



GOVERNMENT OF TRIPURA
URBAN DEVELOPMENT DEPARTMENT

THE TRIPURA MUNICIPALITIES
(CONDUCT OF ELECTION)
RULES, 1995

CONTENTS

Section	Subject	Pages
PART-I		
CHAPTER-I		
PRELIMINARY		
1.	Short title and commencement	1
2.	Definition	1
CHAPTER-II		
ADMINISTRATIVE MACHINERY FOR CONDUCT OF ELECTION.		
3.	Superintendence, direction and control	3
4.	Appointment of District Municipal Election Officer	3
5.	Appointment of Returning Officer.	3
6.	Appointment of Assistance Returning Officer	3
7.	Subordination of Returning Officer and Assistant Returning Officer	4
8.	Polling Stations	4
9.	Appointment of Presiding Officer	4
CHAPTER-III		
GENERAL PROVISIONS		
10.	General and by-election to Municipality	5
11.	Appointment of dates for nominations etc. for the First General Election.	5
12.	Notification for Nomination etc. to be issued by the Returning Officer.	5
13.	Nomination of Candidates.	6
14.	Presentation of nomination papers and requirement for valid nomination.	6
15.	Classification of Symbols.	7
16.	Classification of recognised political party.	7
17.	Symbol for Election.	7
18.	When a candidate shall be deemed to be set up by a Political Party.	7
19.	Choice of free symbol/symbols by candidate.	8
20.	Deposit.	8
21.	Notice of nominations and time and place for the scrutiny.	8
22.	Scrutiny of Nomination.	8

Section	Subject	Pages
23.	List of validly nominated candidate.	9
24.	Withdrawal of Nomination. Notice of withdrawal of candidate.	9
25.	Preparation and Publication of List of Candidates.	10
26.	Appointment of Election Agent and to report on such appointment.	10
27.	Appointment of Polling Agent.	11
28.	Publication of the list of places fixed for poll.	12
29.	Voting Normally to be in person.	12
30.	Procedure of Contested and Uncontested Election.	12
31.	Death of Candidate before poll.	12
32.	Manner of Voting.	12
33.	Ballot Box.	13
34.	Form of Ballot Paper.	13
35.	Arrangement at Polling Station.	13
36.	Admission to Polling Station.	13
37.	Preparation of Ballot Boxes for Poll.	14
38.	Marked copy of Electoral Rolls.	14
39.	Identification of Electors.	14
40.	Facilities for Women Voters.	15
41.	Facilities for public servants on Election duty.	15
42.	Challenging of Identity.	16
43.	Safeguard against impersonation.	16
44.	Issue of Ballot Paper to voters.	17
45.	Maintenance of Secrecy of voting by electors within polling station and voting procedure.	17
46.	Recording of Votes of Blind or infirm voters.	18
47.	Spoilt and Returned Ballot Papers.	19
48.	Tendered.	19
49.	Closing of Poll.	19
50.	Sealing of Ballot Boxes after Poll.	20
51.	Account of Ballot papers.	20
52.	Sealing of other packets.	20
53.	Transmission of ballot box etc. to the Returning Officer.	20
54.	Adjournment of Poll in emergencies.	21
55.	Procedure on adjournment of Poll.	21
56.	Procedure of Election in case of destruction of ballot boxes.	22

Section	Subject	Pages
---------	---------	-------

CHAPTER-IV

COUNTING OF VOTES

57.	Definition	23
58.	Time and Place for counting of votes.	23
59.	Appointment of counting Agent and Re-creation of such Appointment.	23
60.	Admission to the Places fixed for counting.	23
61.	Maintenance of Secrecy at the Counting Centre.	24
62.	Counting of Votes Received in Sealed Canisters.	24
63.	Scrutiny and Opening of Ballot Boxes.	24
64.	Scrutiny and Rejection of Ballot Papers.	25
65.	Counting of Votes.	25
66.	Sealing of Used Ballot Papers.	26
67.	Counting to be continuous.	26
68.	Recounting of Vote.	26
69.	Equality of Votes.	27
70.	Declaration of Results of Election and Return of Election.	27
71.	Sealing of packets.	27
72.	Transmission of ballot boxes, packets etc. to the District Municipal Election Officer.	28
73.	Account of Election expenses and lodging of Account with the District Municipal Election Officer.	28
74.	Particulars of Account of Election Expenses.	29
75.	Notice by District Municipal Election Officer for inspection of accounts.	29
76.	Inspection of Account and the obtaining of copies thereof.	29
77.	Report by the District Municipal Election Officer on the lodging of the account of election expenses and the decision of the Election Commissioner thereon.	30
78.	Maximum Election expenses.	31

CHAPTER-V

MISCELLANEOUS

79.	Procedure when no nomination is filed or all nominations are rejected or election is counted mandem.	3
80.	Resignation from constituency in case of Election to more constituency than one.	3
81.	Casual vacancies in the Municipality.	3

Section	Subject	Page
82.	Return or forfeiture of candidates' deposit.	31
83.	Custody of Ballot boxes and papers relating to Election.	32
84.	Production and inspection of Election Papers.	32
85.	Disposal of Election Papers.	32
86.	Requisitioning of premises, vehicles, vessels and animals etc. for Election purpose.	33
87.	Payment of compensation.	33
88.	Manner of servicing or requisition of premises, vehicle, vessels and animals.	34
89.	Eviction from requisitioned premises.	35
90.	Release of premises from requisition.	35
91.	Penalty for contravention of any order regarding the requisition.	35

CHAPTER-VI ELECTORAL OFFICERS

92.	Promoting enmity between classes in connection with Election.	35
93.	Prohibition for public meeting on the day preceding the election day and on the Election day.	36
94.	Disturbances at election meetings.	36
95.	Restriction on the printing of pamphlets, posters etc.	36
96.	Maintenance of secrecy of voting.	37
97.	Officer etc. at election not to act for candidate or to influence voting.	37
98.	Prohibition of canvassing in or near polling station.	37
99.	Penalty for disorderly conduct in or near polling station.	38
100.	Penalty for misconduct at the Polling stations.	38
101.	Breaches of Officials duty in connection with Elections.	39
102.	Payment for Government servants for acting as Election Agent, Polling Agent or Counting Agent.	39
103.	Removal of Ballot Papers from Polling Station to be an Offence.	39
104.	Other offences and penalties therefore.	40
105.	Removal of difficulties if any by the Government.	41

Published in the
SUPPLEMENTARY ISSUE OF TRIPURA GAZETTE

Agartala, November 18, 1995 A. D. Karaka 27, 1917 S. E.

GOVERNMENT OF TRIPURA
URBAN DEVELOPMENT DEPARTMENT

NO. F. 43-CD-94

Dated, Agartala, the 18th November, 1995.

NOTIFICATION

In exercise of the powers conferred by Section 274 of the Tripura Municipal Act, 1994, the State Government hereby makes the following Rules :

CHAPTER—I

PRELIMINARY

Short title and
Commence-
ment.

These rules may be called the Tripura Municipalities (Conduct of
Election) Rules, 1995 ;

They shall come into force at once.

Definition.

In these rules unless the context otherwise requires,—

a. "Act" means the Tripura Municipal Act, 1994 (Tripura Act No. 8
of 1994) ;

b. "Ballot Box" includes any box bag or other receptacle used for the
insertion of ballot paper by voters ;

c. "Counterfoil" means the counterfoil attached to a ballot paper
printed under the provisions of these Rules ;

(d) "Election Commission" means the State Panchayat Election Commission Constituted Under Article 243K of the Constitution of India read with Section 178 of the Tripura Panchayat Act, 1993 (Act No. 7 of 1993) ;

(e) "Electoral roll number" of a person means—

(i) the serial number of the entry in the electoral roll in the name of that person ;

(ii) the serial number of the part of the electoral roll, in which such entry occurs ; and

(iii) the name of the Municipality to which the electoral roll relates ;

(f) "Form" means a form appended to these rules, and includes a translation thereof in Bengali ;

(g) "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 ;

(h) "Polling Station" in relation to a Municipality means the place fixed for taking poll ;

(i) "Presiding Officer" includes any person performing any of the functions of a presiding officer as may be specified in sub-rule (3), of rule 9.

(j) "Returning Officer" means a person appointed under sub-rule 1 of rule 10 of these rules and authorised to perform ;

(k) "Section" means a section ;

(l) "Voter on election duty" means a person who is on duty as a polling officer, or other public servant, and is, by reason of his being on duty, absent from the polling station where he is entitled to vote ;

(m) "Polling Agent" means a person appointed under these rules and includes a candidate and the election agent ;

(2) The expression used in these rules shall have the meaning assigned to them in the Tripura General Clauses Act, 1964.

(3) The Tripura General Clauses Act, 1964 shall apply for the interpretation of these rules as it applies for the interpretation of the legislatures of the State of Tripura.

CHAPTER-II

LEGISLATIVE MACHINERY FOR
CONDUCT OF ELECTION.

Superintendent
of District
Municipal
Election Officer.

The superintendence, direction and control of the preparation of electoral rolls and the conduct of all elections to the Municipalities shall be under the Election Commission appointed by the State Government under Article 243K of the Constitution of India read with Section 3 of the Tripura Panchayat Act, 1993.

For the purpose of sub-rule (1), the Election Commissioner may, if he deems fit, make such orders as may be necessary for the purposes mentioned in sub-rule (1).

Superintendent
of District
Municipal
Election Officer.

For each District the Election Commission shall, in consultation with the State Government, appoint a District Municipal Election Officer who shall be the District Magistrate of the District.

Subject to the superintendence, direction and control of the Election Commission the District Municipal Election Officer shall be responsible for the preparation of Electoral rolls and the conduct of all elections within his jurisdictions under these rules.

The District Municipal Election Officer shall perform such other functions as may be entrusted to him by the Election Commission.

pointment of
Returning
Officer.

For every constituency, for every election, to fill a seat or seats in the Municipality the Election Commission shall, in consultation with the State Government, appoint a Returning Officer who shall be the Sub-Divisional Officer within whose territorial Jurisdiction the constituency or constituencies are situated or may appoint any other officer of the State Government as Returning officer.

Provided that nothing in these rules shall prevent the Election Commission from appointing the same person to be the Returning officer for more than one constituency of a Municipality or Municipalities.

It shall be the general duty of the Returning Officer at any election to do such acts and things as may be necessary for conduct of the election in the manner provided under these rule.

pointment
Assistant
Returning
Officer.

The Election Commission may, appoint one or more persons as Assistant Returning Officer to assist Returning Officer in the performance of his functions.

Provided that every such person shall be an Officer of the State Government.

(2) Every Assistant Returning Officer shall, subject to the control of the Returning Officer shall 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 relates to the scrutiny of nominations unless the Returning Officer is inevitably prevented from performing the said functions.

Sub-ordination
of Returning
Officer & Asstt.
Returning Officer

7. The Returning Officer and the Assistant Returning Officer shall perform their duties and discharge their functions under the superintendence, direction and control of the Election Commission.

Polling Stations.

8. The list of the Polling stations where Poll shall be held for election of members of Municipality shall be prepared and published in the manner provided in Rule 7 of the Tripura Municipalities (Registration of Electors) Rules 1995.

Appointment of
Presiding
Officer.

9. (1) The Returning Officer shall appoint a Presiding Officer for each polling section and such other Polling Officer or Officers as he thinks necessary to assist the Presiding Officer, but 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 to be a Presiding Officer or Polling Officers.

Provided that if any Polling Officer is absent from the Polling station the Presiding Officer may appoint in his place 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, and shall, when such appointment is made, inform the Returning Officer accordingly.

(2) The Polling Officer shall, if so directed by the Presiding Officer, perform all or any of the functions of the Presiding Officer under these rules.

(3) If the Presiding Officer is for any other unavoidable reason absent from the polling station, his functions shall be performed by such Polling Officer as has been previously authorised by the Returning Officer to perform such functions during any such absence.

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

CHAPTER--III

GENERAL PROVISIONS

General and
bye-election to
Municipality.

10. (1) For the First General Election of the Municipality under Section 49 of the Act and thereafter for its new Constitution the State Government shall, by a Notification published in the official gazette call upon every constituency of Municipality to elect members in accordance with these rules.

(2) When the seat of a member elected to a Municipality becomes vacant or is declared vacant or his election to a Municipality is declared void, the State Government shall, by notification in the gazette, call upon the constituency to elect a person for the purposes of filling the vacancy so caused and these rules shall apply so far as may be, in relation to the election of a member to fill such vacancy.

Appointment
of dates for
nominations
etc. for the first
General Elec-
tion.

11. As soon as the Notification has been published under sub-rule (1) or (2) of Rule 10 calling upon a constituency to elect member or members, the Election Commission shall, by one or more Notification in the Official Gazette appoint-

(a) the last date for making nomination which shall be the seventh day after the date of publication of the Notification or, if that date is a holiday, the next succeeding day which is not a public holiday ;

(b) the date for 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 day 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 the poll shall, if necessary be taken, which or the first of which shall be a date not earlier than the fifteenth day after the last date for withdrawal of candidature.

(e) The hour of which the poll shall commence and the hour at which it shall close on the date or dates fixed for polling.

(f) the date before which the election shall be completed ;

(2) The Election Commission may, for sufficient cause and with the provisions approval of the State Government postpone the date or extend the period fixed for polling.

Notification for
nomination etc.
be issued by
Returning
Officer.

12. On the issue of the Notification under Rule 11 Returning Officer shall give public notice of the intended election in Form 1 by affixing a copy thereof in some conspicuous places in his office, the office of the Municipality and in such other places as he thinks fit, and invite nominations of the candidates for such election specifying the dates, places, and time at which the nomination papers are to be delivered.

the case of
persons

13. (1) Any person, if not otherwise disqualified under the provisions of the Act or any order made thereunder may be nominated as a candidate for election to a Municipality from any of the Constituencies in that Municipality, if his name is included in the Electoral Roll of that Constituency or any other constituency in that Municipality.
- (2) Nomination papers in Form 2 shall be supplied by the Returning Officer to any person so desired.

intimation of
nomination paper
and its place
for nomination

14. (1) On any of the dates fixed for filling nomination papers under sub-Rule (1) of Rule 11, each candidate shall sign a nomination paper and his proposer deliver it to the Returning Officer during the hours specified in the order under Rule 12, a nomination paper shall be completed and signed by the candidate and by a voter of the constituency as proposer :

Provided that for the purpose of nomination for election from a constituency reserved for scheduled castes or scheduled tribes persons, the nomination paper shall be accompanied by a copy of the Scheduled Castes or the Scheduled Tribes as the case may be, certificate granted by a competent authority and that the original copy of such certificate shall be produced at the time of delivery of such nomination paper to the Returning Officer.

- (2) Any person whose name is entered in the voter list of the constituency for which the candidate is nominated and who is not disqualified, may subscribe as proposer :

Provided that he shall not subscribe as proposer for nomination for election.

- (3) Every nomination paper presented to the Returning Officer shall be in form 2.

Provided that a failure to complete or defects in completing the declaration as to the symbol in a nomination paper in Form 2 shall not be deemed to be a defect of substantial character within the meaning of sub-rule (4) of Rule 22.

- (4) Nothing in this rule shall prevent any candidate for being nominated by more than one nomination papers for election in the same constituency.

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

- (5) On the presentation of the nomination paper the Returning Officer shall satisfy himself that names and the details of the candidate and his proposer as entered on the nomination paper are the same as those entered in the Electoral Roll.

Returning Officer shall permit any clerical or technical error in regard to the name or numbers to be corrected in conformity with the corresponding entries in the original. The Returning Officer may direct that any clerical or printing error shall be overlooked.

For the purpose of these Rules symbols are either reserved or free symbols. The appendix to be attached.

1. Reserved symbol is a symbol which is reserved by Election Commission for a recognised political party for exclusive allotment to its candidate or candidates set up by that party.

2. For the purpose of these Rules, recognised Political Party means a political party recognised by the Election Commission of India as a National Party or a State Party.

The free symbol which may be chosen by the candidate at any constituency are specified in the first schedule.

3. Where at any such election more nomination papers than one are submitted on behalf of the candidate, the declaration as to symbol made on the nomination paper first delivered, and no other declaration as to symbol shall be taken into consideration under Rule-17 even if the subsequent nomination paper has been rejected.

For the purpose of these Rules a candidate shall be deemed to be a candidate of a recognised political party if—

- (a) the candidate has made a declaration to that effect in his nomination paper; and
- (b) a notice in writing to that effect so as to reach not later than 15 days before the last day of withdrawal of candidature, being delivered to the Returning Officer of the Constituency; and
- (c) the said notice is signed by the President, chairman or General Secretary of the recognised political parties, or if there is no General Secretary, the Secretary of the state Unit of the recognised political party or by any Member of such political party duly authorised by the President, Chairman, General Secretary or Secretary, as the case may be.

4. The duly attested specimen signature of the President, Chairman, General Secretary or Secretary of the state Unit of the recognised political party or of such authorised Member where a Member has been authorised to sign the notice, a letter to that effect by the President, Chairman, General Secretary or Secretary as the case may be, shall be sent to the Returning Officer so as to reach him before the date of scrutiny of the nomination papers.

Choice of free
symbol/symbols
by candidate.

19. (1) A Candidate in Municipality Election from any constituency shall give in order of preference three symbols specified in first schedule.

(2) Notwithstanding anything contained in the Sub-Rule (1) of this Rule, if at any election the number of candidates, other than those set up by recognised political parties, exceeds the number of free symbols specified in the first schedule, the District Municipal Election Officer may, for smooth conduct of election, by an order, specify additional free symbols for allotment by the Returning Officer to each of the candidates.

Deposit.

20. A candidate for an election from a constituency of a Municipal Area shall not be deemed to be declared nominated for election from a constituency unless he deposits or causes to be deposited in cash with the Returning Officer concerned a sum of Rs. 250/- or where the candidate is a woman or is a member of the scheduled castes or the scheduled tribes a sum of Rs. 125/-.

Provided that where a candidate has been nominated by more than one nomination paper for election in the same constituency not more than one deposit shall be required by him under this Rule.

Notice of nominations and
time and place
for the scrutiny.

21. The Returning Officer shall, on receiving the nomination papers under Sub-Rule (1) of Rule 14 from the person or persons delivering the same, enter on the nomination paper itself serial number, and shall sign thereon clearly 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 Form 3 in some conspicuous place in his office a notice of the nomination containing description similar to those contained in the nomination paper both of the candidate and of the proposer.

Scrutiny of
Nomination.

22. (1) On the date fixed for scrutiny of nomination papers, the candidates or their election agent and one proposer and no other person may attend at the time and place appointed in this behalf 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.

(2) The Returning Officer shall then examine the nomination paper and shall decide the objection which may be made to any nomination and may either on such objection or on his own motion, after such summary enquiry, if any, as he thinks necessary, reject any nomination on any of the following grounds, namely —

- (a) that the candidate is disqualified for being chosen to fill the seat by or under the Act ;
- (b) that the proposer is not a voter of the constituency concerned ;
- (c) that there has been a failure to comply with any provision of the Rules 13 and 14 ;

shall

Rule,
p by
ified
for
tolls

shall
unless
con-
is a
Rs.

one
one

nder
enter
early
ered
3 in
des-
date

dates
tend
fficer
ation

and
and
mary
ay of

it by

i ;
f the

... of the candidate or the proposer on the nomination paper is genuine.

2. Nothing contained in clause (c) or (d) of sub-Rule (2) shall be construed to entitle the rejection of the nomination of any candidate on account of any irregularities in respect of a nomination paper, if the candidate has been duly nominated by means of another nomination paper in respect of which no irregularities have been committed.

3. The Returning Officer shall not reject any nomination paper on account of any defect which is not of substantial character.

4. The Returning Officer shall hold scrutiny on the date appointed under Clause (b) of Sub-Rule (1) of Rule 10 and shall not suspend or interrupt the proceedings except when such proceedings are interrupted or obstructed by riot, or, open violence or by cause beyond his control.

5. 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 brief of his reasons for such rejection.

6. Immediately after all nomination papers have been scrutinised and decided 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 the candidates whose nominations have not been found invalid and affix it on his notice board.

7. The nomination of every such candidate shall be shown in the said list as it appears in his nomination paper.

8. Any candidate may withdraw his candidature by a notice in writing signed by him and delivered before 3 O'clock in the afternoon on the day fixed under Clause (c) of sub-Rule (1) of Rule 10 to the Returning Officer either by such candidate in person or by an election agent who has been authorised in this behalf in writing by such candidate.

9. A person who has given a notice of withdrawal of his candidature under sub-Rule (1) shall be allowed to cancel the notice.

10. A notice of withdrawal of candidature under sub-Rule (1) shall be in form 5 and shall contain the particulars set out therein and on receipt of such notice the Returning Officer shall note therein the date and time at which it was delivered.

11. The Returning Officer shall on being satisfied as to the genuineness of a notice of withdrawal and identity of the persons delivering it under the sub-rule cause a notice in Form 6 to be affixed on his Notice Board.

Preparation
and Publication
of List of
Contesting
Candidates.

25. (1) Immediately after the expiry of the period within which candidature may be withdrawn under sub-rule (1) of rule 24, the Returning Officer shall prepare in Form 7, a list of contesting candidates, that is to say candidates whose nomination papers have been finally accepted and who have not withdrawn their candidature within the said period.
- (2) If the list is prepared in more languages than one, names of candidates therein shall be arranged alphabetically in the script of such one of those languages as the Election Commission may direct.
- (3) Alphabetical order referred to in sub-rule (2) shall be determined with reference to surnames of the candidates, where surnames are written first and in other cases to names proper to the candidates.
- (4) Immediately after the preparation of list of contesting candidates referred in sub-rule (1), the Returning Officer shall, subject to the provisions of Rules 18 and 19 and to any general or special direction issued in this behalf by the Election Commission,
- (a) allot one of the 3 letters, 'a', 'b' or 'c' to each contesting candidate 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 as to which of the candidates the symbol will be allotted. The allotment of symbol by Returning Officer to a candidate shall be final.

Provided that while allotting a symbol, the Returning Officer shall give preference to the candidate of a recognised State Political Party or any other State or registered unrecognised Political party of an unrecognised or registered Political Party which is a State of Tripura.

(c) every candidate for election agent shall be informed of the symbol allotted to the candidate and be sent a copy of specimen thereof by the Returning Officer.

(5) The Returning Officer shall immediately after the preparation cause a copy of the list of contesting candidates to be pasted on the Notice Board in his Office and shall also send a copy thereof to each of the contesting candidate or to his election agent.

Appointment of
Election Agent
and rejection of
such appointment.

26. (1) If a candidate desires to appoint an Election Agent such appointment shall be made in Form 8, signed by the candidate, delivering nomination paper or at any time before the election.

(2) The appointment of the election agent may be revoked by the candidate at any time by a declaration in Form 9 signed by him and lodged with the Returning Officer. Such revocation shall take effect from the date on which the declaration is received by the Returning Officer.

124

1. If an election agent dying before or during the election, the candidate may appoint a new Election agent in accordance with the provision of Sub-Rule (1).

2. At a polling station at which a poll is to be taken any contesting candidate or election agent may appoint one agent and one relief agent to act as polling agents of such candidate at each polling station. Appointment shall be made by a letter in writing in duplicate signed by the candidate or his election agent.

3. The candidate or his election agent shall, deliver the duplicate copy of appointment to the polling agent who shall, on the day of the poll, present it to the Presiding Officer and the Presiding Officer shall retain the duplicate copy presented to him in his custody. The polling agent shall be allowed to perform any duty at the polling station where he has complied with the provision of this sub-rule.

4. The appointment of a polling agent may be revoked by a candidate or election agent at any time before the commencement of the poll by a declaration in writing in Form-11 signed by him. Such declaration shall be submitted to the Presiding Officer at the polling station where the agent is appointed for duty.

5. In a case where the appointment of a polling agent is revoked by a candidate or election agent before the commencement of the poll, the candidate or election agent may at any time before the poll is closed appoint a new agent in accordance with the provisions of the Rule.

more
floor
say
and

an-
one

red
are

ates
the
tion

in

pair
ates
ing

ve
for
red

red
non

ion
the
ach

uch
ing

the
by
ake
ach

Publication of
the list of
places fixed for
polling.

28. Before the date of publication of final list of contesting candidates under Rule 25, the Returning Officer shall notify that the poll shall be held during the hours fixed under Clause (c) of sub-rule (1) of Rule 11 at the polling station fixed under Rule 8.

Voting Norma-
lly to be in
person

29. Save as hereinafter provided, all electors voting at an election shall do so in person at the polling station provided for them under Rule 8.

Procedure of
Contested and
Uncontested
Elections.

30. If at any election of a constituency of a Municipality
(a) the number of contesting candidates is more than one, a poll shall be taken;
(b) the number of contesting candidate is one against the constituency of a Municipality, the Returning Officer shall forthwith declare, in Form-12, such candidate to be duly elected to fill the constituency;
(c) no nomination paper is received or all the nomination papers are rejected in respect of a particular constituency, the constituency shall remain vacant till it is filled up under Rule-81.

Death of Can-
didate before
poll.

31. If a candidate whose nomination has been found valid on scrutiny made under Rule 14 and who has not withdrawn his candidature under Rule 16 dies and a report of his death is received before the publication of the list of contesting candidates under Rule-15 or 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 death of the candidate, countermand the poll and report the fact to the State Government and the Election Commission and all proceedings with reference to the election shall be commenced anew in all respect as if for a new election:

Provided that election shall not be countermanded due to the death of a contesting candidate unless such candidate belongs to a recognised National Political Party or recognised state Political Party.

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

Provided also that no person who has given a notice of withdrawal of his candidature under Rule 16 before the countermanding of the poll shall be ineligible for being nominated as a candidate for election after such countermanding.

Manner of
Voting.

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

Every ballot paper shall be of such design as may be approved by the Election Commission in consultation with the State Government.

Every ballot paper shall be in Form-13 and shall be of such design, size, colour as the Election Commission may direct.

Every ballot paper shall have a counterfoil attached thereto and the ballot paper and the counterfoil shall be in Form-13, and the particulars therein shall be in such language or languages as the Election Commission may direct.

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

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

Outside each polling station there shall be displayed prominently:-

1. a notice specifying the polling area the voters of which are entitled to vote at the polling station and where the polling area has more than one polling station, the particulars of the electors so entitled; and

2. a copy of the list of contesting candidates.

The Returning Officer shall cause to be provided at every polling station one or more compartments (hereinafter referred to in these rules as "Voting Compartments") in which voters can record their votes screened from observation.

The Returning Officer shall provide at each polling station a sufficient number of ballot boxes, ballot papers, copies of the list of voters in respect of the polling area or areas voters of which are entitled to vote at such polling station, instruments for stamping the distinguishing mark on ballot papers and articles necessary for voters to mark the ballot papers. The Returning Officer shall also provide at each polling station such other equipment and accessories as may be required for taking the poll at such polling station.

On the day fixed for taking poll, the Presiding Officer shall regulate the number of voters to be admitted at any one time inside the polling station and shall exclude therefrom all persons other than—

- (a) Polling Officers;
- (b) public servants on duty in connection with the election;
- (c) persons authorised by the Returning Officer, District Municipal Returning Officer, Election Commission;
- (d) candidates, their election agents; and subject to the provisions of Rule 27 one polling agent of each candidate at a time;

- (e) a child in arms, incapable of voting;
- (f) a person accompanying a person who cannot move without being helped;
- (g) such other persons as the Presiding Officer or the Presiding Officer may employ for the purpose of assisting the voters.

Preparation of
Ballot Boxes for
Poll.

37. (1) The Presiding Officer, immediately before the commencement of the poll, satisfy all persons present that the ballot box is empty.
- (2) Every ballot box shall bear labels pasted both on the outer and inner flap of the box marked with—
- (a) the serial number of the constituency;
 - (b) the serial number of the polling station;
 - (c) the serial number of the ballot box where more than one ballot box is used in respect of a polling station;
 - (d) the date of poll.
- (3) Immediately before the commencement of the poll, the Presiding Officer shall demonstrate to the polling agents and other persons present that the ballot box bears the labels referred to in Sub-Rule (2).
- (4) The ballot box shall be sealed and secured and placed in full view of the Presiding Officer and the polling agents.

Marked copy of
Electoral Rolls.

38. Immediately before the commencement of the poll, the Presiding Officer shall also demonstrate to the polling agents and other persons present that the marked copy of the electoral rolls to be used at the poll does not contain any entry other than the marked "EED" against the name.

Identification of
Electors.

39. (1) The Presiding Officer may employ at the polling station such persons as he thinks fit to help in the identification of the electors to assist him or otherwise in taking a poll.
- (2) The candidate and the candidate's agents or polling agents shall not speak to or address any elector at the polling centre, but may submit to the Presiding Officer any objection to any voter on any of the following four grounds:
- (a) that his name is not on the Final Electoral Roll of that constituency in respect of which the election is being held;
 - (b) that his claim to be a voter is shown as the Final Electoral Roll is false;
 - (c) that he has already voted;
 - (d) where there is more than one polling station in the same building, he is not entitled to record his vote in the polling station in respect of which the objection is raised.

When a voter enters the polling station the Presiding Officer or the Officer authorised by him in this behalf shall check the elector's name and other particulars with the relevant entry in the electoral rolls and shall call out the serial number, name and other particulars of the voter.

In exercising the right of a person to obtain a ballot paper, the Presiding Officer or the Polling Officer, as the case may be, shall overlook any clerical or printing errors in any entry in the electoral rolls, if he is satisfied that such person is identical with the voter to whom such entry relates.

Where a polling station is for both men and women voters, the Presiding Officers may direct that they shall be admitted into the polling station alternately in separate batches:

1. The Returning Officer or the Presiding Officer may appoint a woman to serve as an attendant at a polling station to assist the Presiding Officer generally in taking the poll in respect of women voters, and in particular to help in searching any women voters in case it becomes necessary.

Provision for
Polling stations
on Election
day.

41. (1) A voter on election duty who wishes to vote shall at least three days before the date of poll approach the Returning Officer or any officer of the constituency designated by him in respect of which he is voter and make an application in Form-14 for the issue of ballot paper in order to enable him to cast his vote.

(2) The Returning Officer shall on being satisfied as to the identity of such voter on production of letter of appointment in connection with election—

- (a) have the person's name marked in the electoral roll; and
- (b) issue to such voter a ballot paper and permit him to vote on the spot with the instrument provided for the purpose:

Provided that the Returning Officer may fix date and time and place when such vote may be cast.

Provided further that the contesting candidate, his Election Agent or an authorised representative shall also be informed of the date, time and place and requested to remain present when the votes are cast.

3. After recording his vote, such voter shall make over the ballot paper to the Returning Officer in a sealed cover.

4. The Presiding Officer shall keep the counterfoil of such ballot paper in a separate sealed cover.

Challenging of
Identity.

42. (1) Any polling agent may challenge the identity of a person claiming to be a particular voter 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 for whom the person is challenged for impersonation ;
- (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 of the person challenged voter in Form-15 ;
- (d) require him to furnish a statement in the said list.

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

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

(4) If after the 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 made is frivolous or has not been established, he shall return the deposit made under sub-rule (1) to the Government and in any other case, he shall return it to the challenger at the conclusion of the inquiry.

Safeguard against
Impersonation

43. (1) Every voter about whom there is a challenge by the Presiding Officer or the Polling Officer, as the case may be, shall, before his left forefinger is to be inspected by the Presiding Officer or the Polling Officer and an indelible ink mark to be put on it.

(2) If any voter refuses to allow his left forefinger to be inspected or marked in accordance with sub-rule (1) or has already such a mark on his left forefinger 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 forefinger of a voter shall in the case where the voter has his left forefinger missing be constructed 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 constructed as a reference to the forefinger or any other finger of his right hand, and shall in the case where all his fingers of both the hands are missing be constructed as reference to such extremity of his left or right arm as he possesses.

ning
in the

shall be stamped with such
by the Presiding Officer.

him

provided in Rule 41, no ballot paper shall be issued to any
for the commencement of the poll.

15 ;
ist.

paper shall be issued to any voter after the hour fixed for
poll, except to those voters who are present at the
at the time of closing of the poll. Such voters shall be
and may vote even after the closing of the poll.

into

of issuing a ballot paper to a voter, the Polling Officer

inge
by ;

in its counterfoil the electoral roll number of the voter as
marked copy of the electoral roll ;

pose
and
son

the signature or thumb impression of the said voter on the

inge
ste ;
bar

name of the voter in the marked copy of the electoral
roll that a ballot paper has been issued to him, without how-
ever, in the serial number of the ballot paper issued to the

ballot paper shall be delivered to an elector unless he
has put his thumb impression on the counterfoil of that ballot

he is
posit
ther
ary.

withstanding anything contained in sub-rule (4) it shall not be
for any Presiding Officer or Polling Officer or any other Officer
to require the thumb impression of the elector on the counterfoil.

ling
ter to

person to the polling station shall note down the serial numbers
of ballot paper issued to particular voters.

an

to whom a ballot paper has been issued under Rule
any other provision of these rules, shall maintain secrecy
at the polling station and for that purpose observe the voting
provisions hereinafter laid down.

for
his
he

person receiving the ballot papers shall forthwith—

1. place the ballot paper in one of the voting compartments ;

2. 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
votes ;

3. fold the ballot paper so as to conceal his vote ;

the
is a
here

4. hand the ballot paper to the Presiding Officer the distinguishing mark on

ence
the
has

- (e) insert the folded ballot paper into the ballot box and
- (f) quit the polling station.
- (g) Every voter shall vote without undue delay.
- (4) No voter shall be allowed to enter a voting compartment when another voter is inside it.
- (5) If a voter to whom a ballot paper has been issued, after warning given by the Presiding Officer to observe the procedure as laid down in sub-rule (2), the ballot paper has not been used, whether he has recorded his vote thereon or not, he shall be taken into custody by the Presiding Officer or a Polling Officer under the direction of the Presiding Officer.
- (6) After the ballot paper has been taken into custody, the Presiding Officer shall record on its back the words "Compulsory Voting Procedure Violated" and put his signature below these words.
- (7) All the ballot papers on which the words "Compulsory Voting Procedure Violated" are recorded shall be kept in a separate cover which shall bear on its face the word "Ballot Papers - Compulsory Voting Procedure Violated".
- (8) Without prejudice to any other penalty which may be imposed, from whom a ballot paper has been taken into custody under rule (5), may be liable, the vote, if any recorded on such ballot paper, shall not be counted.

Recording of
votes of blind or
illiterate voters.

46. (1) If the Presiding Officer is satisfied that owing to blindness or other physical infirmity a voter is unable to receive a ballot paper or to make a mark thereon, he shall permit the voter to take with him a person not less than eighteen years of age to the voting compartment and to fill in the vote on the ballot paper on his behalf and to sign the name of the voter, and, if necessary, for folding the ballot paper and for putting the vote and inserting it into the ballot box :

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

Provided further that before any person is permitted to act as the companion of a voter on any day under this rule, the person so permitted to declare to the Presiding Officer that he will keep secret the vote recorded on behalf of the voter and that he has not already acted as the companion of any other voter at any polling station on that day.

- (2) The Presiding Officer shall keep a record of the names of the voters in Form 16 (A).

10

...with his ballot paper ...
...uses a ballot paper ...
...Officer and on satisfying him ...
...ballot paper, and the ballot paper ...
...of such ballot paper shall be marked as ...
...by the Presiding Officer.

...a ballot paper decides not to use it, ...
...Presiding Officer, and the ballot paper so returned ...
...ballot paper shall be marked as "Returned ...
...Presiding Officer.

...under sub-rule (1) or sub-rule (2) shall ...
...packet.

...representing himself to be a particular voter applies ...
...after another person has already voted as such voter, ...
...satisfactorily answering such questions relating to his ...
...the Presiding Officer may ask, be entitled, subject to the ...
...of this rule to mark a ballot paper (hereinafter ...
...referred to as a "tendered ballot paper") in the same ...
...as any other elector.

...shall, before being supplied with a tendered ...
...paper, sign his name against the entry relating to him in a list in ...
...Form No. 17.

...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 ...
...papers issued for use at the polling station; and

(b) such tendered ballot paper and its counterfoil shall be endorsed on ...
...the words "tendered ballot Paper" by the Presiding Officer ...
...and signed by him.

(c) The voter, after marking a tendered ballot paper in the voting ...
...and folding it, shall, instead of putting it into the ballot ...
...box, place it in a cover specially provided for the purpose, and the Presiding Officer, who shall place it in a cover specially ...
...for the purpose.

...The Presiding Officer shall close a polling station at the hour ...
...and shall not thereafter admit any ...
...at the polling station.

...present at the polling station before it is closed ...
...to cast their votes.

...whether an elector was present at the polling ...
...shall be decided by the Presiding Officer ...
...(-)

Sealing of
Ballot Boxes
after Poll.

50. (1) As soon as possible after the close of the poll, the Presiding Officer shall close the ballot box. Where the box does not contain any material, the Presiding Officer shall seal up the box and also affix his seal.
- (2) The ballot paper shall be secured.
- (3) Where it becomes necessary to open the ballot box by reason of the first ballot being spoiled, the box shall be closed, sealed and secured as aforesaid before another ballot box is put in use.

Account of
Ballot Papers.

51. (1) The Presiding Officer shall prepare a ballot paper account in Form—16 and shall cover it with the words "Ballot paper Account".
- (2) The Presiding Officer shall sign the account in the presence of the election agent present at the close of the poll and the account shall be signed by the ballot paper account duly attested by the election agent from the said polling agent therefore.

Sealing of other
Packets.

52. (1) The Presiding Officer shall seal up the following packets:-
- (a) the marked list of voters;
 - (b) the counterfoils of the ballot papers;
 - (c) the ballot papers signed by the Presiding Officer but not issued to the voters;
 - (d) any other ballot papers;
 - (e) the ballot papers spoiled by the voters;
 - (f) any other papers relating to the poll;
 - (g) the cover containing the list of voters and the list in Form—17;
 - (h) the list of challenged voters;
 - (i) any other papers which may be required to be kept in a sealed packet.
- (2) Each such packet shall be sealed in the presence of the Presiding Officer and with the seal of the election agent or of his polling agent at the polling station and may desire to affix his seal thereon.

Transmission
of Ballot Box,
etc., to the
Returning
Officer.

53. (1) The Presiding Officer shall deliver or cause to be delivered to the Returning Officer the ballot box and the Returning Officer may direct—
- (a) The ballot boxes of a polling station shall be referred to in rule—50.
 - (b) the ballot paper account

residing
or does
seal up

reason
sealed
another

bullet
with the

at at the
t paper
he said

but not

are

list in

kept

siding
agent
id may

cause
rning

ferred

... in rule 52; and
... at the poll

53. The Returning Officer shall make adequate arrangements for the use of sealed ballot boxes, packets and other papers and for their safe custody from the commencement of the counting of votes.

54. In addition, the proceedings at any polling station are to be adjourned 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 riot or violence, or any other sufficient cause, the Returning Officer for such polling station shall announce the adjournment of the poll to a date to be fixed later and where the poll is adjourned by the Presiding Officer he shall forthwith inform the Returning Officer concerned.

55. Wherever a poll is adjourned under sub-rule (1) the Returning Officer shall immediately report the circumstances to the District Municipal Election Officer and the Election Commission and to the State Government. The Election Commission in consultation with the State Government shall, by notification, fix date and hours on which the poll shall recommence and the District Municipal Election Officer shall fix the polling station at which the poll shall be taken.

56. (1) If the poll at any polling station is adjourned under rule 54, the provisions of the rule 50 to 52 (both inclusive) shall, as far as practicable apply as if the poll was closed at the hour fixed in that behalf under rule 11.

(2) In any adjourned poll the voters 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 market copy of the list of voters other sealed packets, the original ballot box containing the polled ballot papers and a new ballot box.

(4) The Presiding Officer shall open the sealed packets in the presence of the Returning Officer and use the market copy of the list of voters in the required manner.

(5) The provisions of rules 50 to 52 (both inclusive) shall apply to the proceedings at an adjourned poll as they apply in relation to a poll which is not adjourned.

In case of destruction etc. of
Ballot Boxes.

56. It at a poll

- (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 is 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 or at a place fixed for the poll.
- the Presiding Officer shall forthwith report the matter to the Returning Officer/District Municipal Election Officer who will immediately report the same to the Election Commission and to the State Government.
- (2) Thereupon, the District Municipal Election Officer shall, after taking all material circumstances into account, either.
- (a) declare the poll at the polling station to be void ; or
 - (b) if satisfied that, the result of a fresh poll at the polling station will not in any way, alter the result of the election or that 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) Where a poll at a polling station is declared to be void under clause (a) of sub rule (2), the District Municipal Election Officer shall immediately report the matter to the Election Commission and also to the State Government. The Election Commission in consultation with the State Government shall, by notification, fix a date and time for taking a fresh poll and thereupon the District Municipal Election Officer shall fix the polling station at which poll shall be taken.
- (4) The provisions of these rules or orders made thereon shall apply to every such fresh poll as they apply to the original poll.

COUNTING OF VOTES

not of
nally
such
at be

is the
 24.

1000
 1000

after

n will
of of

: and

under
shall

with

tion

apply

... shall be

acting Agent
table or

the count-

conducts
it may be
the Return-
authorised in

the counting
such per-

allot papers

er in the

... in the
... sheets

and rejected
in a packet
the candidates
their seal on
be recorded
brief descrip-

H_0 rejected

presence

table the
the seal
it is in-

one of the

the ballot
ballot papers
down in

or
be

papers taken out of the ballot box shall be bundled and scrutinised.

agent
or

The Returning Officer shall reject a ballot paper.

count-

which bears any mark or writing by which the voter can be identified;

facts
by be
turn-
ed in

which does not indicate the vote, it bears no mark at all or bears mark other than with the instrument supplied for the purpose;

ating
per-

which is given in favour of more than one candidate; or

which is a spurious ballot paper; or

which is so damaged or mutilated that its identity as a genuine ballot paper cannot be established; or

which bears a serial number or is of a design different from the serial numbers, or as the case may be, design of the ballot papers authorised for use at the particular polling station;

papers

which does not bear both the mark and signature which it should have borne under the provision of these Rules;

the

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

the
sheets

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.

ected
cket
dates
al on
rded
scrip-

(3) Before rejection of any ballot paper under Sub-Rule (2) the Returning Officer shall allow the candidate or his election agent and the counting agent present a reasonable opportunity to inspect the ballot paper, but shall not allow him to handle it or any other ballot paper.

ected

The Returning Officer shall endorse on every ballot paper which he rejects the word "rejected" and the grounds of rejection in abbreviated form either in his own hand or by means of a rubber stamp and shall attach each endorsement.

sence

Ballot papers rejected under this Rule shall be bundled

the
seal
is in-

and no ballot paper which is not rejected under this Rule shall be counted as a valid vote;

f the

For the purpose of counting of votes in respect of election to the office of the President, a mark in the ballot paper which is not rejected under this Rule shall be counted as one valid vote for the candidate in whose favour the mark has been validity given.

ballot
papers
wn in

During the progress of counting of vote in connection with the election, the Returning Officer shall count all the valid votes in the ballot papers and enter the serial numbers thereof in the counting sheet.

(3) After the counting of all ballot papers contained in the ballot box used at a polling station has been completed

(a) the counting supervisor shall fill in and sign part-II of ballot paper account in Form 18 which shall also be signed by the Returning Officer;

(b) the Returning Officer shall make the entries in result sheets in the Form 22 and announce the particulars.

Sealing of used
Ballot Papers.

66. (1) The valid ballot papers of each candidate and the rejected ballot papers shall thereafter be bundled separately and such bundles made up into a separate packets which shall be sealed with the seals of the Returning Officer and such of the candidates, their election agent or counting agent as may desire to affix their seals thereon; and on the packet so sealed shall be recorded the following particulars, namely—

(a) the name and number of the constituency;

(b) the particulars of the polling stations where the ballot papers were used; and

(c) the date of counting.

Counting to be
Continuous.

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

Recounting of
Vote.

68. (1) After completion of the counting of vote the Returning Officer shall record in the counting sheet in Form 21 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 demand such recount.

(3) On such an application being made the Returning Officer shall decide the matter and may allow the application in whole or in part or may reject it in to 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 reasons thereof and shall be final.

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

(a) do the recounting in accordance with the rule 65;

(b) amend the counting sheet in Form 21 to the extent necessary after such recounting; and

d in the

art-II of
also be

a result
ulars.

rejected
bundles
he seals
election
thereon;
g parti-

a ballot

proceed
g any
a ballot
ed with
counting
equale
ervals.

urning
number

andidate
agents
e votes
emand

Officer
ole or
ivorous

r sub-
all be

(3) to

cessary

with the statement so made by him

the total number of votes polled by each candidate under sub-rule (1) or sub-rule (5), the candidates shall complete and sign the counting sheet in Form 21. Any application for recounting shall be entertained there-

no step under this sub-rule shall be taken on the day of the counting until the candidates or their election agent present at the completion thereof have been given a reasonable opportunity to exercise the right conferred

On completion of counting of votes of a constituency, an election agent found to exist between any candidates and the candidate on whose vote will entitle any of those candidates to be declared elected, the Returning Officer shall forthwith decide between these candidates by lot and proceed as if the candidate on whom the lot falls had received an additional vote.

On the completion of counting of votes and signing of the return in Form 22 the Returning Officer shall

(a) declare the results in Form 23, the candidate to whom the largest number of valid votes have been cast, to be duly elected;

(b) inform the District Municipal Election Officer, Election Commission and the State Government of the result of the poll. The Election Commission shall cause the names of elected candidate published in the Official Gazette;

(c) permit any candidate or his election agent or counting agent to take a copy of extract from, such return which shall be prepared by the Returning Officer after the declaration of result.

As soon as may be after a candidate has been declared to be elected the Returning Officer shall grant to such candidate a certificate of election in Form 24 and obtain from the candidate an acknowledgment of its receipt duly signed by him and immediately send the acknowledgment to the concerned places as per instructions of the Election Commission.

After completing the counting of votes in an election the Returning Officer shall then make into separate packets—

(a) Counting sheets in Form—; 21

(b) Returns in Form—; 22

(c) Paper account in Form—18

and

(d) Papers directed by the Election Commission to be made into a sealed packet.

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

Transmission
of ballot boxes,
packets, etc. to
the District
Municipal
Election Officer.

72. (1) The Returning Officer shall send or cause to be delivered to the District Municipal Election Officer through such place as the District Municipal Election Officer may require—

- (a) the ballot boxes;
- (b) the ballot paper account;
- (c) the sealed packets referred to in rule 71; and
- (d) all other papers used at the election.

(2) The District Municipal Election Officer shall make adequate arrangement for the safe transport of the ballot boxes, packets and other papers and for their safe custody.

Account of Elec-
tion expenses
and lodging of
Account with
the District
Municipal Elec-
tion Officer.

73. (1) Every candidate at an election shall, whether by himself or by his election agent, keep a separate and correct account of expenditure in connection with the election incurred or authorised by him or by his election agent between the date on which he has been nominated and the date of declaration of the result thereof, both inclusive.

Explanation I.—Notwithstanding any law, custom or decision of any court to the contrary, any expenditure incurred or authorised in connection with the election of a candidate by the candidate or by any other association or body of persons or by any person other than the candidate or his election agent shall not be deemed to have been incurred or authorised by the candidate or his election agent for the purpose of this sub-rule.

Provided that nothing contained in this rule shall affect any judgement, order or decision of the Court of Session in an election of a candidate has been declared void or set aside.

Explanation II.—For the removal of doubts, it is hereby declared that any expenditure incurred in respect of any person in the service of the Government and belonging to any of the classes mentioned in clause (7) of section 123 of the Representation of the People Act, 1951, in the discharge or purported discharge of his duties as mentioned in the proviso to that clause shall not be deemed to be expenditure in connection with the election incurred or authorised by a candidate or by his election agent for the purpose of this sub-rule.

(2) The account shall contain such particulars as are provided in rule 74;

(3) The total of the said expenditure shall not exceed such amount as specified in rule 75;

(4) Every contesting candidate shall submit the account within thirty days from the date of election of the returned candidate. If there are more than one returned candidate at the election, the dates of their

un-
gent
and

to be
the

state
other

by
in
elec-
date

of
in
any
the
not
tion
the

any
of a

that
lies
the
oned
951,
oned
in
by

d, in
such

thirty
are
heir

... of those two dates lodge with the District
... account of his election expenses which shall
... account kept by him or by his election agent under

The account of election expenses to be kept by a candidate or
agent shall contain the following particulars in respect of each
expenditure from day to day, namely—

- (a) the date on which the expenditure was incurred or autho-
rised;
- (b) the nature of the expenditure (as for example, travelling,
postage or printing and the like);
- (c) the amount of the expenditure—
(i) the amount paid; and
(ii) the amount outstanding;
- (d) the date of payment;
- (e) the name and address of the payee;
- (f) the serial number of vouchers, in case of amount paid;
- (g) the serial number of bills if any, in case of amount outstand-
ing;
- (h) the name and address of the person to whom the amount
outstanding is payable.

(2) A voucher shall be obtained for every item of expenditure
unless from the nature of the case, such as postage, travel by rail and the
like, it is not practicable to obtain a voucher.

(3) All vouchers shall be lodged along with the account of elec-
tion expenses, arranged according to the date of payment and serially
numbered by the candidate or his election agent and such serial numbers
shall be entered in the account under item (f) of sub-rule (1).

(4) It shall not be necessary to give the particulars mentioned in
sub-rule (1) in regard to the items of expenditure for which
vouchers have not been obtained under sub-rule (2).

The District Municipal Election Officer shall, within two days
of the date on which the account of election expenses has been lodged
by a candidate, cause a notice to be affixed to his notice board, specifying—

- (a) the date on which the account has been lodged;
- (b) the name of the candidate; and
- (c) the time and place at which such account can be inspected.

Any person shall on payment of a fee of one rupee be entitled to
inspect such account and on payment of such fee as may be fixed by
the District Municipal Election Officer in this behalf, be entitled to obtain attested
copies of the account or of any part thereof.

Report by the District Municipal Election Officer on the lodging of the account of Election expenses and the decision of the Election Commission thereon.

77. As soon as may be after the expiration of time specified for the lodging of the accounts of election expenses at any election the District Municipal Election Officer shall report to the Election Commission--

- (a) the name of each contesting candidate;
- (b) whether such candidate has lodged his account of election expenses and if so, the date on which such account has been lodged; and
- (c) whether in his opinion such account has been lodged within the time and in the manner required by these rules.

(2) Where the District Municipal Election Officer is of the opinion that the account of election expenses of any candidate has not been lodged in the manner required by the Rules he shall, within seven days, forward to the Election Commission a report of the election expenses of that candidate and the vouchers lodged along with it.

(3) Immediately after the submission of the report referred to in sub-rule (1), the District Municipal Election Officer shall publish a copy thereof by affixing the same to his notice board.

(4) As soon as may be after the receipt of the report referred to in sub-rule (1) the Election Commission shall consider the same and decide whether any contesting candidate has failed to lodge the account of election expenses within the time and in the manner required by these rules.

(5) Where the Election Commission decides that a contesting candidate has failed to lodge his account of election expenses within the time and in manner required by these rules it shall, by notice in writing, call upon the candidate to show cause why he should not be disqualified for the failure.

(6) Any contesting candidate who has been called upon to show cause under sub-rule (5) may, within ten days of the receipt of such notice, submit in response of the notice a representation in writing to the Election Commission and shall at the same time send to the District Municipal Election Officer a copy of his representation together with a complete account of his election expenses if he had not already furnished such an account.

(7) The District Municipal Election Officer shall, within five days for the receipt thereof, forward to the Election Commission the copy of the representation and the account of any candidate and such comments as he wishes to make thereon.

(8) If, after considering the representation submitted by the candidate and the comments made by the District Municipal Election Officer and after such inquiry as it thinks fit the Election Commission is satisfied that the candidate has no good reason or justification for the failure to lodge his account, it shall declare him to be disqualified for a period of six years from the date of the order and cause the order to be published in the official gazette.

78. The total of the expenditure of which account is to be kept and which is incurred or authorised in connection with an election in Municipality shall not exceed rupees ten thousand.

Maximum Election expenses

CHAPTER-V. MISCELLANEOUS

1. If in any election to the Municipality no nomination is filed by any candidate against a constituency or if nomination or nominations are filed against a constituency or are found to be invalid or if such election is countermanded, the Returning Officer shall report the same to the Election Commission, and thereupon any member or members to fill any such vacancy or vacancies shall be elected under the provision of these rules as soon as possible.

2. The time within which a person may resign all but one of the constituencies of a Municipality from which he has been elected shall be—

(1) fourteen days from the date of his election;

(2) where the dates of his election are different in respect of different constituencies fourteen days from the last of those dates.

(3) such resignation shall be addressed to—

(a) the Chairperson of the Municipality;

(b) where the office of the Chairperson is for the time being vacant or is deemed to be in abeyance, the Vice Chairperson of Municipality;

(c) where the post of the Vice-Chairperson is also for the time being vacant or is, deemed to be in abeyance, to the Election Commissioner.

(3) Where the resignation has been addressed to the Election Commission under sub rule (2), the Election Commission shall, as soon as may be after the receipt of the resignation, send a copy thereof to the Secretary of the Municipality concerned.

11. When the constituency of a member elected to a Municipality becomes vacant by reason of his death, resignation, removal or otherwise the Election Commission in consultation with the State Government shall fix a date as soon as conveniently may be for holding bye-election to fill the vacancy and the provisions of these Rules shall thereupon apply mutatis mutandis.

12. The deposit made under Rule 12 shall either be returned to the candidate making it or his legal representative or be forfeited to the State Government in accordance with the provisions of these Rules.

13. Except in case hereinafter mentioned in this Rule, deposit shall be returned as soon as practicable after results of the election is declared.

14. If the candidate is not shown in the list of contesting candidates or if he is not before the commencement of the poll, the deposit shall be forfeited as soon as practicable after the publication of the list or after the commencement of the poll, as the case may be.

15. In the provision of sub-rule (3), the deposit shall be

forfeited if at an election no candidate is elected and the number of votes polled is less than one sixth of the valid votes polled.

Custody of Ballot Boxes and papers Relating to Election.

83. (1) All ballot boxes and papers shall be kept in such custody as the Election Commissioner may direct.

(2) The District Municipal Election Officer shall keep in safe custody—

- (a) the packets of unused ballot papers and 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 electoral roll;
- (e) the packets of the declaration of assets and the attestation of the valid votes polled by all the candidates;
- (f) all other papers relating to the election.

Production and Inspection of Election papers.

84. (1) While in the custody of the District Municipal Election Officer, as the case may be, the following—

- (a) the packets of unused ballot papers and 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 electoral roll;
- (e) the packets of the declaration of assets and the attestation of their signatures.

Shall not be opened and their contents shall not be inspected by, or produced before, any person other than a person acting under the order of a competent court.

Disposal of Election papers.

85. Subject to any directions given by the Election Commission or by a competent court—

- (a) the packets of unused ballot papers shall be retained for a period of three months and thereafter be destroyed by burning in such manner as the Election Commission may direct;
- (b) the other packets referred to in sub-rule (1) or Rule 75 shall be retained for a period of six months and shall thereafter be destroyed by burning.

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

- (c) all other papers relating to the election shall be retained for a period of six months and thereafter be destroyed by burning.

Eviction from
Requisitioned
Premises.

89. (1) Any person remaining in possession of any requisitioned premises in contravention of any order made under rule 86 may be summarily evicted from the premises by the Requisitioning Authority or any officer specially empowered by the Requisitioning Authority.

(2) The Requisitioning Authority or any Officer so empowered may, after giving to any woman not appearing in public, reasonable warning and facility to draw, remove or open any latch or lock or bolt or break open any door of any building or do any other act necessary for effecting such eviction.

Release of
premises from
requisition.

90. (1) When any premises requisitioned under rule 86 are to be released from requisition the possession thereof shall be delivered to the person from whom possession was taken at the time when the premises were requisitioned, or if there is no such person, to the person deemed by the requisitioning Authority to be the owner of such premises and such delivery of possession shall be in a full discharge of the Requisitioning Authority from all liabilities in respect of such delivery, but shall not prejudice any right in respect of premises which any other person may be entitled by any law to enforce against the person to whom the possession of the premises is so delivered.

(2) When the person to whom the possession of any premises requisitioned under rule 86 is to be given under sub rule (1) cannot be found or his whereabouts are not ascertainable or has no agent or any other person empowered to accept delivery on his behalf the requisitioning authority shall cause a notice declaring that such premises are released from the requisition to be affixed on some conspicuous part of such premises and the Notice Board in the office of the Requisitioning Authority.

(3) When a notice is affixed on the Notice Board as provided in sub-rule (2) the premises specified in such Notice shall cease to be subject to requisition on and from the date of such affixing of the Notice and be deemed to have been delivered to the person entitled to possession thereof and the Requisitioning Authority shall not be liable for any compensation or other claim in respect of such premises for any other period after the said date.

Penalty for con-
travention of
any order regar-
ding the requi-
sition.

91. If any person contravenes any order made under rule 86 or rule 80 he shall, on conviction be punished with imprisonment for a term which may extend to one year or with fine which may extend to Rs. 1000/- or with both.

CHAPTER—VI

ELECTORAL OFFENCES

Promoting
enmity between
classes in connec-
tion with
Election.

92. Any person who in connection with an election under these rules promotes or attempts to promote on grounds of religion, race, caste, community or language, feelings of animity or hatred between different classes of the citizens of India shall be punishable with imprisonment for a term which may extend to three years or with fine, or with both.

Prohibition for
public meeting
on the day
preceding the
election day
and on the
election day.

93. (1) No person shall hold or conduct any public meeting in any polling area during the hours ending with the hour fixed for the conclusion of the poll and any election in that polling area.

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

Disturbances
at election
meetings.

94. (1) Any person who or a meeting to which this rule applies acts, or incites others to act, for the purpose of preventing the transaction of an election, or if the meeting was called shall be punishable with fine which may extend to two hundred and fifty rupees.

(2) This rule applies to any meeting of a political character held in any constituency between the date of the issue of a notification under these rules calling upon the electors 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) or if requested so to do by the Chairman of the meeting, requires 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.

Restriction on
the printing of
pamphlets,
posters etc.

95. (1) No person shall print or cause to be printed or published any election pamphlet or poster which does not bear on its face name and address of the printer and the publisher thereof.

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

(a) unless a declaration as to the printing 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

(i) where it is printed in accordance with the Election Commission, and

(ii) in any other case to the District Municipal Election Officer of the District in which it is printed

(3) For the purpose 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

requisitioning
Premises,
Vehicles, Vessels
and Animals
for Election
Purposes.

86. (1) The District Magistrate or any Sub-Divisional Magistrate authorised by him in this behalf, (herein after in this rule referred to as the requisitioning authority) if it appears to him in connection with an election under this Act—

- (a) that any premises are needed or are likely to be needed for the purpose of being used as a polling station or for the storage of ballot boxes after the poll has been taken, or
- (b) that any vehicle, vessel or animal is needed or is likely to be needed for the purpose of transport of ballot boxes to or from any polling station or transport of members of the police force for maintaining order during the conduct of such election or transport of any officer or other person for performance of any duties in connection with a such election by order in writing requisition such premises, or as the case may be such vehicle, vessel or animal and may make such further order as may appear to him to be necessary or expedient in connection with the requisitioning;

Provided that no vehicle, vessel 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 sub-rule until the completion of the poll at such election.

(2) The requisition shall be effected by an order in writing addressed to the person deemed by the requisitioning authority to be owner or person in possession of the property and such order shall be served on the person to whom it is addressed.

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

(4) In this rule—

- (a) "Premises" means any land, building or part of a building and includes a hut, shed or other structure or any part thereof;
- (b) "Vehicle" means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise.

Amount of
compensation.

87. (1) Whenever in pursuance of Rule 86 any premises are requisitioned, there shall be paid to the person interested, compensation of the amount which shall be determined by taking into consideration the following namely;

- (i) the rent payable in respect of the premises, or if no rent is payable, the rent payable for similar premises in the locality;
- (ii) if in consequence of the requisition of the premises, the person interested is compelled to change his residence or place of business, the reasonable expenses, if any, incidental to such change;

Provided that any person interested, being aggrieved by the amount of compensation so determined under this sub rule, may apply within thirty days from the date of order determining the compensation to the Secretary/Commissioner/Principal Secretary to the Government of Tripura, Urban Development Department for a review. The decision of the Secretary/Commissioner/Principal Secretary to the Government of Tripura, Urban Development Department shall be final.

Explanation: In this sub rule, the expression "person interested" means the person who was in actual possession of the premises requisitioned under rule 86 immediately before the requisition or where no person was in such actual possession, the owner of such premises.

(2) Whenever in pursuance of rule 86 any vehicle, vessel or any animal is requisitioned there shall be paid to the owner thereof an amount which shall be determined by the requisitioning authority on the basis of the fares or rates prevailing in the locality for the hire of such vehicle, vessel or animal;

Provided that where immediately before the requisition the vehicle or vessel was by virtue of hire purchase agreement in the possession of a person other than the owner, the amount determined under this sub rule as the total compensation payable in respect of the requisition shall be apportioned between the person and the owner in such manner as may be agreed upon, and in default of agreement, in such manner as the Requisitioning Authority in this behalf may decide;

Provided further that any person interested, being aggrieved by the amount of compensation determined under this sub rule, may apply within thirty days from the date of the order determining the compensation to the Secretary/Commissioner/Principal Secretary to the Government of Tripura, Urban Development Department for review and the decision of the Government shall be final.

Manner of Servicing of Requisition of premises, Vehicles, Vessels and Animal.

88. An order or requisition under rule 86 shall be—

- (a) where a person to whom such order is addressed is a corporation or firm, in the manner provided for the service of summons in rule 2 of order xxix or rule 3 of order xxx as the case may be, in the first schedule of the Code of Civil Procedure, 1908 (Act V of 1908); and
- (b) where the person to whom such order is addressed is an individual.
 - (i) personally by delivering or tendering the order; or
 - (ii) by registered post with acknowledgement due; or
 - (iii) if a person cannot be found, by leaving an authentic copy of the order with any adult member of his family, or by affixing such copy to some conspicuous part of the premises in which he is known to have last resided or carried on business, or personally worked for a gain.

(2) The powers conferred by sub-rule (1) shall not be exercised so as to prevent any elector who is authorised/entitled to vote at a polling station from having an opportunity of voting at that station.

(3) If any person who has been so removed from a polling station re-enters the polling station without the permission of the Presiding Officer, he shall be punishable with imprisonment for a term which may extend to three months or with fine or with both.

(4) An offence punishable under sub-rule (3) shall be cognizable.

Breaches of
official's duty in
connection with
Election.

101. (1) If any person to whom this rule 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) An offence punishable under sub-rule (1) shall be cognizable.

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

(4) If the persons to whom this rule applies are the District Municipal Election Officers, Returning Officers, Assistant Returning Officers, Presiding Officer, Polling Officers and any other person appointed to perform any duty in connection with the receipt of nominations or withdrawal of candidatures, or the recording or counting of votes at an election and the expression 'official duty' shall for the purpose of this rule be construed accordingly, but shall not include duties imposed otherwise than by or under these rules.

Penalty for
Government
Servants
for acting
as Election
Agent, polling
Agent, or con-
ting agent.

102. If any person in the service of the Government/Central or State or the Tripura Tribal Areas Autonomous District Council acts in as an election agent or a polling agent or a counting agent of a candidate at an election he shall be punishable with imprisonment for a term which may extend to three months, or with fine or with both.

Removal of
ballot papers
from polling
station to be
an offence

103. (1) Any person who at any election fraudulently takes, or attempts to take a ballot paper, out of a Polling Station, wilfully aids or abets the doing of any such act, shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to five hundred rupees or with both.

(2) If the Presiding Officer of a Polling Station has reason to believe that any person is committing or has committed an offence punishable under sub-rule (1); such officer may, before such person leaves the Polling Station, arrest or direct a Police Officer to arrest such person and search such person or cause him to be searched by a Police Officer.

Provided that when it is necessary to cause a woman to be searched the search shall be made by another woman with strict regard to decency.

(3) Any ballot paper found upon the person arrested on search shall be made over for safe custody to a police officer by the Presiding Officer, or when the search is made by a police officer shall be kept by such officer in safe custody.

(4) An offence punishable under sub-rule (1) shall be cognizable.

Other offence
and penalties
therefor

104. (1) A person shall be guilty of an electoral offence if at any election he,

- (a) fraudulently defaces or fraudulently destroys any nomination paper; or
- (b) fraudulently defaces, destroys or removes any list, notice or other document affixed by or under the authority of a Returning Officer; or
- (c) fraudulently defaces or fraudulently destroys any ballot paper or the official mark on any ballot paper to any declaration of identity or official envelope used in connection with voting by postal ballot; or
- (d) without due authority supplies any ballot paper to any person or receives any ballot paper from any person or is in possession 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 acts or wilfully aids or abets the doing of any such acts.

(2) Any person guilty of an electoral offence under this rule shall—

- (a) if he is a Returning Officer or an Assistant Returning Officer or a Presiding Officer at a Polling Station 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.

Man
scanned

Office
clerk
at
the
polling
station

Prohibited
or non
voter

(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 of 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.

Maintenance of
secrecy of
voting.

96. (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 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.

Officer, etc. at
election not to
act for candi-
dates or to
influence voting.

97. (1) No person who is a District Municipal Election Officer, a Returning Officer or an assistant Returning Officer or a presiding 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 shall in the conduct or the management of the election do any act (other than the giving of vote) for the furtherance of the prospects of the election of a candidate.

(2) No such person as aforesaid, and no member of a police force shall endeavour—

- (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-rule (1) or sub-rule (2) shall be punishable with imprisonment which may extend to six months or with fine or with both.

(4) An offence punishable under sub-rule (3) shall be cognizable.

Prohibition of
canvassing in
or near polling
stations.

98. (1) No person shall, on the date or dates on which 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 metres of the polling station—

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

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

Penalty for disorderly conduct in or near polling station.

99. (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 loudspeaker; or
- (b) shout, or otherwise act in a disorderly manner, within or at the 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 officers 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 which may extend to three months or with fine or with both.

(3) If the Presiding Officer of a polling station has reason 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.

Penalty for misconduct at the Polling Stations

100. (1) Any person who during the hours fixed for the poll at any polling station misconducts himself or fails to obey the lawful direction of the President Officer may be removed from the Polling station by the Presiding Officer or by any Police Officer on duty or by any person authorised in this behalf by such Presiding Officer.

48

FORM-(1)

(See Rule (12))

It is hereby given that—

(1) An election will be held of a Member to Municipality from constituency No. which is a general constituency/constituency reserved for Scheduled Caste/Scheduled Tribes/Women.

(2) Nominations may be delivered by a candidate or his proposer to the Returning Officer at the Returning Officer (designation) at between 11.00 a.m. and 3.00 p.m. (any day other than a public holiday) not later than the

(3) Form paper may be obtained at the place and time aforesaid;

(4) The papers will be taken up for scrutiny at (Place) on at (time)

(5) The of candidature may be delivered by a candidate or his election agent or his proposer authorized in writing by the candidate to deliver it 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 at and hours

Place

Date

Returning Officer

..... appropriate alternative.

FORM (2)

(See Rule 13 (2))

Nomination Paper.

I hereby propose a candidate for election to the Municipality from the constituency No. which is a general Constituency/Constituency reserved for Scheduled Caste/Scheduled Tribes/Women.

Candidate's name

His/Her postal address

His/Her name is entered at Serial No. in part No. sub-part of the election for the Constituency No. of Municipality.

Date

(Signature of proposer)

I the above mentioned candidate assent to this nomination and hereby declare—

- that I have completed years of age;
- that I am set up at this election by party;
- that the symbols I have chosen are, in order of preference;
- that except this nomination, I have not given assent to any other nomination from any other constituency for election as a member of Municipal Council/Nagar Panchayat;
- that to the best of my knowledge and belief I am qualified and not disqualified for being chosen to fill the seat in the Municipal Council/Nagar Panchayat.

I further declare that I am a member of the ... Caste/Tribe which is a Scheduled Caste/Tribe of the State of Tripura. A copy of Scheduled Caste/Scheduled Tribe certificate issued in my favour is enclosed.

Date ...

(Signature of Candidate)

Strike off the inappropriate alternative.

(To be filled by the Returning Officer)

Serial No. ... of nomination paper ... This nomination was delivered to me at my office at ... (hours) on ... (date) by the candidate/proposer.

Date ...

Returning Officer.

Perforation

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 to ... Municipality from the Constituency No. ... was delivered to me at my office at ... (hours) on ... (date) by the candidate/proposer. All nomination papers will be taken up for scrutiny on (date) ... hours at ...

Date :

Returning Officer.

FORM (B)

(See Rule (21))

Notice of Nomination

Election to ... Municipality from Constituency No. ... which is a general constituency/Constituency reserved for Scheduled Caste/Scheduled Tribes/Women.

Notice is hereby given that the following nominations in respect of the above election have been received upto 3.00 P.M. to-day.

Sl. No. of Nomination paper.	Name of Candidate	Name of father/ husband.	Address	Name of proposer	Electoral Roll number of proposer.
1	2	3	4	5	6
1.					
2.					
3.					
4.					
5.					
6.					

Place :

Date :

Returning Officer.

(3) For the purposes of this rule a person shall be deemed to be on official duty if his duty is to take part in the conduct of an 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, but the expression 'official duty' shall not include any duty imposed otherwise than by or under these rules.

(4) An offence punishable under sub-rule (2) shall be cognizable.

Removal of
difficulties if
any by the
Government.

105. (1) The State Government may issue such general or special direction as may, in its opinion, be necessary for the purpose of giving effect to these rules, or holding any election under the Act.

(2) If any difficulty arises in giving effect to the provisions of these rules, or in preparation, revision and correction of Electoral Roll or in holding any election, the State Government if occasion requires, may by order, do anything not inconsistent with the provisions of the Act and these rules, which appears to it to be necessary for the purpose of removing the difficulty.

By order of the Governor,
LALVOHLIANA
Secretary
Government of Tripura.

42

APPENDIX
(See Rule 15)
List of Symbols

TABLE--1
(Symbols reserved for recognised National Parties)

National Parties	Symbol Reserved
1	2
1. Bharatiya Janata Party	Lotus
2. Communist Party of India	Ears of Corn and Sickle
3. Communist Party of India (Marxist)	Hammer, Sickle and Star
4. Indian National Congress	Hand
5. Janata Dal	Chakra (Wheel)
6. Janata Party	Haladhar, within wheel (Chakra Haladhar)
7. Samata Party	Flaming Torch

Table --11
(Symbols reserved for recognised State Parties)

Name of State Party	Symbol reserved
1	2
1. Revolutionary Socialist Party	Spade and Stoker
2. Tripura Upajati Jaka Samiti	Two Leag's.

FIRST SCHEDULE
(Free Symbols)

- | | |
|----------------|--|
| 1. Bicycle | 13. Sparrow |
| 2. Boat | 14. Swastik within a circle |
| 3. Cart | 15. Tiger |
| 4. Elephant | 16. Two cultivators returning after cutting crop |
| 5. Plough | 17. Cough |
| 6. Horse | |
| 7. Ladder | |
| 8. Lion | |
| 9. Pot | |
| 10. Rising Sun | |
| 11. Scales | |
| 12. Spade | |

47

FORM (8)

(See Rule 26(1))

Appointment of Election Agent.

Election to the ... Municipality from the
Constituency No. ...

To
The Returning Officer,

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

Place :

Date :

Signature of Candidate.

I accept the above appointment.

Place :

Date :

Signature of Election Agent.

FORM (9)

(See Rule 26 (2))

Revocation of Appointment of Election Agent.

Election to the ... Municipality from the Constituency No. ...

To

The Returning Officer,

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

Place :

Date :

Signature of Candidate.

FORM

(See Part I)

Appointment of Polling Agent

Election to the ... Municipality from the
Constituency No. ...

I ... who is a candidate at the above election ... of ...
... as a polling Agent ...
... as relief polling Agent ... Station No. ...
at (Place) ...
Place :
Date :

I ... Candidate/Election Agent.

I agree to act as ...

Place : date : Signature of Polling Agent/Relief Agent.

Declaration of Polling Agent to be signed by the ...

I hereby declare that at the above election ... anything forbidden by Rule 45
of the Tripura Municipal (Conduct of Election) Rules ... I have read/has been
read over to me.

Date : Signature of Polling Agent/Relief Agent.

Signed before me

Date : Signature of Presiding Officer.

FORM

(See Part I)

Revocation of Appointment of Polling Agent

Election to the ... Municipality
from the Constituency No. ...

To

The Presiding Officer,

I ... candidate/election agent
of ... in the election hereby revoke
the appointment of ... Agent/Relief Polling
Agent ... Station No. ...
at ... (Place)

Place :

Date : Signature of Candidate/Election Agent.

FORM (4)

(See Rule 23 (1))

List of validly Nominated Candidates

Election to ... Municipality from
constituency No. ... which is a general Constituency/
Constituency reserved for Scheduled Castes/Scheduled Tribes/Women.

Sl. No.	Name of Candidate.	Name of father/ husband.	Address of candidate.
1	2	3	4
1.			
2.			
3.			
4.			
5.			
6.			

Place :—

Date :—

Returning Officer.

FORM (5)

(See Rule 24 (3))

Election to ... Municipality from
constituency No. ... which is a general Constituency/
Constituency reserved for Scheduled Castes/Scheduled Tribes/Women.

To

The Returning Officer,

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

Place :—

Date :—

Signature of Candidate.

Receipt for Notice of Withdrawal

(To be handed over to the person delivering of Notice)

The Notice of withdrawal of candidature by ...
... a candidate for the election to the ...
was delivered to me by the ... at my office...
... (hour) ... on ...
(date) ...

Place :—

Date :—

Returning Officer.

46

FORM 10
(See Rule 24)

Notice of Withdrawal of Candidate

Election to the ... Municipality
from the constituency No. ... which is general
constituency/constituency reserved for Scheduled Castes/Tribes/Women.

Notice is hereby given that the following candidate(s) at the above election
have withdrawn his/her/their candidature/candidatures.

Sl. No.	Name of Candidate	Address District	Remarks.
1	2	3	4
1.			
2.			
3.			
4.			
5.			
6.			

Place :—

Date :—

Returning Officer.

*Strike off which is inappropriate.

FORM 11
(See Rule 27)

List of contesting Candidates

Election to the ... Municipality from the
Constituency No. ... which is General Constituency reserved for
Scheduled Castes/Scheduled Tribes/Women.

Sl. No.	Name of Candidate.	Address District	Symbol allotted.
1	2	3	4
1.			
2.			
3.			
4.			
5.			
6.			

Place :

Date :

Returning Officer.

Declaration of Election when seat is uncontested

In pursuance of the provisions contained in sub-rule (b) & (c) of rule 30 of the Tripura Municipal (Conduct of Election) Rules, 1955, I declare that _____ (name) _____ (address) has been duly elected to fill the seat in the said Municipality from the above Constituency. He/She is/is not a member of the Scheduled Castes/Scheduled Tribes.

Signature of Returning Officer

[illegible]

Symbol:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035 1036 1037 1038 1039 104

SECRET

Application for Casting of Vote by person

To

The Returning Officer,

... .. Municipality No.

I intend to cast my vote at the ensuing election to be taken at Polling Station No. Municipality.

My name is entered at Sl. No. Part No. sub-part No. of the roll of constituency No. of Municipality.

I have been posted on election duty and appointed as officer of appointment.

I request that a ballot paper/papers for may be issued to me to cast my vote.

Place :

Yours faithfully,

Date :

FORM No.

(See Rule 42)

List of Candidates

Election to the Municipality
from the Name and No. of
polling Station

Sl. No. of entry	Name of Voter	Serial Number		Signature or impression of the person Challenged
		Part/Sub-part No.	Part/Sub-part No.	
1	2	3	4	5
1.				
2.				
3.				
4.				
5.				
6.				

51

Address of the person challenged.	Name of identifier if any.	Name of challenger	Order of presiding Officer.	Signature of Challenger on receiving refund of deposit.
1	2	3	4	5

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

Place :

Date :

Signature of Presiding Officer.

FORM-16
(See Rule 45(i))

Declaration by the Companion of Blind/Infirm Elector.

Election to the Municipality from Constituency No.

...No. and Name of the Polling Station

I... Son of...

...aged ... resident of ...

(a) have not acted as Companion of any other electors at any polling Station today, the

(b) will keep secret the vote recorded by me on behalf of ...

Signature of the Companion

Full Address to be given.

20

Form

(See Form 1)

List of Voters

Election to the... Municipality
Constituency No...
No. and name of Polling Station

Part/Sub-part No. & St. No. Voter.	Full name of voter.	Full name of companion	Address of companion	Signature of companion
1	2	3	4	5

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

Date...

Signature of Presiding Officer.

Form

(See Form 1)

List of Voters

Election to the... Municipality
from the Constituency No...
No. and name of polling Station...

Part/Sub-part No. & St. No. and name of Voter.	Address of Voter.	Full name of Voter.	No. of ballot paper issued to the person who tendered vote.	Signature or thumb impression of person tender- ing vote.
1	2	3	4	5

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

Place...

Signature of Presiding
Officer.

Date...

52

FORM NO. 1
(See Rule 25a, Statute)
Ballot Paper Statement

PART-1

Election to the _____ Municipality
from the Constituency No. _____
No. and name of Polling Station: _____

	Serial From	Number to	Total Numbers
1. Ballot Papers received	000 000 000	000 000 000	000 000 000
2. Ballot Papers unused			
(a) With the signature of the Presiding Officer, if any, and	000 000 000	000 000 000	000 000 000
(b) Without the signature of the Presiding Officer	000 000 000	000 000 000	000 000 000
Total (a + b)			000 000 000

3. Ballot Paper issued to Voters at the Polling Station. (3 = 1-2)			
4. Ballot Papers issued to Voters but not inserted into the ballot Box			
(a) Ballot Papers cancelled for Violation of Voting procedure under Rule 45 and	000 000 000	000 000 000	000 000 000
(b) Ballot Papers cancelled for any other reason	000 000 000	000 000 000	000 000 000
(c) Ballot Papers used as tendered ballot Papers	000 000 000	000 000 000	000 000 000
Total (a + b + c)			000 000 000

5. Ballot Papers to be found in the Ballot Box (5 = 3-4)	0000 0000	000 000 000
---	-----------	-------------

Date :

Signature of Presiding Officer :

54

PART-III
Result of Count

Sl. No.	Name	Number of valid votes cast
1.		
2.		
3.		
4.		
5.		

(a) Total No. of valid votes cast

(b) Total number of rejected ballot papers

III Grand total (a + b)

Whether the total number of valid votes cast tallies with the total shown in the above table or any discrepancy is noticed between these two?

Place :

Date :

Signature of Counting Supervisor.

Place :

Date :

Signature of Returning Officer.

Appointments

Election to the ... Municipality
from the Constituency No. ...

To

The Returning Officer,

I ... (name), a candidate
Election Agent of ... (name), who is a
candidate at the above election, do hereby
(name) of
(address) as counting agent ... of Votes at ...

Place ...

Date ...

Signature of Candidate/Election Agent.

I agree to act as ...

Signature of Counting Agent.

55

FORM-20

(See Rule 59(4))

Revocation of Appointment of Counting Agent.

Election to the... Municipality
from the Constituency No...

To
The Returning Officer,

I ... (name), a candidate/
Election Agent of ... (name), who is a
candidate at the above election, hereby revoke the appointment of
... (name) Counting Agent
(Place fixed for Counting).

Place.....

Date.....

Signature of Candidate/Election Agent.

FORM-21

(See Rule 62 (3))

Counting Sheet for Counting of Votes received
in sealed cover.

Election to the... Municipality
from the Constituency No...

No. and name of polling Stations	Total number of sealed covers received.	No. of valid ballot papers.	No. of rejected ballot papers.
1	2	3	4

1			
2			
3			

Name of Candidates	Total votes secured by the Candidates
5	6

A	B	C	D	E
---	---	---	---	---

Grand Total

Place... .. Signature of Counting Supervisor

Date... .. Signature of Returning Officer.

56
FORM-22
(See Rule 70 (1))
Result Sheet

Election to the.....Municipality
from the Constituency No.....
Date of Poll.....

No. & Name of polling Station (s)	No. of ballot papers found in ballot box (es)	No. of valid ballot papers.	No. of rejected ballot papers.	No. of tendered votes.
1	2	3	4	5
Votes secured by the Candidates.				
6				
A	B	C	D	E TOTAL.

Election Duty Votes
Grand Total

Place.....

Date:

Signature of Returning Officer.

57

FORM-23

(See Rule 70(1) (a))

Declaration of Election Result when seat is contested

Election to the ... Municipality
from the ... Constituency No. ...

In pursuance of the provisions contained in rules 70(1) (a) of the Tripura Municipal
(Conduct of Election) Rules, 1995, I declare that ...
... (name) ... Address
... has been duly elected to fill the seat in
the said Municipality from the above Constituency. He/she is not a member of the
Scheduled Castes/Scheduled Tribe.

Place... ..

Date... ..

Signature of Returning Officer.

FORM-24

(See Rule 70 (2))

Certificate of Election

I, Returning Officer ... Municipality
hereby certify that I have on the ... day of ...
...19...
declared Shri/Srimati ...
of ... to have been duly elected
to the Constituency No. ... of ...
Municipality.

Signature of Returning Officer
(Seal)

Place... ..

Date... ..