- ble | Fine upto Rs. 250/-. |

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| 2 | Any person shouting in a disorderly | Sec 131 of the | On the | 3 months |
|  | manner or using loudspeakers, | Representation | orders | impris- |
|  | megaphones etc. so as to disturb the | of the People | of the | onment |
|  | poll,in or around the polling station | Act, 1951. | Presiding | or fine or |
|  | can be arrested andsuch apparatus |  | Officer, | both |
|  | seized by any police officer. |  | Police |  |
|  |  |  | can ar- |  |
|  |  |  | rest the |  |
|  |  |  | offender. |  |

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| 3 | Misconduct by any person in the polling station, or disobedience of lawful directions of the presiding officer may result in that person being removed from the polling station by any police officer on duty. Any person who has been so removed from a polling station re-enters the polling station without the permission of the presiding officer can be arrested. | Sec 132 of the Repre- sentation of the People Act, 1951. | Cogniza- ble | 3 months impris- onment or fine or both |
| **AGAINST CARRYING OF ARMS:** | | | | |
| 1 | No person, other than the Returning | Sec 134B | Cogniza- | 2 years |
|  | Officer, the presiding officer, any police | of the Rep- | ble | impris- |
|  | officer or any other person appointed to maintain peace and order at the polling station who is on duty at the polling station, shall, on a polling day, go armed with arms. If he does so, he commits an | resenta- tion of the People Act, 1951. |  | onment or fine or both |
|  | offence. |  |  |  |
| **AGAINST TAMPERING OF EVMS/BALLOT PAPERS** | | | | |
| 1 | If the Presiding officer of a polling station | Sec 135 of | On | 1 year’s |
| has reason to believe that any person has removed ballot paper or EVM out of polling station, such officer may arrest or direct a police officer to arrest such person and may search such person or cause him to be searched by a police officer. | the Repre- sentation of the Peo- ple Act, 1951. | the  orders of the  Presiding Officer, Police  can ar- | impris- onment or fine or both. |
|  |  |  | rest |  |
|  |  |  | theof- |  |
|  |  |  | fender. |  |

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| 2 | Booth capturing is an offence. | Sec 135A | Cogniza- | 3-5 years |
| `Booth capturing’ includes – | of the Rep- | ble | imprison- |
|  | 1. seizure of a polling station or a place | resenta- |  | ment and |
|  | fixed for the poll by any person making | tion of the |  | fine, |
|  | polling authorities surrender the ballot | People Act, |  | if offence |
|  | papers or voting machines; | 1951. |  | committed |
|  | 2. or allowing only his or their own sup- |  |  | by person |
|  | porters to exercise their right to vote and |  |  | in govt. ser- |
|  | prevent/coerce others from free exercise |  |  | vice, and |
|  | of their right to vote;  3 seizure of a place for counting of votes. |  |  | 1 to 3 yrs and fine for others. |
| 3 | If any person fraudulently defaces or | Sec 136 of | Cogniza- | 2 years |
| fraudulently destroys any ballot paper | the Repre- | ble | impris- |
|  | or EVM or the official mark on any ballot | sentation of |  | onment |
|  | paper or EVM or puts into any ballot box | the People |  | or fine or |
|  | anything other than the ballot paper, or | Act, 1951. |  | both, if of- |
|  | pastes any paper, tapes etc. on the sym- |  |  | fence com- |
|  | bol/names/ballot button of EVM for the |  |  | mitted by |
|  | purpose of the election commits an of- |  |  | any officer |
|  | fence. |  |  | or clerk |
|  |  |  |  | employed |
|  |  |  |  | onelection |
|  |  |  |  | duty, and |
|  |  |  |  | 6 months |
|  |  |  |  | imprison- |
|  |  |  |  | ment or |
|  |  |  |  | fine, for |
|  |  |  |  | others. |

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| **AGAINST DENYING SOMEONE RIGHT TO VOTE:** | | | | |
| 1 | Non-granting of paid holiday to the employees entitled to vote on the date of the poll by the employer. | Sec 135B of the Repre- sentation of  the People Act, 1951. | Non- Cog- nizable | Fine upto Rs. 500/-. |
| **CHECKING THREAT/INDUCEMENT OF VOTERS:** | | | | |
| 1 | Whoever forces or intimidates a member | Sec 3(1) | Cog- |  |
|  | of SC/ST not to vote or to vote a particu- | (vii) of the | nizable |
|  | lar candidate or to vote in a manner oth- er than that provided by law commits an offence. | Scheduled Castes and the Sched-  uled Tribes |  |
|  |  | (Prevention |  |
|  |  | of Atrocities) |  |
|  |  | Act, 1989. |  |

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| 2 | **Bribery**.—(*1*) Whoever**—**  (i) gives a gratification to any person with the object of inducing him or any other person to exercise any electoral right or of rewarding any person for having exercised any such right; or | Sections 171B/171E  of the In- dian Penal Code. | Non- cogniza- ble | 1 year’s impris- onment or fine or both |
|  | (ii) accepts either for himself or for any other person any gratification as a re- ward for exercising any such right or for inducing or attempting to induce any other person to exercise any such right, commits the offence of bribery: Provided that a declaration of public policy or a promise of public action shall not be an offence under this sec- tion. |  |  |  |
|  | (2) A person who offers, or agrees to give, or offers or attempts to procure, a gratification shall be deemed to give a gratification. |  |  |  |
|  | (3) A person who obtains or agrees to ac- cept or attempts to obtain a gratifica- tion shall be deemed to accept a grat- ification, and a person who accepts a gratification as a motive for doing what he does not intend to do, or as a re- ward for doing what he has not done, shall be deemed to have accepted the gratification as a reward. |  |  |  |
| 3 | **Undue influence at election** –  (1) Whoever voluntarily interferes of at- tempts to interfere with the free exer- cise of any electoral right commits the offence of undue influence a an elec- tion. | Sections 171C/171F  of the In-  dian Penal Code. | Non- cogniza- ble | 1 year’s impris- onment or fine or both. |
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|  | (2) Without prejudice to the generality of the provisions of sub-section(1), who- ever- |  |  |
|  | (a) threatens any candidate or voter, or any person in whom a candidate or voter is interested, with injury of any kind, or |  |  |

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|  | (b) induces or attempts to induce a can- didate or voter tobelieve that he or any person in whom he is interested will become or will be rendered an object of Divine displeasure or of spiritual pleasure, shall be deemed to interfere with the free exercise of the electoral right of such candidate or voter, with- in the meaning of sub- section (*1*).  (*3*) A declaration of public policy or a promise of public action, or the mere exercise of a legal right without intent to interfere with an electoral right, shall not be deemed to be interference within the meaning of this section. |  |  |  |
| 4 | **Personation at elections**.**—**Whoever at an election applies for a voting paper or votes in the name of any other person, whether living or dead, or in a fictitious name, or who having voted once at such election applies at the same election for a voting paper in his own name, and who- ever abets, procures or attempts to pro- cure the voting by any person in any such way,commits the offence of person- ation at an election:  Provided that nothing in this section shall apply to a person who has been au- thorised to vote as proxy for an elector under any law for the time being in force in so far as he votes as a proxy for such elector. | Sections. 171D/171F  of the In- dian Penal Code. | Cog- nizable | 1 year’s impris- onment or fine or both. |
| 5 | Whoever with intent to affect the result of an election makes or publishes any statement purporting to be a statement of fact which is false in relation to the  personal character or conduct of any candidate commits a crime. | Sec 171G of the Indian Penal Code. | Non- cog- nizable | Fine |

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| 6 | Whoever without the general or special authority in writing of a candidate incurs or authorizes expenses on account of the holding of any public meeting, or upon any advertisement, circular or publica- tion, or in any other way whatsoever for the purpose of promoting or procuring the election of such candidate.  Provided that if any person having in- curred any such | Sec 171H of the Indian Penal Code. | Non- cog- nizable | Punish- ment with fine Which  may extend to five hundred rupees. |
|  | expenses not exceeding the amount of ten rupees without authority obtains within ten days from the date on which such expenses were incurred the approv- al in writing of the candidate, he shall be deemed to have incurred such expenses with the authority of the candidate***.*** |  |  |  |
| 7 | **Statements creating or promoting en- mity, hatred or ill- will between class- es—**  Whoever makes, publishes or circulates any statement or report containing ru- mour or alarming news with intent to create or promote, or which is likely to create or promote, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, feelings of enmity, hatred or ill- will between different religious, racial, language or regional groups or castes or  communities, shall be punished with im- prisonment which may extend to three years, or with fine, or with both. | Sec.505 (2)  of the Indi- an Penal Code.. | Cog- nizable | Imprison- ment upto 5 years and fine. |
| 8 | Filing of false affidavit, or concealing any information in the affidavit filed by the candidate. | Section 125A of the Representa- tion of the People Act, 1951. | Non- cog- nizable | Six months impris- onment or fine or both |
| 9 | False declaration in connection with preparation, revision or correction of electoral roll, or inclusion or exclusion of any entry in or from the electoral roll. | Section 31 of the Represen-  tation of the People Act, 1950. | Non- cog- nizable | 1 year’s impris- onment or fine or both |

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| **AGAINST HARMING A PUBLIC SERVANT ON DUTY:** | | | | |
| 1 | Whoever voluntarily causes simple or grievous hurt or assaults to de- ter a public servant from discharg- ing his duty. | Section 332/333/353  of the Indian Penal Code | Cognizable | Imprison- ment from 2  to 10 years  and fine. |
| **CONCERNING PAMPHLETS/POSTERS//HANDBILLS/ PLACARDS:** | | | | |
| 1 | Whoever prints or publishes any | Section 127A | Non- cog- | Six months |
|  | election pamphlets, poster, hand- | of the Rep- | nizable | imprison- |
|  | bills or placards which does not | resentation |  | mentor |
|  | bear on its face the name and the | of the People |  | fine upto |
|  | address of the printer and the pub- | Act, 1951. |  | Rs.2000/- |
|  | lisher commits an offence. |  |  | or both |

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| **CORRUPT PRACTICES:** | | | | |
| 1 | **Bribery-**  (A) any gift, offer or promise by a candidate or his agent or by any other person with the consent of a candidate, or his elec- tion agent of any gratification, to any person whomsoever, with the object, di- rectly or indirectly of inducing-  (a) a person to stand or not to stand as, or (to withdraw or not to withdraw) from being a candidate at an election, or | Section 123(1) of the Represen- tation of the People Act, 1951. |  | Corrupt practices can be agi- tated in an Election Petition before  the High Court. |
|  | (b) an elector to vote or refrain from voting at an election, or as a reward to – |  |  |
|  | (i) a person for having so stood or not stood, or for (having withdrawn or not having withdrawn) his candidature; or |  |  |
|  | (ii) an elector for having voted or refrained from voting; |  |  |
|  | (B) the receipt of, or agreement to receive, any gratification, whether as a motive or a reward- |  |  |
|  | (a) by a person for standing or not stand- ing as, or for (withdrawing or not with- drawing) from being, acandidate; or |  |  |
|  | (b) by any person whomsoever for himself or any otherperson for voting or refrain- ing from voting, or inducing or attempt- ing to induce any elector to vote or re- frain from voting, or any candidate (to withdraw or not to withdraw) his can- didature. |  |  |

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| 2 | **Undue influence** – Any direct or indirect interference or attempt to interfere on the part of the candidate or his agent, or of any other person (with the consent of the candidate or his election agent}, with the free exercise of any electoral right:  (a) without prejudice to the generality of the provisions of this clause any such person as is referred to therein who - | Section 123(2) of the Represen- tation of the People Act, 1951. |  | Corrupt practices can be agi- tated in an Election Petition before the High Court |
|  | (i) threatens any candidate or any elector, or any person in whom a candidate or an elector interested, with injury of any kind including social ostracism and ex- communication of expulsion from any caste or community; or |  |  |
|  | (ii) induces or attempts to induce a candi- date or |  |  |
|  | an elector to believe that he, or any person in whom he is interested, will become orwill be rendered an object of divine displeasure or spiritual censure, shall be deemed to in- terfere with the free exercise of the elector- al right of such candidate or elector within the meaning of this clause; |  |  |
|  | (b) a declaration of public policy, or a prom- ise of publication, or the mere exercise of a legal right without intent to interfere with an electoral right, shall not be deemed to be interference within the meaning of this clause. |  |  |
| 3 | The appeal by a candidate or his agent or | Section |  | Corrupt |
|  | by any other person with the consent of a | 123(3) of the | practices |
|  | candidate or his election agent to vote or | Represen- | can be agi- |
|  | refrain from voting for any person on the | tation of the | tated in an |
|  | ground of his religion, race, caste, commu- | People Act, | Election |
|  | nity or language or the use of, or appeal to | 1951. | Petition |
|  | religious symbols or the use of, or appeal |  | before |
|  | to, national symbols, such as the national |  | the High |
|  | flag or the national emblem, for the further- |  | Court. |
|  | ance of the prospects of the election of that |  |  |
|  | candidate or for prejudicially affecting the |  |  |
|  | election of any candidate: |  |  |

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| 4 | The promotion of, or attempt to promote, feelings of enmity or hatred between dif- ferent classes of the citizens of India on grounds of religion, race, caste, communi- ty, or language, by a candidate or his agent or any other person with the consent of a candidate or his election agent for the fur- therance of the prospects ofthe election of that candidate or for prejudicially affecting the election of any candidate. | Section 123(3A) of  the Repre- sentation of the People Act, 1951. |  |  |
| 5 | The propagation of the practice or the com- mission of sati or its glorification by a candidate or his agent orany other person with the consent of the candidate or his election agent for the furtherance of the prospectsof the election of that candidate or for prejudicially affecting the election of any candidate. | Section 123(3B) of  the Repre- sentation of the People Act, 1951. |  | Corrupt practices can be agi- tated in an Election Petition before  the High Court. |
| 6 | The publication by a candidate or his agent | Section |  |  |
|  | or by any other person 4[with the consent | 123(4) of the |
|  | of a candidate or his election agent], of any | Represen- |
|  | statement of fact which is false, and which | tation of the |
|  | he either believes to be false or does not be- | People Act, |
|  | lieve to be true, in relation to the personal | 1951. |
|  | character or conduct of any candidate, or |  |
|  | in relation to the candidature, or withdraw- |  |
|  | al of any candidate, being a statement rea- |  |
|  | sonably calculated to prejudice the pros- |  |
|  | pects of that candidate’s election. |  |
| 7 | The hiring or procuring, whether on pay- | Section |  |  |
|  | ment or otherwise, of any vehicle or vessel | 123(5) of the |
|  | by a candidate orhis agent or by any other | Represen- |
|  | person 4[with the consent of a candidate or | tation of the |
|  | his election agent], 6[or | People Act, |
|  | the use of such vehicle or vessel for the free | 1951. |
|  | conveyance] of any elector (other than the |  |
|  | candidate himself, the members of his fam- |  |
|  | ily or his agent) to or from any polling sta- |  |
|  | tion provided under section 25 or a place |  |
|  | fixed under sub-section (*1*) of section 29 for |  |
|  | the poll: |  |

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| 8 | The incurring or authorizing of expenditure incontravention of sec- tion 77. | Section 123(6) of the Represen- tation of the People  Act, 1951. |  |  |
| 9 | The obtaining or procuring or abetting or attempting to obtain or procure by a can- didate or his agent or, by any other per- son 1[with the consent of a candidate or his election agent], any assistance (other than the giving of vote) for the furtherance of the prospects of that candidate’s election, from any person in the service of the Govern- ment and belonging to any of the following classes, namely:—   1. gazetted officers; 2. stipendiary judges and magistrates; 3. members of the armed forces of the Union; 4. members of the police forces; 5. excise officers; 6. revenue officers other than village reve- nue officers known as lambardars, mal- guzars, patels, deshmukhs or by any other name, whose duty is to collect land revenue and who are remunerated by a share of, or commission on, the amount of land revenue collected by them but who do not discharge any police func- tions; and 7. such other class of persons in the service of the Government as may be prescribed: | Section 123(7) of the Represen- tation of the People Act, 1951. |  | Corrupt practices can be agi- tated in an Election Petition before  the High Court. |
| 10 | Booth capturing by a candidate or his agent or other person.   1. In this section, the expression “agent” includes an election agent, a polling agent and any person who is held to have acted as an agent in connection with the election with the consent of the candidate. 2. For the purposes of clause (*7*), a person shall be deemed to assist in the further- ance of the prospects of a candidate’s election if he acts as an election agent of that candidate. | Section 123(8) of the Represen- tation of the People Act, 1951. |  | Corrupt practices can be agi- tated in an Election Petition before  the High Court. |

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|  | 1. For the purposes of clause (*7*), not- withstanding anything contained in any other law, the publication in the Official Gazette of the appointment, resignation, termination of service, dismissal or removal from service of a person in the service of the Central Government (including a person serv- ing in connection with the adminis- tration of a Union territory) or of a State Government shall be conclusive proof—    1. of such appointment, resignation, termination of service, dismissal or removal from service, as the case may be, and    2. where the date of taking effect of such appointment, resignation, termina- tion of service, dismissal or removal from service, as the case may be, is stated in such publication, also of the fact that such person was appointed with effect from the said date, or in the case of resignation, termination of service, dismissal or removal from service, such person ceased to be in such service with effect from the said date.   (*4*) For the purposes of clause (*8*), "booth capturing" shall have the same mean- ing as in section 135A.] any such in- tent as aforesaid. |  |  |  |