

**DELHI SIKH GURDWARA MANAGEMENT COMMITTEE
(ELECTION OF MEMBERS) RULES, 1974.**

AND

DELHI SIKH GURDWARAS RULES, 1973

AND

**RELEVANT PROVISIONS OF THE DELHI MUNICIPAL
CORPORATION ACT, 1957 REGARDING ELECTION OF
MEMBERS TO THE D.S.G.M.C.**

GOVT. OF N.C.T. OF DELHI

DIRECTORATE OF GURDWARA ELECTIONS

[Amended upto 28th July, 2010]

DELHI GAZETTE

PUBLISHED BY AUTHORITY

EXTRAORDINARY

No. 5]

DELHI, WEDNESDAY, JANUARY 9, 1974/PAUSA 19, 1895

PART IV**DELHI ADMINISTRATION, DELHI****LITIGATION DEPARTMENT**

Delhi, the 9th January, 1974

No. F. 18(19)/73-JudL.- In exercise of the powers conferred by sub-section (1) and (3) of section 39 of the Delhi Sikh Gurdwaras Act, 1971 (82 of 1971), read with the Government of India, Ministry of Home Affairs Notifications No. U-11030/1/73-(i)-UTL dated the 3rd May, 1973 and S. O No U-11030/1/73-(ii)-UTL, dated the 3rd May, 1973, the Administrator of Delhi is pleased to make the following rules, namely--

PART - I

Short title and commencement.- (1) These rules may be called the Delhi Sikh Gurdwara Management Committee (Election of members) Rules, 1974.

(2) They shall come into force from the date of their publication in the official Gazette.

2 Interpretation:—(1) In these rules, unless the context otherwise requires,—

- (a) 'Act' means the Delhi Sikh Gurdwaras Act 1971 (82 of 1971);
- (b) 'agent' means any person appointed in writing by a candidate at an election to be his agent for the purposes of these rules, with the acceptance in writing by such person of the office of such agent, whether as election agent, polling agent, counting agent;
- (c) 'ballot box' includes any box, bag or other receptacle used for the insertion of ballot paper by voters;

- (d) 'counterfoil' means the counterfoil attached to a ballot paper printed under the provisions of these rules;
- (e) 'Director' means the 'Director Gurdwara Elections' appointed under section 13 of the Delhi Sikh Gurdwaras Act 1971;
- (f) 'election' means an election to fill a seat or seats of the Committee from ward (s);
- (g) 'Election Officer' means an officer appointed as such for the purposes of these rules by the Administrator;
- (h) 'elector' in relation to a ward, means a person whose name is entered in the electoral roll of that ward for the time being in force;
- (i) 'electoral roll number' of a person means—
 - (i) the serial number of the entry in the electoral roll in respect of that person;
 - (ii) the serial number of the part of the electoral roll in which such entry occurs; and
 - (iii) the number and name of the ward to which the electoral roll relates;
- (j) 'form' means a form appended to these rules and includes, a translation thereof in Punjabi in Gurmukhi script;
- (k) 'marked copy of the electoral roll' means the copy of the electoral roll set apart for the purpose of marking the names of electors to whom ballot papers are issued at an election;
- (l) 'member' means member of the Committee ;
- (m) 'polling station' in relation to an election, means the place fixed for taking the poll at that election;
- (n) 'public holiday' means any day which is a public holiday for the purposes of section 25 of the Negotiable Instruments Act, 1881 (26 of 1881) or any day which is notified by the Administrator to be a holiday for the offices of the Delhi Administration;
- (o) 'Returning Officer' in relation to a ward, means the Returning Officer of that ward and includes any Assistant Returning Officer performing any function he is authorised to perform;
- (p) 'section' means a section of the Act;
- (q) 'ward' means a ward as delimited under section 6.

(2) For the purposes of these rules, a person who is unable to write his name shall, unless otherwise expressly provided in these rules, be deemed to have signed an instrument or other paper if:—

- (a) he has placed a mark on such instrument or other paper in the presence of the returning officer or the presiding officer or such other officer as may be specified in this behalf by the Director; and
- (b) such officer on being satisfied as to his identity has attested the mark as being the mark of that person.

(3) Any requirement under these rules that a notification, order, declaration, notice or list issued or made by any authority shall be published in the official Gazette shall, unless otherwise expressly provided in these rules, be construed as a requirement that it shall be published in the Delhi Gazette.

(4) The General Clauses Act, 1897 (10 of 1897) shall apply for the interpretation of these rules as it applies for the interpretation of an Act of Parliament.

PART II

Superintendence of Election and Administrative Machinery

3. **Superintendence and control of elections.**— Subject to the superintendence, direction and control of the Director, the election officer shall co-ordinate and supervise all work in the Union Territory of Delhi in connection with the conduct of elections to the Committee.

4. **Returning Officers.**— For every ward, the Director shall designate or nominate a Returning Officer who shall be an officer of Central Government/ Delhi Administration or of a local authority:

Provided that nothing in this rule shall prevent the Director from designating or nominating the same person to be the returning officer for more than one ward.

5. **Assistant Returning Officers.**—(1) The Director may appoint one or more persons to assist any Returning Officer in the performance of his functions:

Provided that every such person shall be an officer of Central Government/ Delhi Administration or of a local authority.

(2) Every Assistant Returning Officer shall, subject to the control of the Returning Officer, be competent to perform all or any of the functions of the Returning Officer:

Provided that no Assistant Returning Officer shall perform any of the functions of the Returning Officer which relate to the scrutiny of nominations unless the Returning Officer is unavoidably prevented from performing the said functions.

6. **General duty of the Returning Officer.**— It shall be the general duty of the Returning Officer at any election to do all such acts and things as may be necessary for effectively conducting the election in the manner provided by these rules or orders made thereunder.

7. **Polling Stations for Wards.**— The Election Officer shall, with the previous approval of the Director, provide a sufficient number of polling stations for each ward and shall publish, in such manner as the Director may direct, a list showing the polling stations so provided and the polling areas or groups of voters for which they have respectively been provided.

8. Presiding Officers for Polling Stations.- (1) The Election Officer shall appoint a presiding officer for each polling station and such polling officer or officers as he thinks necessary, but he shall not appoint any person who has been employed by or on behalf of, or has been otherwise working for a candidate in or about the election:

Provided that if a polling officer is absent from the polling station, the presiding officer may appoint any person who is present at the polling station other than a person who has been employed by or on behalf of, or has been otherwise working for a candidate in or about the election, to be the polling officer during the absence of the former officer, and inform the election officer accordingly;

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

(2) A polling officer shall if so directed by the presiding officer, perform all or any of the functions of a presiding officer under these rules or orders made thereunder.

(3) If the presiding officer, owing to the illness or 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 election officer to perform such functions during any such absence.

(4) References 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 sub-rule (3), as the case may be.

9. General duty of the presiding officer.- It shall be the general duty of the presiding officer at a polling station to keep order thereat and to see that the poll is fairly taken.

10. Duties of a polling officer.- It shall be the duty of the polling officer at a polling station to assist the presiding officer for such station in the performance of his functions.

PART III Conduct of Elections

CHAPTER I — Nomination of Candidates

11. Notification of Elections—(1) A general election of members of the Committee shall be held under section 3 of the Act.

(2) A general election shall also be held for the purpose of filling the vacancies arising by efflux of time in the office of the members.

(3) For the aforesaid purposes, the Administrator shall by one or more notifications published in the Delhi Gazette, call upon all the wards to elect members in accordance with the provisions of the Act and the rules and orders made thereunder, before such date or dates as may be specified in the notifications. When a casual vacancy occurs in the office of a member, the Administrator shall, as soon as the vacancy occurs, by a notification in the Delhi Gazette, call upon the ward concerned to elect a member for the

purpose of filling the vacancy in accordance with the provisions of the Act and rules and orders made thereunder before such date as may be specified in the notification:

Provided that no election shall be held to fill a casual vacancy occurring within four months prior to holding of the general election under sub-rule (1).

12. Appointment of dates for nominations etc. —As soon as the notification calling upon a ward to elect a member or members is issued under rule 11 the Director shall, by notification in the Delhi Gazette appoint—

- (a) the last date for making nominations, which shall be the seventh day after the date of publication of the first mentioned notification or, if that day is public holiday, the next succeeding day which is not a public holiday;
- (b) the date for the scrutiny of nominations, which shall be the day immediately following the last date 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 the withdrawal of candidatures, 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 or dates on which a poll shall, if necessary be taken, which or the first of which shall be a date not earlier than the fourteenth day after the last date for the withdrawal of candidatures; and
- (e) the date before which the election shall be completed.

13. Public notice of election.— On the issue of a notification under rule 12, the returning officer for the ward shall give public notice of the intended election in Form -1, inviting nominations of candidates for such election and specifying the place at which the nomination papers are to be delivered, which shall subject to any directions of the Director, be published in such manner as the Returning Officer thinks fit.

14. Symbols.—(1) The Director shall, by notification in the Delhi Gazette, specify the reserved symbols to be allotted to the recognized religious parties recognised under sub-rule (3) and the free symbols to be allotted to other candidates who are not set up by any recognised religious party at elections and the conditions for allotment of symbols.

(2) Where at any such elections, more nomination papers than one are delivered by or on behalf of a candidate, the declaration as to symbols, made in the nomination paper first delivered and in case of rejection of that, the choice given in the subsequent nomination paper will be considered.

(3) The Director may, by notification in the Delhi Gazette, recognize the religious parties fulfilling the conditions for allotment of reserved symbols to be allotted to a candidate at elections, set up by the said religious parties, subject to the following conditions, namely :—

- (a) the religious party should be a registered society under the Societies Registration Act, 1860 at least one year before the date of expiry of the term of the Delhi Sikh Gurdwaras Management Committee;
- (b) at least five members of the religious party should have contested general election of the members of the Delhi Sikh Gurdwaras Management Committee from separate wards;

- (c) the religious party should have intimated the details of the office bearers every year in the month of January and within one month from the date of elections of the Committee of the said religious party, to the Director; and
 - (d) for recognition of a new religious party, the party should be registered under the Societies Registration Act, 1860 and have at least two elected members of the Delhi Sikh Gurdwaras Management Committee as its members;
- (4) The Director may derecognize any recognised religious party, if—
- (a) it failed to setup candidates from at least five wards in the last general elections for the Delhi Sikh Gurdwaras Management Committee; and
 - (b) the total valid votes polled in all wards in the last general election of members of the Delhi Sikh Gurdwaras Management Committee in favour of its candidates has been less than six per cent of the total valid votes polled in such elections :

Provided that before taking action under this sub-rule, the Director shall afford a reasonable opportunity to the recognised religious party.

15. Nomination of candidates for election.— Any person may be nominated as a candidate for election to fill a seat if he is qualified to be chosen to fill that seat under the provisions of the Act.

16. Presentation of nomination paper and requirements for a valid nomination.— (1) On or before the date appointed under clause (a) of rule 12, each candidate shall either in person or by his proposer, between the hours of eleven O'clock in the forenoon and three O'clock in the afternoon deliver to the returning officer at the place specified in this behalf in the notice issued under rule 13, a nomination paper completed in Form 2 and subscribed by the candidate himself as assenting to the nomination and signed by an elector of the ward as proposer:

Provided that a failure to complete or a defect in completing the declaration as to symbols in a nomination paper shall not be deemed to be a defect of a substantial character within the meaning of sub-rule (4) of rule 19:

Provided further that no nomination papers shall be delivered to the Returning Officer on a day, which is a public holiday.

(2) On the presentation of a nomination paper, the Returning Officer shall satisfy himself that the names and electoral roll numbers of the candidate and his proposer as entered in the nomination paper are the same as those entered in the electoral roll :

Provided that no misnomer or inaccurate description or clerical, technical or printing error in regard to the name of the candidate or his proposer or any other person, or in regard to any place mentioned in the electoral roll or the nomination paper and no clerical, technical or printing error in regard to the electoral roll numbers of any such person in the electoral roll or the nomination paper, shall affect the full operation of the electoral roll or the nomination paper with respect to such person or place in any case where the description in regard to the name of the person or place is such as to be commonly understood and the Returning Officer shall permit any such misnomer or inaccurate description or clerical, technical or printing error to be corrected and where necessary, direct that any such misnomer, inaccurate description or clerical, technical or printing error in the electoral roll or in the nomination paper shall be over-looked.

(3) Where the candidate is an elector of a different ward, a copy of the electoral roll of that ward or of the relevant part thereof or a certified copy of the relevant entries in such roll shall, unless it has been filed along with the nomination paper, be produced before the Returning Officer at the time of scrutiny.

(4) Nothing in this rule shall prevent any candidate from being nominated by more than one nomination paper:

Provided that not more than four nomination papers shall be presented by or on behalf of any candidate or accepted by the Returning Officer for election in the same ward.

(5) The candidates set up by a recognized religious party shall submit Form A and Form B duly signed by the authorized office bearers of the said party not later than 3.00 p.m. on the last date of making nominations for the elections. However, the recognized religious party may change or replace such candidate not later than 3.00 p.m. of the last date of making nominations.

17. Deposit.—(1) A candidate shall not be deemed to be duly nominated for election from a ward unless he deposits or causes to be deposited a sum of five thousand rupees :

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

(2) Any sum required to be deposited under sub-rule (1) shall not be deemed to have been deposited under that sub-rule unless at the time of delivery of the nomination paper under sub-rule (1) of rule 16 the candidate has either deposited or caused to be deposited that sum in cash with the returning officer or enclosed with the nomination paper a receipt showing that the said sum has been deposited by him or on his behalf in the office of the Director,

(3) If a candidate by whom or on whose behalf the deposit has been made, withdraws his candidature under rule 20 or if the nomination of any such candidate is rejected, the deposit shall be returned to the candidate, or if he dies before the commencement of the poll, to his legal representative.

(4) If a contesting candidate is not elected, and the number of valid votes polled by him does not exceed one-fifth of the total number of valid votes polled, the deposit shall be forfeited to the Government ,

(5) The deposit shall, where it is not forfeited under sub-rule (4) be returned to the candidate or if he is dead, to his legal representative as soon as practicable after the publication of the result of the election in the Delhi Gazette.

18. Notice of nomination and the time and place for their scrutiny.—The Returning officer shall, on receiving the nomination paper under sub-rule (1) of rule 16 , inform the person or persons delivering the same of the date, time and place fixed for the scrutiny of nominations and shall enter on the nomination paper its serial number, and shall sign thereon a certificate stating the date on which and the hour at which the nomination paper has been delivered to him; and shall, as soon as may be thereafter, cause to be affixed in some conspicuous place in his office a notice in Form 3 of the nomination containing description similar to those contained in the nomination paper, both of the candidate and of the proposer.

19. Scrutiny of nominations.—(1) On the date fixed for the scrutiny of nominations under rule 12 , the candidates, their election agents, one proposer of each candidate, and one other person duly authorised in writing by each candidate, but no other person, may attend at such time and place as has been specified in the notice issued under rule 13 and the Returning Officer shall give them all reasonable facilities for examining

the nomination papers of all candidates which have been delivered within the time and in the manner laid down in rule 16.

(2) The Returning Officer shall then examine the nomination papers and shall decide all objections which may be made to any nomination and may, either on such objection or on his own motion after such summary inquiry, if any, as he thinks necessary, reject any nomination on any of the following grounds:-

- (a) that on the date fixed for the scrutiny of nominations the candidate either is not qualified or is disqualified for being chosen as a member under the Act; or
- (b) that there has been a failure to comply with any of the provisions of rule 16 or 17; or
- (c) that the signature of the candidate or the proposer on the nomination paper is not genuine.

(3) Nothing contained in clause (b) or clause (c) of sub-rule (2) shall be deemed to authorise the rejection of the nomination of any candidate or the ground of any irregularity in respect of a nomination paper, if the candidate has been duly nominated by means of another nomination paper in respect of which no irregularity has been committed.

(4) The Returning Officer shall not reject any nomination paper on the ground of any defect which is not of substantial character.

(5) The Returning Officer shall hold the scrutiny on the date appointed in this behalf under clause (b) of rule 12 and shall not allow any adjournment of the proceedings except when such proceedings are interrupted or obstructed by riot or open violence or by causes beyond his control:

Provided that in case an objection is raised by the returning officer or is made by any other person, the candidate concerned may be allowed time to rebut it not later than the next day but one following the date fixed for scrutiny, and the Returning Officer shall record his decision on the date to which the proceedings have been adjourned.

(6) The Returning Officer shall endorse on each nomination paper his decision accepting or rejecting the same and, if the nomination paper is rejected, shall record in writing a brief statement of his reasons for such rejection.

(7) For the purposes of this rule, a certified copy of an entry in the electoral roll for the time being in force of a ward shall be the conclusive evidence of the fact that the person referred to in that entry is an elector for that ward unless it is proved that he is subject to a disqualification mentioned in section 10 of the Act.

(8) Immediately after all the nomination papers have been scrutinised and decisions accepting or rejecting the same have been recorded, the Returning Officer shall prepare in Form 4, a list of validly nominated candidates, that is to say, candidate whose nomination have been found valid and affix it to his notice board.

(9) The name of every such candidate shall be shown in said list as it appears in his nomination paper:

Provided that if a candidate considers that his name is incorrectly spelt or is otherwise incorrectly shown in his nomination paper or is different from the name by which he is popularly known, he may, at any time before the list of contesting candidates is prepared, furnish in writing to the Returning Officer the proper form and spelling of his name and the returning officer shall, on being satisfied as to the genuineness in the request, make the necessary correction or alteration in the list of Form 4 and adopt that form and spelling in the list of contesting candidates.

20. Withdrawal of candidature—(1) Any candidate may withdraw his candidature by a notice in writing in Form 5 which shall be subscribed by him and delivered before three O'clock in the afternoon on the day fixed under clause (c) of rule 12 to the Returning Officer either by such candidate in person or by his proposer or election agent who has been authorised in this behalf in writing by such candidate.

(2) On receipt of such notice, the Returning Officer shall note thereon the date and time at which it was delivered.

(3) No person who has given a notice of withdrawal of his candidature under sub-rule (1) shall be allowed to cancel the notice.

(4) The Returning Officer shall, on being satisfied as to the genuineness of a notice of withdrawal and the identity of the person delivering it under sub-rule (1), cause the notice to be affixed in Form 6 in some conspicuous place in his office.

21. Preparation of list of contesting candidates—(1) Immediately after the expiry of the period within which candidature may be withdrawn under sub-rule (1) of rule 20, the Returning Officer shall prepare in Form 7 a list of the contesting candidates, that is to say, candidates who were included in the list of validly nominated candidates and who have not withdrawn their candidatures within the said period.

(2) The said list shall contain the names in alphabetical order and the address of the contesting candidates and the other particulars set out therein, as given in the nomination paper. The alphabetical order shall be determined with reference to the surnames of the candidates, first name in English language of the candidates having surnames and the names proper of the other candidates. Honorifics such as Jathedar, Master, Principal, Professor, etc. shall not be considered for this purpose. The surname will be considered only in case the initials have been used by the candidate. The names of candidates having reserved symbols shall be mentioned first followed by the other candidates in the alphabetical order specified above;

(3) Omitted.

(4) 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 Director—

(a) allot a different symbol to each contesting candidates in conformity, as far as practicable, with his choice, and

(b) if more contesting candidates than one have indicated their preference for the same symbol, decide by lot to which of such candidates the symbol will be allotted

(5) The allotment by the returning officer of any symbol to a candidate shall be final except where it is inconsistent with any directions issued by the Director in this behalf in which case the Director may revise the allotment in such manner as he thinks fit.

(6) 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.

22. Publication of list of contesting candidates.—(1) The returning officer shall, immediately after its preparation, cause a copy of the list of contesting candidates to be affixed in some conspicuous place in his office.

(2) If a poll becomes necessary under rule 35, the Returning Officer shall supply a copy of the list of contesting candidates to each such candidate or his election agent, and then shall also publish the list of contesting candidates in the Delhi Gazette.

CHAPTER II — Agents

23. Election agents.— A candidate at an election may appoint any one person other than himself to be his election agent and every such appointment shall be made in Form 8. When any such appointment, is made, the notice of the appointment shall be given by forwarding the same in duplicate to the Returning Officer who shall return one copy thereof to the election agent after affixing thereon his seal and signature in token of his approval of the appointment.

24. Disqualification for being an election agent.— Any person who is for the time being disqualified under the Act for voting at elections, shall, so long as the disqualification subsists, also be disqualified for being an election agent at any election.

25. Revocation of the appointment, or death, of an election agent.— (1) Any revocation of the appointment of an election agent shall be made in Form 9 and shall be signed by the candidate, and shall operate from the date on which it is lodged with the Returning Officer.

(2) In the event of such a revocation or of the death of an election agent whether that event occurs before or during the election, the candidate may appoint another person to be his election agent and every such appointment shall be in the manner prescribed by rule 23. When such appointment is made, notice of appointment shall be given by forwarding the same in duplicate to the Returning Officer who shall return one copy thereof to the election agent after affixing thereon his seal and signature in token of his approval of the appointment.

26. Functions of election agents.— An election agent may perform such functions in connection with the election as are authorised by or under these rules to be performed by an election agent.

27. Appointment of polling agents.— (1) A contesting candidate or his election agent may appoint one agent and two relief agents to act as polling agents of such candidate at each polling station and every such appointment shall be made in Form 10 and shall be made over to the polling agent for production at the polling station.

(2) No polling agent shall be admitted into the polling station unless he has delivered to the Presiding Officer the instrument of his appointment under sub-rule (1) after duly completing and signing before the Presiding Officer the declaration contained therein.

28. Appointment of counting agents.— A contesting candidate or his election agent may appoint in the prescribed manner one or more persons, but not exceeding such number as may be prescribed by these rules to be present as his counting agent or agents at the counting of votes, and when any such appointment is made, notice of the appointment shall be given in the prescribed manner to the Returning Officer.

29. Revocation of the appointment or death of a polling agent or counting agent.— (1) Any revocation of the appointment of a polling agent shall be signed by the candidate or his election agent in Form 11 and shall operate from the date and time on which it is lodged with the Presiding Officer and in the event of such a revocation or of the death of a polling agent before the close of the poll, the candidate or his election agent may appoint another polling agent at any time before the poll is closed and shall forthwith give a notice of such appointment to the Presiding Officer in the manner specified in rule 27.

(2) Any revocation of the appointment of a counting agent shall be in Form 18 signed by the candidate or his election agent and shall operate from the date on which it is lodged with the Returning Officer and in the event of such a revocation or of the death of a counting agent before the commencement of the counting of votes, the candidate or his election agent may appoint another counting agent at any time before the counting of votes is commenced and shall forthwith give notice of such appointment in the manner specified in rule 74.

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

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

31. Candidates and agents to wear badges- The candidates, election agent, polling agents and counting agents to be admitted inside the polling station will be supplied by the Director on payment of such amount as he may fix distinguishing badges which shall be worn on the chest for the purpose of identification. No candidate, election agent or polling agent shall be allowed to enter the polling station unless he wears the official badge.

32. Attendance of a contesting candidate or his election agent at polling stations and performance by him of the functions of a polling agent or counting agent- (1) At every election where a poll is taken, each contesting candidate at such election and his election agent shall, subject to the provisions of rule 31, have a right to be present at any polling station provided under rule 7 for the taking of the poll.

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

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

CHAPTER- III - GENERAL PROCEDURE AT ELECTIONS

34. Death of candidate before poll- If a contesting candidate dies and a report of his death is received before the commencement of the poll, the Returning Officer shall upon being satisfied of the fact of the death of the candidate, countermand the poll only in the case of a candidate having reserved symbol and report the fact to the Director and all proceedings with reference to the election shall be commenced afresh in all respects as if for a new election:

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

Provided further that no person who has given a notice of withdrawal of his candidature under rule 20 before the countermanding of the poll shall be ineligible for being nominated as a candidate for the election after such countermanding.

35. Procedure in contested and uncontested elections- (1) If the number of contesting candidates for a seat is more than one, a poll shall be taken.

(2) If there is only one contesting candidate for a seat, the Returning Officer shall immediately after affixing the list of contesting candidates under rule 22 (1) declare the result of the election in Form 20 or Form 20A as may be appropriate, and send copies thereof to the Director.

The Director shall cause to be published in Delhi Gazette the declaration(s) containing the names of the elected candidate(s).

(3) Where a ward has failed to elect a person to fill the seat allotted to it, the Administrator shall, by notification in the Delhi Gazette under rule 11 (3) again call upon that ward to elect a person, if he is satisfied that on being called upon again there will be no such failure on the part of the ward.

CHAPTER IV - THE POLL

36. **Fixing time for poll.** The Director shall fix the hours during which the poll will be taken and the hours so fixed shall be published by notification in the Delhi Gazette,

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

37. **Adjournment of poll in emergencies-** (1) If at an election the proceedings at any polling station are interrupted or obstructed by riot or open violence or if at an election it is not possible to take the poll at any polling station on account of any natural calamity or any other sufficient cause, the Presiding Officer for such polling station shall announce an adjournment of the poll to a date to be notified later, and 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 Director and the Administrator, and the Returning Officer shall as soon as may be, with the previous approval of the Administrator appoint the day on which the poll shall recommence, and fix the polling station at which and the hours during which, the poll will be taken, and the Returning Officer shall not count the votes cast at such election until such adjourned poll shall have been completed.

(3) In every such case as aforesaid, the Returning Officer shall notify in the Delhi Gazette the date, place and hours of polling fixed under sub-rule (2).

38. **Fresh poll in the case of destruction etc. of ballot boxes-** (1) If at any election -

- (a) any ballot box used at a polling station is unlawfully taken out of the custody of the Presiding Officer or is accidentally or intentionally destroyed or lost, or is damaged or tampered with, to such an extent, that the result of the poll at that polling station cannot be ascertained, or
- (b) any such error or irregularity in procedure as is likely to vitiate the poll is committed at a polling station,

the Returning Officer shall forthwith report the matter to the Director and the Administrator.

- (2) There upon the Administrator shall 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 notify the day so appointed and the hours so fixed in such manner as he 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 Returning Officer as he may deem proper for the further conduct and completion of the election.
- (3) The provisions of these rules shall apply to every such fresh poll as they apply to the original poll.
39. **Manner of voting -** (1) At every election where a poll is taken, votes shall be given by ballot in the manner prescribed by these rules and no votes shall be received by proxy.
- (2) Save as hereinafter provided, all electors voting at an election shall do so in person at the polling station provided for them under rule 7.
- (3) No elector shall vote in more than one ward and if an elector votes in more than one ward, the votes in all such wards shall be void.
- (4) No elector shall vote in the same ward more than once, notwithstanding that his name may have been registered in the electoral roll for that ward more than once and if he does so vote, all his votes in that ward shall be void.

CHAPTER V - POSTAL BALLOT

40. **Voter on election duty-definition-** 'Voter on election duty' means any polling officer, Presiding Officer or other public servant, who is an elector in the ward and is by reason of his being on election duty unable to vote at the polling station where he is entitled to vote.

41. **Intimation by voters on election duty—** (1) A voter on election duty who wishes to vote by post at an election shall send an application in Form 12 to the Returning Officer so as to reach him at least seven days or such shorter periods 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 a postal ballot paper to him.

(2) Where such voter, being a polling officer, presiding officer or other public servant on election duty in the ward of which he is an elector wishes to vote in person at an election in a ward and not by post, he shall send an application in Form 12A to the Returning Officer so as to reach him at least four days or such shorter period as the Returning Officer may allow, before the date of poll; and if the Returning Officer is satisfied that the applicant is such public servant and voter on election duty in the ward, he shall—

- (a) issue the applicant on election duty certificate in Form 12B
- (b) mark 'EDC' against his name in the marked copy of the electoral roll to indicate that an election duty certificate has been issued to him; and
- (c) ensure that he is not allowed to vote at the polling station where he would otherwise have been entitled to vote.

42. **Form of postal ballot paper—** (1) Every postal ballot paper shall have a counterfoil attached thereto, and the said ballot paper and the counterfoil shall be in such form and the particulars therein shall be in such language or languages, as the Administrator may direct.

(2) The names of the candidates shall be arranged on the postal ballot paper in the order in which they appear in the list of contesting candidates.

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

43. **Issue of postal ballot paper —**(1) A postal ballot paper shall be sent by post under certificate of posing to the elector together with —

- (a) a declaration in Form 13A.
- (b) a cover in Form 13B
- (c) a large cover addressed to the Returning Officer in Form 13 C; and
- (d) instructions for the guidance of the elector in Form 13D.

Provided that the Returning Officer may deliver the ballot paper and forms, or cause them to be delivered, to such voter personally.

(2) The Returning Officer shall at the same time—

- (a) record on the counterfoil of the ballot paper, the electoral roll number of the elector as entered in the marked copy of the electoral roll;
- (b) mark the name of the elector in the marked copy of the electoral roll to indicate that a ballot paper has been issued to him, without however recording therein the serial number of the ballot paper issued to that elector; and
- (c) ensure that the elector is not allowed to vote at a polling station.

(3) Every officer under whose care or through whom a postal ballot paper is sent shall ensure its delivery to the addressee without delay.

(4) After ballot papers have been issued to all the electors entitled to vote by post, the Returning Officer shall at an election in a ward, seal and send the relevant parts of the marked copy to the several Presiding Officer for marking the names of electors to whom ballot papers are issued at the polling stations without however recording therein the serial number of the ballot papers issued to the electors.

(5) The Returning Officer shall also seal up in a separate packet the counterfoils of the ballot papers issued to electors entitled to vote by post and record on the packet a brief description of its contents and the date on which it was sealed.

(6) No election shall be invalidated by reason that an elector has not received his ballot paper provided that a ballot paper has been issued to him in accordance with these rules.

44. **Recording of vote—** (1) An elector who has received a postal ballot paper and desires to vote shall record his vote on the ballot paper in accordance with the directions contained in Part I of Form 13D; and then enclose it in the cover in Form 13B.

(2) The elector shall sign the declaration in Form 13-A in the presence of, and have the signature attested by a Magistrate or a Gazetted Officer to whom he is personally known or to whose satisfaction he has been identified or the Presiding Officer of the polling station at which he is on election duty.

45. **Assistance to illiterate or infirm electors—** (1) If an elector is unable through illiteracy, blindness or other physical infirmity to record his vote on a postal ballot paper and sign the declaration in Form 13A, he shall take the ballot paper, together with the declaration and the covers received by him to an officer referred to in sub-rule (2) of rule 44 and request such officer to record his vote and sign the declaration on his behalf.

(2) Such officer shall thereupon mark the ballot paper in accordance with the wishes of the elector in his presence, sign the declaration on behalf of the elector and complete the appropriate certificate contained in Form 13A.

46. **Re-issue of postal ballot paper -** (1) When a postal ballot paper and other papers sent under rule 43 are for any reason returned undelivered, the Returning Officer may re-issue them by post under certificate of posting or deliver them or cause them to be delivered to the elector personally on a request being made by him,

(2) If any elector has inadvertently dealt with his ballot paper or any or other paper sent to him under rule 43 in such a manner that they cannot conveniently be used, a second set of the papers shall be issued to him after he has returned the spoilt papers and satisfied the Returning Officer of the inadvertence.

(3) The Returning Officer shall cancel the spoilt papers so returned and keep them in a separate packet after noting thereon the particulars of the election and the serial numbers of all such cancelled ballot papers.

47. **Return of postal ballot papers—** (1) After an elector has recorded his vote and made his declaration under rule 44 or rule 45, he shall return the postal ballot paper and declaration to the Returning Officer of the ward in which the elector is entitled to vote, in accordance with the instructions communicated to him in Form 13D so as to reach the Returning Officer before the hour fixed for commencement of counting of votes on the date or the last of the dates fixed for the poll.

(2) If any cover containing a postal ballot paper is received by the Returning Officer after the expiry of the time fixed in sub-rule (1) he shall note thereon the date and time of its receipt and shall keep all such covers together in a separate packet.

(3) The Returning Officer shall keep in safe custody until the commencement of the counting of votes all covers containing postal ballot papers received by him.

CHAPTER VI - VOTING IN WARDS

48. **Definitions** - In this Chapter, unless the context otherwise requires--

- (a) "candidate" means a contesting candidate;
- (c) "polling agent" in relation to a polling station means a polling agent of a candidate duly appointed under rule 27 for the polling station and includes a candidate and the election agent of the candidate when present at the polling station.

49. **Design of ballot boxes**- The design of every ballot box or electronic voting machine (EVM) shall on the pattern, approved and utilized by the Election Commission of India.

50. **Form of ballot papers** - (1) Every ballot paper shall have a counterfoil attached thereto and the said ballot paper and the counterfoil shall be in such form and the particulars therein shall be printed in such language or languages as the Administrator may direct.

(2) The names of the candidates shall be arranged on the ballot paper in the same order in which they appear in the list of contesting candidates.

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

51. **Arrangements at polling stations** - (1) Outside each polling station there shall be displayed prominently--

- (a) a notice specifying the polling area the electors of which are entitled to vote at the polling station and when the polling area has more than one polling station, the particulars of the electors so entitled; and
- (b) a copy of the list of contesting candidates.

(2) At each polling station, there shall be set up one or more voting compartments in which electors can record their votes screened from observations.

(3) The Returning Officer shall provide at each polling station sufficient number of ballot boxes, copies of the relevant part of the electoral roll, ballot papers, instruments for stamping, the distinguishing mark on ballot papers and articles necessary for electors to mark the ballot papers.

52. **Admission to polling station**- The Presiding Officer shall regulate the number of electors to be admitted at any one time inside the polling station and shall exclude therefrom all persons other than--

- (a) polling Officer;
- (b) public servants on duty in connection with the election;
- (c) persons authorised by the Director,
- (d) candidates, their election agents and subject to the provisions of rule 27, one polling agent of each candidate;
- (e) a child in arms accompanying an elector;

- (f) a person accompanying a blind or infirm elector who cannot move without help;
- (g) such other persons as the Returning Officer or the Presiding Officer may employ under sub-rule (2) of rule 55 or sub-rule (1) of rule 56.

53. Preparation of ballot boxes for Poll— (1) Where a paper seal is used for securing a ballot box, the Presiding Officer shall affix his own signatures on the paper seal and obtain thereon the signatures of such of the polling agents present as are desirous of affixing the same.

(2) The Presiding Officer shall thereafter fix the paper seal so signed in the space meant therefor in the ballot box and shall then secure and seal the box in such manner that the slit for the insertion of ballot paper thereinto remains open.

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

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

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

- (a) the serial number, if any, and name of the ward;
- (b) the serial number and name of the polling station;
- (c) the serial number of the ballot box (to be filled in at the end of the poll on the label outside the ballot box only); and
- (d) the date of poll.

(6) Immediately before the commencement of the poll, the Presiding Officer shall demonstrate to the polling agents and other persons present that the ballot box is empty and bears the labels referred to in sub-rule (5).

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

54. Marked copy of electoral roll— Immediately before the commencement of the poll, the Presiding Officer shall also demonstrate to the polling agents and others present that the marked copy of the electoral roll to be used during the poll does not contain—

- (a) any entry other than that made in pursuance of clause (b) of sub-rule (2) of rule 41; and
- (b) any mark other than the mark made in pursuance of clause (b) of sub-rule (2) of rule 43.

55. **Facilities for women electors -** (1) Where a polling station is for both men and women electors, the Presiding Officer may direct that they shall be admitted into the polling station alternately in separate batches.

(2) The returning Officer or the Presiding Officer may appoint a woman to serve as an attendant at any polling station to assist women electors and also to assist the Presiding Officer generally in taking the poll in respect of women electors and in particular, to help in searching any women elector in case it becomes necessary.

56. **Identification of electors -** (1) The Presiding Officer may employ at the polling station such persons as he thinks fit to help in the identification of the electors or to assist him otherwise in taking the poll.

(2) As each elector enter the polling station, the Presiding Officer or the Polling Officer authorised by him in this behalf shall check the elector's name and other particulars with the relevant entry in the electoral roll and then call out the serial number, name and other particulars of the electors.

(3) In deciding the right of a person to obtain ballot paper, the Presiding Officer or the Polling officer, as the case may be, shall overlook merely clerical or printing errors in an entry in the electoral roll, if he is satisfied that such person is identical with the elector to whom such entry relates.

57. **Facilities for public servants on election duty-** (1) The provisions of rule 56 shall not apply to any person who produces at the polling station an election duty certificate in Form 12B and asks for the issue of a ballot paper to him although the polling station is different from the one where he is entitled to vote.

(2) On production of such certificate, the presiding officer shall-

- (a) obtain thereon the signature of the person producing it;
- (b) have the person's name and electoral roll number as mentioned in the certificate entered at the end of the marked copy of the electoral roll; and
- (c) issue to him a ballot paper, and permit him to vote in the same manner as for an elector entitled to vote at that polling station.

58. **Challenging of identity-** (1) Any polling agent may challenge the identity of a person claiming to be a particular elector by first depositing a sum of two rupees in cash with the Presiding Officer for each such challenge.

(2) On such deposit being made, the Presiding Officer shall--

- (a) warn the person challenged of the penalty for personation;
- (b) read the relevant entry in the electoral roll in full and ask him whether he is the person referred to in that entry.
- (c) enter his name and address in the list of challenged votes in Form 14 ; and
- (d) require him to affix his signature in the said list.

(3) The Presiding Officer shall thereafter hold a summary inquiry into the challenge and may for that purpose—

- (a) require the challenger to adduce evidence in proof of the challenge and the person challenged to adduce evidence in proof of his identity;
- (b) put to the person challenged any questions necessary for the purpose of establishing his identity and require him to answer them on oath; and
- (c) administer an oath to the person challenged and any other person offering to give evidence.

(4) If, after the 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 Government and in any other case, he shall return it to the challenger at the conclusion of the inquiry.

59. Safeguard against personation- (1) Every elector about whose identity the Presiding Officer or the Polling Officer, as the case may be, is satisfied, shall allow his left forefinger to be inspected by the Presiding Officer or Polling Officer and an indelible ink mark to be put on it.

(2) If any elector refuses to allow his left fore-finger to be inspected or marked in accordance with sub-rule (1) or has already such a mark on his left fore-finger or does any act with a view to removing the ink mark, he shall not be supplied with any ballot paper or allowed to vote.

(3) Any reference in this rule to the left fore-finger of an elector shall, in the case where the elector has his left fore-finger 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 a reference to the fore-finger or any other finger of his right hand, and shall in the case where all his fingers of both the hands are missing, be construed as a reference to such extremity of his left or right arm as he possesses.

60. Issue of ballot paper to electors - (1) Every ballot paper before it is issued to an elector, and the counterfoil attached thereto shall be stamped on the back with such distinguishing mark as the Director may direct and every ballot paper, before it is issued, shall be signed in full on its back by the Presiding Officer.

(2) At the time of issuing a ballot paper to an elector, the polling officer shall—

- (a) record on its counterfoil the electoral roll number of the elector as entered in the marked copy of the electoral roll;
- (b) obtain the signatures or thumb impression of the elector on the said counterfoil; and
- (c) mark the name of the elector in the marked copy of the electoral roll to indicate that a ballot paper has been issued to him without however recording therein the serial number of the ballot paper issued to that elector;

Provided that no ballot paper shall be delivered to an elector unless he has put his signatures or thumb impression on the counterfoil of that paper.

(3) Notwithstanding anything contained in sub-rule (2) of rule 2, it shall not be necessary for any Presiding Officer or Polling Officer or any other officer to attest the thumb impression of the elector on the counterfoil.

(4) No person in the polling station shall note down the serial number of the ballot papers issued to particular electors.

61. Maintenance of secrecy of voting by electors within polling station and voting procedure - (1) Every elector to whom a ballot paper has been issued under rule 60 or under any other provision of these rules, shall maintain secrecy of voting within the polling station and for that purpose observe the voting procedure hereinafter laid down.

(2) The elector on receiving the ballot paper shall forthwith-

- (a) proceed to one of the voting compartments;
- (b) there make a mark on the ballot paper with the instrument supplied for the purpose on or near the symbol of the candidate for whom he intends to vote;
- (c) fold the ballot paper so as to conceal his vote;
- (d) if required show to the Presiding Officer the distinguishing mark on the ballot paper;
- (e) insert the folded ballot paper into the ballot box; and
- (f) quit the polling station.

(3) Every elector shall vote without undue delay.

(4) No elector shall be allowed to enter a voting compartment when another elector is inside it.

(5) If an elector to whom a ballot paper has been issued, refuses, after warning given by the Presiding Officer to observe the procedure as laid down in sub-rule (2), the ballot paper issued to him shall, whether he has recorded his vote thereon or not, be taken back from him by the Presiding Officer or a Polling Officer under the direction of the Presiding officer.

(6) After the ballot paper has been taken back, the Presiding Officer shall record on its back the words "Cancelled: voting procedure violated" and put his signature below those words.

(7) All the ballot papers on which the words "Cancelled: voting procedure violated" are recorded, shall be kept in a separate cover which shall bear on its face the words "Ballot papers: voting procedure violated".

(8) Without prejudice to any other penalty to which an elector, from whom a ballot paper has been taken back under sub-rule (5), may be liable, the vote, if any, recorded on such ballot paper shall not be counted.

62. Recording of votes of blind or infirm electors - (1) If the Presiding Officer is satisfied that owing to the blindness or other physical infirmity, an elector is unable to recognise the symbol on the ballot paper or to make a mark thereon without assistance, the Presiding Officer shall permit the elector to take with him a companion of not less than eighteen years of age to the voting compartment for recording the vote on the ballot paper on his behalf and in accordance with his wishes, and if necessary, for folding the ballot paper so as to conceal the vote and inserting it into the ballot box:

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

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

(2) The Presiding Officer shall keep a record in Form 14A of all cases under this rule.

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

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

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

64. Tendered Votes- (1) If a person representing himself to be a particular elector applies for a ballot paper after another person has already voted as such elector, he shall, on satisfactorily answering such questions relating to his identity as the Presiding Officer may ask, be entitled, subject to the following provisions of this rule, to mark a ballot paper (hereinafter in these rules referred to as a "tendered ballot paper") in the manner as any other elector.

(2) Every such person shall, before being supplied with a tendered ballot paper, sign his name against the entry relating to him in a list in Form 15.

(3) A tendered ballot paper shall be the same as the other ballot papers used at the polling except that-

- (a) such tendered ballot paper shall be serially the last in the bundle of ballot papers issued for use at the polling station; and
- (b) such tendered ballot paper and its counterfoil shall be endorsed on the back with the words "tendered ballot paper" by the Presiding Officer in his own hand and signed by him.

(4) The elector, after marking a tendered ballot paper in the voting compartment and folding it, shall instead of putting it into the ballot box, give it to the Presiding Officer who shall place it in a cover specially kept for the purpose.

65. Closing of poll- (1) The Presiding Officer shall close a polling station at the hour fixed in that behalf under rule 36 and shall not thereafter admit any elector into the polling station:

Provided that all electors present at the polling station before it is closed shall be allowed to cast their votes.

(2) If any question arises whether an elector was present at the polling station before it was closed, it shall be decided by the Presiding Officer and his decision shall be final.

66. **Sealing of ballot boxes after poll-** (1) As soon as practicable after the closing of the poll, the Presiding Officer shall close the slit of the ballot box, and where the box does not contain any mechanical device for closing the slit, he shall seal up the slit and also allow any polling agent 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 ballot 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.

(4) The foregoing provisions of this rule shall not apply at a polling station to the Presiding Officer of which the Director has issued a direction asking him to proceed in accordance with sub-rule (5).

(5) At any such polling station, as soon as practicable, after the close of poll, the Presiding Officer shall-

- (a) transfer all the ballot papers contained in the ballot box or boxes used at the polling station, without examining or counting them and with due regard to the secrecy of the ballot, into a cloth bag or cloth lined cover, after demonstrating to the polling agents present that the bag or cover is empty.
- (b) allow the polling agents present to inspect each ballot box and demonstrate to them that it has been emptied.
- (c) record on the bag or cover, the name of the ward, the name of the polling station and the date of the poll; and
- (d) seal the bag or cover and allow any polling agent present to affix his seal thereon.

67. **Account of ballot paper-** (1) The Presiding Officer shall at the close of the poll prepare a ballot paper account in Form 16 and enclose it in a separate cover with the words "Ballot Paper Account" superscribed thereon.

(2) The Presiding Officer shall permit a polling agent who so desires to take a true copy of the entries made in the ballot paper account and shall attest it as true copy.

68. **Sealing of other packets-** (1) The Presiding Officer shall then make into separate packets-

- (a) the marked copy of the electoral roll;
- (b) the counterfoils of the used ballot papers;
- (c) the ballot paper signed in full by the Presiding Officer under sub-rule (1) of rule 60, but not issued to the voters;
- (d) any other ballot papers not issued to the voters;
- (e) the ballot papers cancelled for violation of voting procedure under rule 61;
- (f) any other cancelled ballot papers;
- (g) the cover containing the tendered ballot papers and the list in Form 15;

- (h) the list of challenged votes; and
- (i) any other papers directed by the Director to be kept in a sealed packet.

(2) Each such packet shall be sealed with the seals of the Presiding Officer and with the seals either of the candidate or of his election agent or of his polling agent who may be present at the polling station and may desire to affix his seals thereon.

69. Transmission of ballot boxes, etc. to the Returning Officer- (1) The Presiding Officer shall then deliver or cause to be delivered to the Returning Officer at such place as the Returning Officer may direct-

- (a) the ballot boxes or as the case may be, the bags or covers referred to in rule 66.
- (b) the ballot paper account;
- (c) the sealed packets referred to in rule 68 ; and
- (d) all other papers used at the poll.

(2) The Returning Officer shall make adequate 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.

70. Procedure on adjournment of poll- (1) If the poll at any polling station is adjourned under rule 37, the provisions of rules 66 to 69 shall, as far as practicable, apply as if the poll was closed at the hour fixed in that behalf under rule 36.

(2) When an adjourned poll is recommenced under sub-rule (2) of rule 37, the electors who have already voted at the poll so adjourned shall not be allowed to vote again.

(3) The Returning Officer shall provide the Presiding Officer of the polling station at which such adjourned poll is held, with the sealed packet containing the marked copy of the electoral roll and a new ballot box.

(4) The Presiding Officer shall open the sealed packet in the presence of such candidate or their polling agents as may be present and use the marked copy of the electoral roll for marking the names of the electors to whom the ballot papers are issued at the adjourned poll, without however recording therein the serial number thereof.

(5) The provisions of rules 48 to 69 shall apply in relation to the conduct of an adjourned poll as they apply in relation to the poll before it was so adjourned.

CHAPTER VII - COUNTING OF VOTES

71. Definitions- In this chapter, unless the context otherwise requires-

- (a) "candidate" means a contesting candidate;

- (b) "counting agent" means a counting agent duly appointed under rule 28 and includes a candidate when present at the counting.

72. Time and place for counting of votes- (1) At every election where a poll is taken, votes shall be counted by or under the supervision and direction of the Returning Officer and each contesting candidate, his election agent and his counting agent shall have a right to be present at the time of counting.

(2) The Returning Officers shall, at least one week before the date, or the first of the days fixed for the poll, appoint the place or places where the counting of votes will be done and the date and time at which the counting will commence and shall give notice of the same in writing to each candidate or election agent.

Provided that if for any reason the Returning Officer finds it necessary so to do, he may alter the date, time and place or places so fixed, or any of them, after giving notice of the same in writing to each candidate or his election agent.

73. Destruction, loss, etc. of ballot papers at the time of counting (1) If at any time before the counting of votes is completed, any ballot papers used at a polling station are unlawfully taken out of the custody of the Returning Officer or are accidentally or intentionally destroyed or lost or are damaged or tampered with, to such an extent that the result of the poll at the polling station cannot be ascertained, the Returning Officer shall forthwith report the matter to the Director.

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

- (a) direct that the counting of votes shall be stopped, declare the poll at that polling station or place to be void, appoint a day and fix the hours for taking a fresh poll at that polling station or place and notify the date so appointed and hours so fixed in such manner as he may deem fit, or
- (b) if satisfied that the result of a fresh poll at that polling station or place will not, in any way affect the result of the election, issue such direction to the Returning Officer as he may deem proper for the resumption and completion of the counting and for the further conduct and completion of the election in relation to which the votes have been counted.

(3) The provisions of these rules shall apply to every such fresh poll as they apply to the original poll.

74. Appointment of counting agents and revocation of such appointments - (1) The number of counting agents that a candidate may appoint under rule 28 shall, subject to such general or special direction as the Director may issue in this behalf, not exceed ten at the place or each of the places fixed for counting under rule 72 (2).

(2) Every such appointment shall be made in Form 17 in duplicate, one copy of which shall be forwarded to the Returning Officer while the other copy shall be made over to the counting agent for production before the Returning Officer not later than one hour before the time fixed for counting under rule 72 (2).

(3) No counting agent shall be admitted into the place fixed for counting unless he has delivered to the Returning Officer the second copy of his appointment under sub-rule (2) after duly completing and signing

the declaration contained therein and receiving from the Returning Officer an authority for entry into the place fixed for counting.

(4) The revocation of the appointment of a counting agent under sub-rule (2) of rule 29 shall be made in Form 18 and lodged with the Returning Officer.

(5) In the event of any such revocation before the commencement of the counting of votes, the candidate or his election agent may make a fresh appointment in accordance with sub-rule (2).

75. Admission to the place fixed for counting - (1) The Returning Officer shall exclude from the place fixed for counting of votes all persons except-

- (a) such persons (to be known as counting supervisors and counting assistants) as he may appoint to assist him in the counting;
- (b) persons authorised by the Director;
- (c) public servants on duty in connection with the election; and
- (d) candidates, their election agents and counting agents

(2) No person who has been employed by or on behalf of, or has been otherwise working for, a candidate in or about the election shall be appointed under clause (a) of sub-rule (1).

(3) The Returning Officer shall decide which counting agent or agents shall watch the counting at any particular counting table or group of counting tables.

(4) Any person who during the counting of votes misconducts himself or fails to obey the lawful directions of the Returning Officer may be removed from the place where the votes are being counted by the Returning Officer or by any police officer on duty or by any person authorised in this behalf by the Returning Officer.

76. Maintenance of secrecy of voting- The Returning Officer shall, before he commences the counting, read out the provisions of Section 23 of the Delhi Municipal Corporation Act, 1957 to such persons as may be present.

77. Counting of votes received by post- (1) The Returning Officer shall first deal with the postal ballot papers in the manner hereinafter provided.

(2) No cover in Form 13C received by the Returning Officer after the expiry of the time fixed in that behalf shall be opened and no vote contained in any such cover shall be counted.

(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 13A contained therein.

(4) If the said declaration is not found, or has not been duly signed and attested, or is otherwise substantially defective, or if the serial number of the ballot paper as entered in it differs from the serial number endorsed on the cover in Form 13B, the 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 cover in Form 13C and all such covers in Form 13C shall be kept in a separate packet which shall be sealed and on which shall be recorded the name of the ward, the date of counting and a brief description of its contents.

(6) The Returning Officer shall then place all the declaration in Form 13A which he has found to be in order in a separate packet which shall be sealed before any cover in Form 13B is opened and on which shall be recorded the particulars referred to in sub-rule (5).

(7) The covers in Form 13B not already dealt with under the foregoing provisions of this rule shall then be opened one after another and Returning Officer shall scrutinise each ballot paper and decide the validity of the vote recorded thereon.

(8) A postal ballot paper shall be rejected_____

- (a) if it bears any mark (other than the mark to record the vote) or writing by which the elector can be identified ; or
- (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 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 elector by the Returning officer.

(9) A vote recorded on a postal paper shall be rejected if the mark indicating the vote is placed on the ballot paper in such manner as to make it doubtful to which candidate the vote has been given.

(10) A vote recorded on a postal ballot paper shall not be rejected merely on the ground that the mark indicating the vote is in distinct 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.

(11) The Returning Officer shall count all the valid votes given by postal ballot in favour of each candidate, record the total thereof in the result sheet in Form 19 and announce the same.

(12) Thereafter, all the valid ballot papers and all the rejected ballot papers shall be separately bundled and kept together in a packet which shall be sealed with the seals of the Returning Officer and of such of the candidate, their election agents or counting agents as may desire to affix their seals thereon and on the packet so sealed shall be recorded the name of the ward, the date of counting and a brief description of its contest.

78. Scrutiny and opening of ballot boxes - (1) The Returning Officer may have the ballot box or boxes used at more than one polling stations opened and the ballot papers found in such box or boxes counted simultaneously.

(2) Omitted

(3) Before any ballot box is opened at a counting table, the counting agents present at that table shall be allowed to inspect the paper seal or such other seal as might have been affixed thereon and to satisfy themselves that it is intact.

(4) The Returning Officer shall satisfy himself that none of the ballot boxes has in fact been tampered with.

(5) If the Returning Officer is satisfied that any ballot box has in fact been tampered with, he shall not count the ballot papers contained in that box and shall follow the procedure laid down in rule 38 in respect of that polling station.

79. Counting of votes— (1) The ballot papers taken out of each ballot box shall be arranged in convenient bundles and scrutinised.

(2) The Returning Officer shall reject a ballot paper—

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

Provided that where the Returning Officer is satisfied that any such defect as is mentioned in clause (g) or clause (h) has been caused by any mistake or failure on the part of a Presiding Officer or Polling officer, the ballot paper shall not be rejected merely on the ground of such defect:

Provided further that a ballot paper shall not be rejected merely on the ground that the mark indicating the vote is indistinct or made more than once, if the intention that the vote shall be for a particular candidate clearly appears from the way the paper is marked.

(3) Before rejecting any ballot paper under sub-rule (2), the Returning Officer shall each counting agent present a reasonable opportunity to inspect the ballot paper but shall not allow him handle it or any other ballot paper.

(4) The Returning Officer shall endorse on every ballot paper which he rejected the word "Rejected" and the grounds of rejection in abbreviated form either in his own hand or by means of a stamp and shall initial such endorsement.

(5) All ballot papers rejected under this rule shall be bundled together.

(6) Every ballot paper which is not rejected under this rule shall be counted as one valid vote.

Provided that no cover containing tendered ballot papers shall be opened and no such paper shall be counted.

(7) After the counting of all the ballot papers contained in all the ballot boxes used at a polling station has been completed:-

(a) the counting supervisor shall fill in and sign part-II - Result of counting in Form -16, which shall also be signed by the Returning Officer, and

(b) the Returning Officer shall make the entries in a result sheet in Form -19 and announce the particulars.

80. Sealing of used ballot papers- The valid ballot papers of each candidate and the rejected ballot papers shall thereafter be bundled separately and the several bundles made up into a separate packet which shall be sealed with the seals of the Returning Officer and of such of the candidates, their election agents or counting agents as may desire to affix their seals thereon; and on the packets so sealed shall be recorded the following particulars, namely:-

(a) the name of the ward;

(b) the particulars of the polling station where the ballot papers have been used; and

(c) the date of counting.

81. Counting of ballot papers transferred to bags and covers under rule 66 - The provisions of rules 78, 79 and 80 shall apply so far as may be in relation to counting of ballot papers and votes, if which have been transferred from ballot boxes to cloth bags or cloth-lined covers under sub-rule (5) of rule 66.

Provided that every reference in the said rules to a ballot box shall be construed as a reference to a bag or cover to which the contents of a ballot box have been transferred.

82. Counting to be continuous- The Returning Officer shall, as far as practicable, proceed continuously with the counting and shall, during any intervals when the counting has to be suspended, keep the ballot papers, packets and all other papers relating to the election sealed with his own seals and the seals of the candidates or election agents as may desire to affix their seals and take sufficient precaution for their safe custody during such intervals.

83. Recommencement of counting after fresh poll- (1) If a fresh poll is held under rule 38, the Returning Officer shall, after completion of that poll, recommence the counting of votes on the date and at the time and place which have been fixed by him in that behalf and of which notice has been previously given to the candidates and their election agents.

(2) The provisions of rules 79 and 80 shall apply so far as may be to such further counting.

84. Re-count of votes- (1) After the completion of the counting, the Returning Officer shall record in the result sheet in Form 19 the total number of votes polled by each candidate and announce the same.

(2) After such announcement has been made, a candidate or in his absence, his election agent or any of his counting agents, may apply in writing to the Returning Officer to recount the votes either wholly or in part stating the grounds on which he demands such recount.

(3) On such an application being made, the Returning Officer shall decide the matter and may allow the applications in whole or in part or may reject it in toto if it appears to him to be frivolous or unreasonable.

(4) Every decision of the Returning Officer under sub-rule (3) shall be in writing and contain the reasons therefor.

(5) If the Returning Officer decides under sub-rule (3) to allow a recount of the votes either wholly or in part he shall-

- (a) do the recounting in accordance with rule 77 and 79;
- (b) amend the result sheet in Form 19 to the extent necessary after such recount ;and
- (c) announce the amendments so made by him.

(6) After the total number of votes polled by each candidate has been announced under Clause (c) of sub-rule (5), the Returning Officer shall complete and sign the result sheet in Form 19 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 (2).

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

86. Declaration of result of election and return of election- (1) The Returning Officer shall, subject to the provision of rule 85 if and so far as they apply to any particular case, then-

- (a) declare in Form 20 B or Form 20C, as may be appropriate, the candidate to whom the largest number of valid votes has been given, to be elected and send signed copies thereof to the Director, and

- (b) complete and certify the return of election in Form 20 D and send signed copies thereof to the Director;
 - © Before declaration of result of election of a ward where the marginal victory is less than one percent of the total valid votes polled, the Returning Officer shall obtain prior approval of the Director.
- (2) The Director shall cause to publish in the Delhi Gazette the declarations containing the names of the elected candidates;
87. **Counting at two or more places**— If ballot papers are counted at more places than one, the provisions of rule 75, 76, 78 to 82 shall apply to the counting at each such place, but the provisions of rules 77, 84, 85 and 86 shall apply only to the counting at the last of such places.
88. **Grant of certificate of election to returned candidate**— As soon as may be after a candidate has been declared by the Returning Officer under rule 35 (2) or 86 to be elected, the Returning Officer shall grant to such candidate, a certificate of election in Form 21 and obtain from the candidate an acknowledgement of its receipt duly signed by him and immediately send the acknowledgement to the Director.
89. **Election to more than one seat**— If a person is elected to more than one seat, then unless within three days from the date of publication of the result of election under rule 86 (2), he resigns all but one of the seats by writing under his hand addressed to the Director, all the seats shall become vacant.
90. **Date of election of candidate**— For the purposes of these rules, the date on which a candidate is declared by the Returning Officer under provisions of rule 35 (2) or rule 86, to be elected shall be the date of election of that candidate.
91. **Custody of papers relating to election** - (1) All ballot boxes used at an election shall be kept in such custody as the Director may direct.
- (2) The election officer shall keep in safe custody—
- (a) the packets of unused ballot papers with counterfoils attached thereto;
 - (b) the packets of used ballot papers whether valid, tendered or rejected;
 - (c) the packets of the counterfoils of used ballot papers;
 - (d) the packets of the marked copy of the electoral roll;
 - (e) the packets of the declarations by electors and the attestation of their signatures; and
 - (f) all other papers relating to the election.
92. **Production and inspection of election papers**— (1) while in the custody of the election officer—
- (a) the packets of unused ballot papers with counterfoils attached thereto;
 - (b) the packets of used ballot papers whether valid, tendered or rejected.
 - (c) the packets of the counterfoils of used ballot papers;
 - (d) the packets of the marked copy of the electoral roll;

- (c) the packets of the declarations by electors and the attestation of their signatures;

shall not be opened and their contents shall not be inspected by, or produced before, any person or authority except under the order of a competent court.

(2) Subject to such conditions and to the payment of such fee as the Director may direct-

- (a) all other papers relating to the election shall be open to public inspection; and
- (b) copies thereof shall on application be furnished.

(3) Copies of the returns by the Returning Officer forwarded under rule 86 shall be furnished by the election officer, on payment of a fee of two rupees for each copy.

93. Disposal of election papers— Subject to any directions to the contrary given by the Director, or by a competent court-

- (a) the packets of unused ballot papers shall be retained for a period of six months and shall thereafter be destroyed in such manners as the Director may direct.
- (b) The other packets referred to in sub-rule (1) of the rule 92 shall be retained for a period of one year and shall thereafter be destroyed:

Provided that packets containing the counterfoils of used ballot papers shall not be destroyed except with the previous approval of the Director.

- (c) all other papers relating to the election shall be retained for such period as the Director may direct.

PART-IV

DISPUTE REGARDING ELECTIONS

94. Definitions— In this part, unless the context otherwise requires-

- (a) 'candidate' means a person who has been or claims to have been duly nominated as a candidate at any election and any such person shall be deemed to have been a candidate as from the time when, with the election in prospect, he began to hold himself out as a prospective candidate;
- (b) 'costs' means all costs, charges and expenses of, or incidental to, a trial of an election petition;
- (c) 'electoral right' means the right of a person to stand or not to stand as, or to withdraw or not to withdraw from being, a candidate or to vote or refrain from voting at an election;

- (d) **Omitted**
- (e) 'High Court' means the High Court of Delhi;
- (f) 'Pleader' means any person entitled to appear and plead for another in a civil court and includes an advocate, a vakil and an attorney of a High Court;
- (g) **Omitted.**

95. **Omitted**

96. **Additional contents of petition** - (1) Where the petitioner alleges any corrupt practice, an election petition shall, in addition to complying with the provisions of Section 15 of Delhi Municipal Corporation Act, 1957 also set forth full particulars of that corrupt practice including as full statements as possible of the names of the parties alleged to have committed such corrupt practice and the date and place of the commission of each corrupt practice and shall also be accompanied by an affidavit in the prescribed form in support of such corrupt practice and the particulars thereof.

(2) Any schedule or annexure to the petition shall also be signed by the petitioner and verified in the same manner as the petition.

97. **Omitted.**

98. **Petition to be dismissed** - If the provisions of Section 15 of the Delhi Municipal Corporation Act, 1957 or rule 96 are not complied with, the court shall dismiss the petition:

Provided that the petition shall not be dismissed without giving the petitioner an opportunity of being heard.

99. **Appearance before the court**- Any appearance, application or act before the court may be made or done by the party in person or by a pleader duly appointed to act on his behalf:

Provided that it shall be open to the court to direct any party to appear in person whenever the court considers it necessary.

100. **Powers of the court**- The court shall have the powers which are vested in a civil court when trying a suit in respect of the following matters:-

- (a) discovery and inspection;
- (b) enforcing the attendance of witnesses and requiring the deposit of their expenses;
- (c) compelling the production of documents;
- (d) examining of witnesses on oath;
- (e) granting adjournments;
- (f) reception of evidence taken on affidavit; and
- (g) issuing of commissions for the examination of witnesses.

101. **Documentary evidence** - Notwithstanding any thing contained in any other law to the contrary, no document shall be inadmissible in evidence at the trial of an election petition on the ground, that it is not duly stamped or registered.

102. **Omitted**

103. **Omitted**

104. **Secrecy of voting not to be infringed-** No witness or other person shall be required to state for whom he has voted at an election.

105. **Omitted**

106. **Omitted**

107. **Order as to costs-** The court may, while making an order under section 19 of the Delhi Municipal Corporation Act, 1957 also fix thereby total amount of costs payable:

Provided that where a petition is dismissed under clause (a) of sub-section (1) of section 19 of Delhi Municipal Corporation Act, 1957 the returned candidate shall be entitled to the costs incurred by him in contesting the petition and accordingly the court shall make an order for costs in favour of the returned candidate.

108. **Communication of order to the Director and transmission of the record of the case-** The court shall, after announcing the order made by it under Section 19 of the Delhi Municipal Corporation Act, 1957, send a copy of the order and records of the case to the Director.

109. **Deposit of security** - (1) The petitioner shall enclose with the petition a receipt showing that a deposit of five hundred rupees has been made by him with the Director or any officer designated by him for the purpose, as security for the costs of the petition.

(2) No person shall be entitled to be joined as a respondent unless he has given such security for costs, as the court may direct.

110. **Costs-** Costs, including pleader's fee, shall be in the discretion of the court and shall be paid out of the security deposit provided for in rule 109 and the balance, if any, may be recovered through the court.

111. **Payment of costs out of security deposit and return of such deposits-** (1) If in any order as to costs under provision of this Part, there is a direction for payment of costs by any party to any person, such costs shall, if they have not been already paid, be paid in full, or so far as possible, out of security deposit made by such party under this Part on an application made in writing in that behalf within a period of six months from the date of the order of the court to the Director by the person in whose favour the costs have been awarded.

If there is any balance left of the said security deposit after payment under sub-rule (1) of the costs referred to in that sub-rule, such balance, or where no costs have been awarded or no application as

aforesaid has been made within the said period of six months, the whole of the said security deposit may, on an application made in that behalf in writing to the Director by the person by whom the deposit has been made, or if such person dies after making such deposit, by the legal representative of such persons, be returned to the said person or to his legal representative, as the case may be.

PART V

CORRUPT PRACTICES

CHAPTER I

112. Corrupt practices- In addition to corrupt practices specified in Section 22 of the Delhi Municipal Corporation Act, 1957, the following shall also be deemed to be the corrupt practices:-

1 to 7 * Omitted

The obtaining or procuring or abetting or attempting to obtain or procure by a candidate or his agent or by any other person 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.

- (a) in the service of the Gurdwaras as defined in the Delhi Sikh Gurdwaras Act, 1971.
- (b) in the service of the Government and belonging to any of the following classes, namely:
 - (i) gazetted officer;
 - (ii) judges and magistrates;
 - (iii) members of the Armed Forces of the Union;
 - (iv) members of the Police forces
 - (v) excise officers;
 - (vi) revenue officers other than village revenue officers known as lamboardars, 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 functions; and
 - (vii) such other class of persons in the service of the Government as may be prescribed by the Central Government.

Explanation :- For the purpose of this rule, a person shall be deemed to assist in furtherance of the prospect of a candidates' election if he acts as an election agent or a polling agent or a counting agent of that candidate.

PART VI

ELECTORAL OFFENCES

113. Omitted.

114. Disturbances at election meetings- (1) Any person who at a public meeting to which this rule applies acts, or incites other to act, in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called together, shall be punishable with fine which may extend to two hundred and fifty rupees.

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

(3) If any Police officer reasonably suspects any person of committing an offence under sub-rule (1), he may, if requested so to do by the chairman of the meeting, require that person to declare to him immediately his name and address and, if that person refuses or fails so to declare his name and address, or if the police officer reasonably suspects him of giving a false name or address, the police officer may arrest him without warrant.

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

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

- (a) unless a declaration as to the identity of the publisher thereof signed by him and attested by two persons to whom he is personally known, is delivered by him to the printer in duplicate; and
- (b) unless, within a reasonable time after the printing of the document, one copy of the declaration is sent by the printer, together with one copy of the document,-
 - (i) to the Director; and
 - (ii) to the District Magistrate, Delhi

(3) For the purposes of this rule-

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

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

(4) Any person who contravenes any of the provisions of sub-rule (1) or sub-rule (2) shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees or with both.

116. Omitted

117. Omitted

118. Omitted

119. **Penalty for disorderly conduct in or near polling station-** (1) No person shall, on the date or dates on which a poll is taken at any polling station-

- (a) use or operate within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof any apparatus for amplifying or reproducing the human voice, such as a megaphone or a loud-speaker ; or
- (b) shout or otherwise act in a disorderly manner, within or at entrance of the polling station or in any public or private place in the neighbourhood thereof;

so as to cause annoyance to any person visiting the polling station for the poll, or so as to interfere with the work of the officer and other persons on duty at the polling station.

(2) Any person who contravenes or wilfully aids or abets the contravention of the provisions of sub-rule (1), shall be punishable with imprisonment for a term which may extend to three months, or with fine, or with both.

(3) If the Presiding Officer of a polling station has reasons to believe that any person is committing or has committed an offence punishable under this rule, he may direct any police officer to arrest such person, and thereupon the police officer shall arrest him.

(4) Any police officer may take such steps and use such force, as may be reasonably necessary for preventing any contravention of the provisions of sub-rule (1) and may seize any apparatus used for such contravention.

(5) An offence punishable under this rule shall be cognizable.

120. Omitted

121. Omitted

122. Omitted

123. Omitted

PART VII

MISCELLANEOUS

124. **Extension of time for completion of election** - It shall be competent for the Director for reasons which he considers sufficient to extend the time for the completion of any election by making necessary amendments in the notification issued by him under rule 12.

125. **Staff of Government and every local and statutory authority to be made available for election work**- Every officer of the Central Government and of every local and statutory authority in the Union territory of Delhi, shall when so requested by the Director make available to him such staff as may be necessary for the performance of any duties in connection with an election.

126. **Requisitioning of premises, vehicles etc. for election purposes** (1) If it appears to the Director that in connection with an election under these rules-

- (a) any premises are needed or are likely to be needed for the purpose of being used as a polling station or any other purpose in connection with the election; or
- (b) any vehicle or animal is needed or is likely to be needed for the purposes of transport of ballot boxes, ballot papers and other election material to or from any polling station or transport of any officer or other persons performing any duty in connection with such election or transport of members of the police force for maintaining order during conduct of such election;

The Director shall by an order in writing addressed to the person deemed by him to be the owner or person in possession of the premises property, effect the requisition and such order shall be served on such person by registered post or personal service.

Provided that no vehicle or animal which is being lawfully used by a candidate or his agent for any purpose connected with the election of such candidate shall be requisitioned under this rule.

(2) Whenever any property is requisitioned under sub-rule (1) the period of such requisition shall not extend beyond the period for which the property is required for any of the purposes mentioned in that sub-rule.

(3) Where any premises has been requisitioned under sub rule (1), the owner or the person in possession the premises shall deliver possession thereof to the Director or to any person authorised by him in writing in this behalf at the time specified for the purpose in the order of requisitioning and if any person refuses or fails to deliver possession, the Director may take possession of premises and may for that purpose use such force as may be necessary.

(4) Whenever any premises or any vehicle, or animals are requisitioned under this rule, there shall be paid to the person in actual possession of the premises immediately before the requisition or where no person was in actual possession, to the owner of the premises or as the case may be, to the owner of the vehicle, or animal, such compensation as the Director deems reasonable:

Provided that where any person does not accept the amount of compensation as reasonable, the Director shall refer the matter on an application by the aggrieved person, to an arbitrator for his decision and the decision of the arbitrator shall be final and binding on both the parties.

(5) Any premises requisitioned under this rule shall be released from requisition immediately on the expiry of the period for which it was requisitioned and the possession thereof shall be delivered to the person from whom the possession was taken or if there was no such person, to the person who in the opinion of the Director, is the owner and such delivery of the possession shall be full discharge of the Director from all liabilities in respect of such premises.

Provided that where the person to whom possession of any premises to be given under this rule cannot be found or has no agent or any other person authorised to accept delivery on his behalf, the Director shall cause a notice declaring that such premises are released from requisition, to be affixed on some conspicuous part of the premises and thereupon the premises cease to be subject to requisition and be deemed to have been delivered to the person entitled to possession thereof.

(6) The Administrator may by order in writing direct that any powers conferred or any duty imposed on the Director by this rule shall under such conditions, if any, as may be specified in the direction be exercised or discharged by such officer or class of officers as may be so specified.

By Order,
Mrs. S. Duggal, Dy. Secretary,
(Litigation)

FORM - I

Public Notice of Election

(See Rule 13)

Notice is hereby given that :

- (1) an election is to be held of a member to the Delhi Sikh Gurdwara Management Committee from the _____ ward.
- (2) Nomination papers may be delivered by a candidate or his proposer to the Returning Officer or to Assistant Returning officer at _____ between 11 A.M. and 3 P.M. on any day (other than a public holiday) not later than the _____.
- (3) forms of nomination papers may be obtained at the place and times aforesaid.
- (4) the nomination papers will be taken up for scrutiny _____ (hour) on _____ (date) at _____ (Place).
- (5) notice of withdrawal of candidature may be delivered by a candidate or his proposer or his election agent to either of the Officers specified in paragraph 2 above at his office before 3 P.M. on the _____ (date).
- (6) In the event of the election being contested, the poll will be taken on _____ between the hours of _____ and _____.

Date _____

Returning Officer,

Place _____

Ward _____

FORM - 2
Nomination Paper
 [See Rule 16 (1)]

Election to Delhi Sikh Gurdwara Management Committee from Ward No. _____
 (To be filled by the proposer)

I nominate the following as a candidate for election to the Delhi Sikh Gurdwara Management Committee from the _____ ward.

Candidate's name _____

His postal Address _____

His name is entered at S.No. _____ in Part No. _____ of the electoral rolls for _____ ward.

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

Date _____

Signature of proposer _____

(To be filled by candidate)

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 in this election by _____ (Party)
- (c) that the symbols I have chosen are, in order of preference (i) _____ (ii) _____ and (iii) _____

Date _____

Signature of candidate _____

*score out this clause, if not applicable.

(To be filled by the Returning officer)

Serial No. of nomination paper _____

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

Date _____

Returning officer. _____

Decision of Returning Officer accepting or rejecting the Nomination Paper

I have examined this nomination paper in accordance with rule 19 of the Delhi Sikh Gurdwara Management Committee (Election of members) Rules, 1974, and decide as follows:-

Date _____

Returning Officer _____

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

Serial No. of Nomination paper _____

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

Date _____

Returning Officer _____

*Score out the word not applicable.

FORM - 5
Notice of Withdrawal
[See Rule 20(1)]

Election to the Delhi Sikh Gurdwara Management Committee from Ward No. _____

To

The Returning officer,
 Ward No. _____

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

Place _____
 Date _____

Signature of candidate

This notice was delivered to me at my office at _____ (hour) on _____ (date) by
 _____ (name the*)

Date _____

Returning Officer

Receipt for Notice of withdrawal

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

The notice of withdrawal of candidature by _____, a candidate at the election to the Delhi Sikh Gurdwara Management Committee from Ward No: _____ was delivered to me by * _____ at my office at _____ (hour) on _____ (date)

Returning Officer

*Here insert one of the following alternatives as may be appropriate.

1. Candidate.
2. Candidate's proposer who has been authorised in writing by the candidate to deliver it.
3. Candidate's election agent who has been authorised in writing by the candidate to deliver it.

FORM -6

Notice of withdrawal of Candidatures
[See Rule 20 (4)]

Election to the Delhi Sikh Gurdwara Management Committee from Ward No. _____

Notice is hereby given that the following *candidate/candidates at the above election withdrew* his candidature/their candidatures today:-

Name of candidate	Address of candidate	Remarks
1.		
2.		
3.		
etc.		

Dated _____

Returning Officer

*Strike off the inappropriate alternative.

FORM-7
List of Contesting Candidates
[See Rule 21 (1)]

Election to the Delhi Sikh Gurdwara Management Committee from Ward No. _____

Serial No.	Name of candidate	Address of candidate	Symbol allotted
1	2	3	4
1.			
2.			
3.			
4.			
etc.			

Place _____
Date _____

Returning Officer

FORM-8

Appointment of Election Agent
(See Rule 23)

Election to the Delhi Sikh Gurdwara Management Committee from Ward No. _____

To

The Returning Officer
Ward No. _____

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

Place _____
Date _____

Signature of candidate

I accept the above appointment.

Place _____
Date _____

Signature of election agent

FORM -9

Revocation of appointment of Election Agent
[See Rule 25 (1)]

Election to the Delhi Sikh Gurdwara Management Committee from Ward No. _____

To

The Returning Officer,
Ward No. _____

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

Place _____
Date _____

Signature of candidate

FORM - 10

***Appointment of Polling Agent**
[See Rule 27(1)]

Election to the Delhi Sikh Gurdwara Management Committee from Ward No. _____

I, _____ a candidate/the election agent of _____ who is a
 candidate at the above election do hereby appoint _____ of _____ as
 a polling agent to attend polling station No. _____ at _____

Place _____

Date _____

Signature of candidate/election agent

I agree to act as such polling agent.

Place _____

Date _____

Signature of Polling agent

Declaration by polling agent to be signed before presiding officer.

I hereby declare that at the above election, I will not do anything forbidden by section 23 of the Delhi Municipal Corporation Act, 1957 which I have read/has been read over to me.

Date _____

Signature of polling agent/Presiding Officer

Signed before me.

 *To be handed over to the polling agent for production at the polling station.

****Strike out the inappropriate alternative**

Section 23 of the Delhi Municipal Corporation Act, 1957.

23. Maintenance of secrecy of voting:- (1) Every officer or clerk, agent or other person who performs any duty in connection with the recording or counting of votes at an election shall maintain and aid in maintaining the secrecy of the voting and shall not (except for some purpose authorised by or under any law) communicate to any person, any information calculated to violate such secrecy.

(2) Any person who contravenes the provision of sub-section (1) shall be punishable with imprisonment for a term which may extend to three months, or with fine or with both.

FORM 11

Revocation of appointment of Polling Agent
[See Rule 29 (1)]

Election to the Delhi Sikh Gurdwara Management Committee from Ward No. _____

To

The Presiding Officer,
Ward No. _____

I, _____ (the election agent of _____) a candidate at
the above election, hereby revoke the appointment of _____ my/his polling agent.

Place _____

Date _____

Signature of person revoking

N.B. Omit the words marked () if not necessary.

FORM 12

Application for Postal Ballot
[See Rule 41 (1)]

To

The Returning Officer,
_____ Ward

Sir,

I intend to cast my vote by post at the ensuing election to the Delhi Sikh Gurdwara Management Committee
from _____ Ward.

My name is entered at S.no. _____ in Part No. _____ of the electoral roll for
the _____ Ward.

The ballot paper may be sent to me at the following address:-

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

Place _____
Date _____

Yours faithfully,

FORM 12A

Application for Election Duty Certificate
[See Rule 41 (2)]

To

The Returning Officer,
Ward No. _____

Sir,

I intend to cast my vote in person at the ensuing election to the Delhi Sikh Gurdwara Management Committee from the _____ Ward.

I have been posted on election duty within the ward but elsewhere than the polling station at which I am entitled to vote.

My name is entered at S.no. _____ in Part No. _____ of the electoral roll for _____ ward.

I request that an Election Duty Certificate in Form 12B may be issued to enable me to vote at the polling station where I may be on duty on the polling day. It may be sent to me at the following address:-

Place _____
Date _____

Yours faithfully.

FORM 12-B

Election Duty Certificate
[See Rule 41 (2)]

Certified that _____ is an elector in the _____ ward, his electoral roll number being _____, that by reason of his being on election duty, he is unable to vote at the polling station where he is entitled to vote and that he is therefore hereby authorised to vote at any polling station he may be on duty on the date of poll.

Place _____
Date _____

Signature _____
Returning Officer
Seal

FORM -13-A
Declaration by elector
[See Rule 43 (1)(a)]

Election to the Delhi Sikh Gurdwara Management Committee from Ward No. _____
(This side is to be used only when the elector signs the declaration himself)

I hereby declare that I am elector to whom the postal ballot paper bearing serial number _____ has been issued at the above election.

Date _____

Signature of elector _____
 Address _____

Attestation of Signature

The above has been signed in my presence by _____ (elector) who* is personally known to me/has identified to my satisfaction by _____ (identifier) who is personally known to me

Signature of identifier, if any _____
 Address _____

Signature of Attesting Officer _____
 Designation _____
 Address _____
 Date _____

(This side is to be used when the elector cannot sign himself)

I hereby declare that I am the elector to whom the postal ballot paper bearing serial number _____ has been issued at the above election.

Date _____

Signature of Attesting Officer on behalf of elector _____
 Address of elector _____

Certificate

I hereby certify that

(1) the above named elector* is personally known to me/has been identified to my satisfaction by _____ (identifier) who is personally known to me;

(2) I am satisfied that the elector* is illiterate/suffers from _____ (infirmity) and is unable to record his vote himself or sign his declaration;

I was requested by him to mark the ballot paper and to sign the above declaration on his behalf; and

(4) the ballot paper was marked and the declaration signed by me on his behalf in his presence and in accordance with his wishes.

Signature of identifier, if any _____
 Address _____

Signature of Attesting Officer _____
 Designation _____
 Address _____
 Date _____

*Strike off the inappropriate alternative.

55

FORM 13-B
Cover
[See Rule 43 (1)(b)]

'A'

NOT TO BE OPENED BEFORE COUNTING

Election to the Delhi Sikh Gurdwara Management Committee from _____ Ward.

POSTAL BALLOT PAPER

Serial number of ballot paper _____

FORM 13-C
Larger Cover
[See Rule 43(1)(c)]

'B' Every officer under whose care or through whom a postal ballot paper is sent shall ensure its delivery to the addressee without delay.

[Rule 43 (3) of the Delhi Sikh Gurdwara Management Committee (Election of Members) Rule 1974].

ELECTION IMMEDIATE
POSTAL BALLOT PAPER
(NOT TO BE OPENED BEFORE COUNTING)

*For election to the Delhi Sikh Gurdwara Management Committee from _____ Ward

To

The Returning Officer,

** _____

Signature of sender

*Returning Officer to insert here the name and number of ward

**The Returning Officer to mention here his full postal address

FORM 13-D
Instructions for the Guidance of Electors
[See Rule 43 (1)(d)]

Election to the Delhi Sikh Gurdwara Management Committee Ward No. _____

The persons whose names are printed on the ballot paper sent herewith are candidates at the above election. If you desire to vote, you should record your vote in accordance with the directions given in the Part I below and then follow the instructions detailed in Part II:

Part I - Direction to Electors

1. The number of members to be elected is one.
2. You have only one vote.
3. You must not vote for more than one candidate. If you do, your ballot paper will be rejected.
4. Record the vote by placing the figure I in the space opposite the name of the candidate to whom you wish to give that vote.
5. The figure I should be so placed as to indicate clearly and beyond doubt to which candidate you are giving your vote. If the mark is placed as to make it doubtful to which candidate you have given the vote, that vote will be invalid.
6. An elector shall obtain the attestation of his signature on the declaration in Form 13A by a magistrate or by any gazetted officer or by the Presiding Officer of the polling station in which he is on election duty.

Part II - Instructions for Electors

- (a) After you have recorded your vote on the ballot paper, place the ballot paper in the small cover marked 'A' sent herewith. Close the cover and secure it by seal or otherwise.
- (b) You have then to sign the declaration in Form 13-A also sent herewith, in the presence of a magistrate or any gazetted officer or any other officer competent to attest your signatures (see direction 6 above). Take the declaration to any such officer and sign it in his presence after he has been satisfied about your identity. The Officer will attest your signatures and return the declaration to you. You must not show your ballot paper to the attesting officer nor tell him how you have voted.
- (c) If you are unable to mark the ballot paper and sign the declaration yourself in the manner indicated above by reason of illiteracy, blindness or other infirmity, you are entitled to have your vote marked and the declaration signed on your behalf by an officer mentioned in item (b). Such an officer will at your request mark the ballot paper in your presence and in accordance with your wishes. He will also complete the necessary certificate in this behalf.
- (d) After your declaration has been signed and your signature has been attested in accordance with item (b) or item (c), place the declaration in Form 13 A as also the smaller cover marked 'A' containing the ballot paper, in the larger cover marked 'B'. After closing the larger cover, send it to the returning officer by post or by messenger. You have to give your full signature in the space provided on the cover marked 'B'.
- (e) You must ensure that the cover reaches the Returning Officer before _____ on _____ (date).
- (f) Please note that—
 - (i) If you fail to get your declaration attested or certified in the manner indicated above, your ballot paper will be rejected; and
 - (ii) if the cover reaches the Returning Officer after _____ * on the _____ (date) your vote will not be counted.

*Here specify the hour and the date fixed for the commencement of counting of votes.

FORM 14

List of Challenged Votes

[See Rule 58(2)(c)]

Election to the Delhi Sikh Gurdwara Management Committee from _____ Ward

Number and name of polling station _____

Serial number of entry	Name of elector	Serial number of Part of Roll	Serial number of Elector's name in that part	Signature or thumb im- pression of person challenged	Address of the person challenged	Name of identifier, if any	Name of challen- ger	Order of Presiding Officer	Signature of the challenger on receiving refund of deposit.
1	2	3	4	5	6	7	8	9	10

Date _____

Signature of Presiding Officer _____

FORM 14-A

List of Blind and Infirm Voters

[See Rule 62 (2)]

Election to the Delhi Sikh Gurdwara Management Committee from _____ Ward.

No. and name of polling station _____

Part No. & Serial No. of elector	Full name of elector	Full name of companion	Address of Companion	Signature of companion
1	2	3	4	5

Date _____

Signature of Presiding Officer _____

FORM 15

List of Tendered Votes
[See Rule 64 (2)]

Election to the Delhi Sikh Gurdwara Management Committee from _____ Ward
Number and name of polling station _____

Part number, serial number and name of elector	Address of elector	Serial number of tendered ballot Paper	Serial number of ballot paper issued to the person who has already voted.	Signature or thumb impression of of person tender- ing vote
1	2	3	4	5

Date _____

Signature of Presiding Officer.

FORM -16

(Part-1-Ballot paper Account)
[See rule 67(I) and rule 78]

Election to the Delhi Sikh Gurdwara Management Committee from _____ Ward.

No. and name of polling station _____

	Serial Nos.		Total Nos.
	From	To	
1. Ballot papers received	_____	_____	_____
2. Ballot papers unused (i.e. not issued to voters)			
(a) with signatures of Presiding Officer	_____	_____	_____
(b) without signatures of Presiding Officer	_____	_____	_____
Total (a+ b)	_____	_____	_____
3. Ballot papers used at Polling station (1-2)	_____	_____	_____
4. Ballot papers used at the polling stations but not inserted into the ballot box.			
(a) Ballot papers cancelled for violation of voting procedure under rule 39.	_____	_____	_____
(b) Ballot papers cancelled for other reasons.	_____	_____	_____
(c) Ballot papers used as tendered ballot papers	_____	_____	_____
Total (a + b + c)	_____	_____	_____
5. *Ballot papers to be found in the ballot box (3-4)	_____	_____	_____

Date _____

Signature of the Presiding officer _____

Part -II

Form-16

RESULT OF COUNTING

1.	Name of Candidate	Number of valid votes cast
1.		
2.		
3.		
4.		
5.		
Etc.		

II. Rejected Ballot papers**III. Total**

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

Place _____

Signatures of Counting Supervisor

Date _____

Place _____

Signatures of Returning Officer

Date _____

FORM 17
Appointment of Counting Agents
[See Rule 74 (2)]

Election to the Delhi Sikh Gurdwara Management Committee from _____ Ward.
 To _____

The Returning Officer,
 _____ ward.

I, _____, a candidate/the election agent of _____ who is a
 candidate at the above election, do hereby appoint the following persons as my counting agents to attend the
 counting of votes at _____

Name of the counting agents.

Address of the counting agent

- 1.
- 2.
- 3.

Signature of Candidate/election agent

We agree to act as counting agents.

- 1.
- 2.
- 3.

Place _____
 Date _____

Signature of Counting Agent

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

We hereby declare that at the above election we will not do anything forbidden by Section 23 of the
 Delhi Municipal Corporation Act, 1957 which *we have read/has been read over to us.

- 1.
- 2.
- 3.

Date _____

Signature of counting agents
 Signed before me
 Returning Officer

Date _____

*Strike off the inappropriate alternative

Section 23 of Delhi Municipal Corporation Act, 1957

23. Maintenance of secrecy of voting - (1) Every Officer clerk, agent or other person who performs any
 duty in connection with the recording or counting of votes at an election shall maintain and aid in maintaining
 the secrecy of the voting and shall not (except for some purpose authorised by or under any law)
 communicate to any person any information calculated to violate such secrecy.

(2) Any person who contravenes the provision of sub-section (1) shall be punishable with
 imprisonment for a term which may extend to three months, or with fine, or with both.

FORM-18
Revocation of Appointment of Counting Agent
[See Rule 74(4)]

Election to the Delhi Sikh Gurdwara Management Committee from Ward No. _____

To

The Returning Officer
_____ Ward

I, _____ (the election agent of) a candidate at the above
election hereby revoke the appointment of _____ my/his counting agent.

Signature of person revoking

Place _____
Date _____

N.B. Omit the words () as necessary.

FORM 19
Final Result Sheet
[See Rules 77(11) and 79 (7)]

Election to the Delhi Sikh Gurdwara Management Committee from _____ Ward.

Polling Station No. _____	Total votes found in the ballot box (es)	No. of tendered vote
---------------------------	---	----------------------

1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
_____	_____	_____
_____	_____	_____

Total _____

1. Total number of valid votes recorded for candidates and of rejected ballot papers.	Candidate's valid votes				Valid votes total	Number of rejected ballot papers	Total of valid and rejected votes
	A	B	C	D			

1st round	_____	_____	_____	_____	_____	_____	_____
2nd round	_____	_____	_____	_____	_____	_____	_____
3rd round	_____	_____	_____	_____	_____	_____	_____
4th round	_____	_____	_____	_____	_____	_____	_____
5th round	_____	_____	_____	_____	_____	_____	_____
_____ etc.	_____	_____	_____	_____	_____	_____	_____

Total _____

2. Total number of valid votes
recorded on Postal ballot papers
for candidates and of rejected
Postal ballot papers.

Grand Total _____

Place _____
 Date _____

Returning Officer

FORM 20

(For use in election of member to the Delhi Sikh Gurdwara Management Committee when seat is uncontested)

[(See Rule 35 (2))]

Declaration of the result of Election to the Delhi Sikh Gurdwara Management Committee from _____ ward.

In pursuance of the provisions of rule 35(2) of the Delhi Sikh Gurdwara Management Committee (Election of Members) Rules, 1974, I declare that _____

(Name)

(Address)

has been duly elected to fill the seat in that committee from the above ward.

Place _____
Date _____

Signature _____
Returning Officer

FORM 20A

(For use in Election to fill a casual vacancy when seat is uncontested)

[See Rule 35(2)]

Declaration of the result of Election to the Delhi Sikh Gurdwara Management Committee from _____ Ward.

In pursuance of the provision contained in rule 35(2) of the Delhi Sikh Gurdwara Management Committee (Election of Members) Rules, 1974, I declare that-

(Name)

(Address)

has been duly elected to fill the vacancy caused in that committee by the

*resignation of _____

*death of _____

*election of _____

*seat of _____

having been declared void

**having become vacant/

**having been declared vacant.

Place _____
Date _____

Signature _____
Returning Officer.

*Score out, if inappropriate.

**Score out, if inappropriate

FORM 20B**(For use in Election when seat is contested)****[(See Rule 86(1) (a))]**

Declaration of the result of Election to the Delhi Sikh Gurdwara Management Committee from _____ Ward.

In pursuance of the provision contained in rule 86 (1) (a) of the Delhi Sikh Gurdwara Management Committee (Election of Members) Rules, 1974, I declare that-

 _____ (Name)
 _____ (Address)

has been duly elected to fill the seat in that committee from the above ward

Place _____
 Date _____

Signature _____
 Returning Officer.

FORM 20C**(For use in Election to fill a casual vacancy when seat is contested)****[(See Rule 86(1)(a))]**

Declaration of the result of Election to the Delhi Sikh Gurdwara Management Committee from _____ Ward.

In pursuance of the provision contained in rule 86 (1) (a) of the Delhi Sikh Gurdwara Management Committee (Election of Members) Rules, 1974, I declare that-

 _____ (Name)
 _____ (Address)

has been duly elected to fill the vacancy caused in that committee by the

*resignation of _____

*death of _____

* Seat of _____

*seat of _____

**having been declared void

**having become vacant/

**having been declared vacant.

Place _____
 Date _____

Signature _____
 Returning Officer.

*Score out, if inappropriate.

**Score out, if inappropriate

FORM 20D
Return of Election
 [(See Rule 86(1)(b))]

Election to the Delhi Sikh Gurdwara Management Committee from _____ ward.

S. No.	Name of Candidate	Number of valid votes polled

Total number of valid votes polled _____

Total number of rejected votes _____

Total number of tendered votes _____

I declare that _____ (name) of _____
 _____ (Address) has been duly elected to fill the seat.

Place _____
 Date _____

Returning Officer.

FORM 21

Election to the Delhi Sikh Gurdwara Management Committee
Certificate of Election
 [(See Rule 88)]

Returning officer for the _____ Ward hereby certify that I have on the
 _____ day of _____ 200 , declared _____ of
 _____ to have been duly elected by the said ward to be a member of the
 Delhi Sikh Gurdwara Management Committee and that in token thereof, I have granted to him this certificate
 of election.

Place _____
 Date _____

Returning Officer
 For the _____ ward.

Seal

**RELEVANT PROVISIONS OF THE DELHI MUNICIPAL CORPORATION ACT,
1957 REGARDING ELECTION DISPUTES, CORRUPT PRACTICES AND
ELECTORAL OFFENCES IN RESPECT OF *ELECTION OF MEMBERS* TO THE
DELHI SIKH GURDWARA MANAGEMENT COMMITTEE.**

LAW AND JUDICIAL DEPARTMENT

NOTIFICATION

Delhi, the 19th November, 1974.

No. F.18/19/73- JudL - In exercise of the powers conferred by Section 31 of the Delhi Sikh Gurdwaras Act, 1971 (82 of 1971) read with the Government of India, Ministry of Home Affairs, New Delhi Notification S.O. No. U-11030/7/74-(i)-UTL dated 15th October, 1974 and Notification S.O. No. U-11030/7/74-(ii)-UTL dated 15th October, 1974, the Administrator is pleased to direct that the provisos of Section 15, 16, 17, 18, 22, 24, 28 and 30 of the Delhi Municipal Corporation Act, 1957 shall apply in relation to the settlement of disputes regarding elections, corrupt practices and electoral offences in respect of election of the members of the Delhi Sikh Gurdwaras Management Committee with the following modifications namely-

LAW AND JUDICIAL DEPARTMENT

NOTIFICATION

Delhi, the 25th February, 1975.

No. F.18/19/73- JudL - In exercise of the powers conferred by Section 31 of the Delhi Sikh Gurdwaras Act, 1971 (82 of 1971) read with the Government of India, Ministry of Home Affairs, New Delhi Notification S.O. No. U-11030/7/74-(i)-UTL dated 15th October, 1974 and Notification S.O. No. U-11030/7/74-(ii)-UTL dated 15th October, 1974 and in continuation of Delhi Administration Notification No. F. 18/19/73-JudL. Dated the 18th November, 1974 issued under the said section, the Administrator is pleased to further direct that the provisos of Section 25 of the Delhi Municipal Corporation Act, 1957 shall also apply in respect of election of the members of the Delhi Sikh Gurdwaras Management Committee with the following modifications namely-

THE DELHI MUNICIPAL CORPORATION ACT, 1957.

(Relevant sections applicable to the DSGMC (Election of members) Rules, 1974.

Disputes regarding elections

15. Election petitions - (1) No election of a member shall be called in question except by an election petition presented to the Court of the District Judge of Delhi within 15 days from the date of the publication of the result of election under rule 86 (2) of the Delhi Sikh Gurdwara Management Committee (Election of members), Rules, 1974.

(2) An election petition calling in question any such election may be presented under any of the grounds specified in Section 17 by:

- (a) any candidate at such election;
- (b) any elector of the ward concerned; or
- (c) by any member;

(3) A petitioner shall join as respondents to his petition, all the candidates at the election;

(4) An election petition -

- (a) shall contain a concise statement of the material facts on which the petitioner relies;
- (b) shall, with sufficient particulars, set forth the ground or grounds on which the election is called in question; and
- (c) shall be signed by the petitioner and verified in the manner laid down in the Code of the Civil Procedure, 1908 (5 of 1908) for the verification of pleadings.

16. Relief that may be claimed by the petitioner- (1) A petitioner may claim -

- (a) a declaration that the election of all or any of the returned candidates is void; and
- (b) in addition thereto, a further declaration that he himself or any other candidate has been duly elected.

(2) The expression "returned candidate" means a candidate whose name has been published in the Official Gazette under rule 86(2) of the Delhi Sikh Gurdwara Management Committee (Election of Members) Rules, 1974.

17. Grounds for declaring elections to be void - (1) Subject to the provisions of sub-section (2), if the court of the District Judge is of the opinion-

- (a) that on the date of his election, a returned candidate was not qualified or was disqualified, to be chosen as a member under the Delhi Sikh Gurdwaras Act, 1971; or
- (b) that any corrupt practice has been committed by a returned candidate or his agent or by any other person with the consent of a returned candidate or his agent; or
- (c) that any nomination paper has been improperly rejected; or

THE DELHI MUNICIPAL CORPORATION ACT, 1957.

- (d) that the result of the election, in so far as it concerns a returned candidate, has been materially affected -
- (i) by the improper acceptance of any nomination; or
 - (ii) by any corrupt practice committed in the interest of the returned candidate by a person other than that candidate or his agent or a person acting with the consent of such candidate or agent; or
 - (iii) by the improper acceptance or refusal of any vote or reception of any vote which is void; or
 - (iv) by the non-compliance with the provisions of Delhi Sikh Gurdwaras Act, 1971 or of any rules or orders made thereunder;

the court shall declare the election of the returned candidate to be void.

(2) If in the opinion of the court, a returned candidate has been guilty by an agent of any corrupt practice, but the court is satisfied -

- (a) that no such corrupt practice was committed at the election by the candidate, and every such corrupt practice was committed contrary to the orders, and without the consent of the candidate;
- (b) that the candidate took all reasonable means for preventing the commission of corrupt practice at the election; and
- (c) that in all other respects the election was free from any corrupt practice on the part of the candidate or any of his agents.

then the court may decide that the election of the returned candidate is not void.

18. **Procedure to be followed by the district judge** - The procedure provided in the Code of Civil Procedure, 1908 (5 of 1908), in regard to suits shall be followed by the court of the district judge as far as it can be made applicable in the trial and disposal of an election petition under the Delhi Sikh Gurdwaras Act, 1971.

Corrupt practices and electoral offences

22. **Corrupt practice**- The following shall be deemed to be corrupt practices for the purposes of the Delhi Sikh Gurdwaras Act, 1971.

(1) Bribery as defined in clause (1) of section 123 of the Representation of the People Act, 1951 (43 of 1951)

(except that the words and figure "and duly entered in the account of election expenses referred to in Section 78" appearing at the end of the explanation of clause (1) (B) shall be omitted.)

(2) Undue influence as defined in clause (2) of the said Section.

(3) The systematic appeal by a candidate or his agent or by any other person, to vote or refrain from voting on grounds of caste, creed or sect or, the use of or appeal to, national symbols such as the national flag or the national emblem, for the furtherance of the prospects of that candidate's election.

(4) The publication by a candidate or his agent or by any other person of any statement of fact which is false, and which he either believes to be false or does not believe to be true in relation to the personal character or conduct of any candidate, or in relation to the candidature, or withdrawal from contest of any candidate being a statement reasonably calculated to prejudice the prospects of that candidate's election.

(5) The hiring or procuring whether on payment or otherwise of any vehicle or vessel by a candidate or his agent or by any other person for the conveyance of any elector (other than the candidate himself, and the members of his family or his agent) to or from any polling station provided in accordance with the rules made under this Act:

Provided that the hiring of a vehicle or vessel by an elector or by several electors at their joint costs for the purpose of conveying him or them to or from any such polling station shall not be deemed to be a corrupt practice under this clause if the vehicle or vessel so hired is a vehicle or vessel not propelled by mechanical power:

Provided further that the use of any public transport vehicle or vessel or any tram car or railway carriage by an elector at his own cost for the purpose of going to or coming from any such polling station shall not be deemed to be a corrupt practice under this clause.

Explanation:- In this clause the expression "vehicle" means any vehicle used or capable of being used for the purpose of road transport whether propelled by mechanical power or otherwise and whether used for drawing other vehicles or otherwise.

(6) The holding of any meeting in which intoxicating liquors are served.

(7) The issuing of any circular, placard or poster having a reference to the election which does not bear the name and address of the printer and publisher thereof.

(8) Any other practice which the Central Government may by rules specify to be a corrupt practice.

24. Officers etc. at elections not to act for candidates or to influence voting - (1) No person who is an election officer or a returning officer, or an assistant returning officer or a presiding officer or polling officer at an election, or an officer or clerk appointed by the returning officer or the presiding officer to perform any duty in connection with an election or a member of a police force shall in the conduct or management of the election do any act (other than the giving of votes) for the furtherance of the prospects of the election of a candidate.

(2) No such person as aforesaid shall endeavor -

(a) to persuade any person to give his vote at an election; or

(b) to dissuade any person from giving his vote at an election; or

(c) to influence the voting of any person at an election in any manner.

(3) Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

25. Prohibition of canvassing in or near polling station and of public meeting- (1) No person shall, on the date or dates on which the poll is taken at any polling station, commit any of the following acts within the polling station or in any public or private place within a distance of one hundred yards of the polling station, namely—

- (a) canvassing for votes; or
- (b) soliciting the vote of any elector; or
- (c) persuading any elector not to vote for any particular candidate; or
- (d) persuading any elector not to vote at the election; or
- (e) exhibiting any notice or sign (other than an official notice) relating to the election.

(2) No person shall convene, hold or attend any public meeting 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 that polling area.

(3) Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall be punishable with fine which may extend to two hundred and fifty rupees.

(4) An offence punishable under this section shall be cognizable.

28. Breaches of official duty in connection with election - (1) If any person to whom this section applies, is without reasonable cause guilty of any act or omission in breach of his official duty, he shall be punishable with fine which may extend to five hundred rupees.

(2) No suit or other legal proceeding shall lie against any such person for damages in respect of any such act or omission as aforesaid.

(3) The persons to whom this section applies are election officer, returning officers, assistant returning officers, presiding officers, polling officers and any other person appointed to perform any duty in connection with the election; and the expression "official duty" shall for the purposes of this section be construed accordingly.

30. Other offences and penalties therefor - (1) A person shall be guilty of an electoral offence if at any election he—

- (a) fraudulently defaces or destroys any nomination paper; or
- (b) fraudulently defaces, destroys or removes any list, notice or other document affixed by or under the authority of the returning officer; or
- (c) fraudulently defaces or destroys any ballot paper or the official mark on any ballot paper; or
- (d) without due authority supplies any ballot paper to any person or receives any ballot paper from any person or is in possession of any ballot paper; or

- (e) fraudulently puts into any ballot box anything other than the ballot paper which he is authorised by law to put in; or
- (f) without due authority destroys, takes, opens or otherwise interferes with any ballot box or ballot paper then in use for the purposes of the election; or
- (g) fraudulently or without due authority, as the case may be, attempts to do any of the foregoing act or willfully aids or abets the doing of any such acts.

(2) Any person guilty of an offence under this section shall-

- (a) if he is a returning officer or an assistant returning officer or a presiding officer or a polling officer or any other officer or clerk employed on official duty in connection with the election, be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.
- (b) if he is any other person, be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

(3) For the purposes of this section, a person shall be deemed to be on official duty if his duty is to take part in the conduct of any election or part of an election including the counting of votes or to be responsible after an election for the used ballot papers and other documents in connection with such election.

(4) An offence punishable under clause (b) of sub-section (2) shall be cognizable.

(5) No court shall take cognizance of any offence under section 24, or under section 28, or under clause (a) of sub-section (2) of this section, unless there is a complaint made by order of, or under authority from, the Director, Gurdwara Elections.
