



UNION TERRITORY  
OF  
DAMAN AND DIU

THE DAMAN AND DIU MUNICIPALITIES (ELECTIONS) RULES, 1995.

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DAMAN AND DIU MUNICIPALITIES (ELECTIONS) RULES, 1995.

CHAPTER - I

P R E L I M I N A R Y

1. **Short title and commencement :** (1) These rules may be called the Daman and Diu Municipalities (Elections) Rules, 1995.  
(2) These rules shall come into force at once.
2. **Definitions :** In these rules, unless the context otherwise requires :-
  - (1) "ballot box" includes any box, bag or other receptacle used for the insertion of ballot paper by voters;
  - (2) "candidate" means a candidate for election as a Councillor of a Council;
  - (3) "counterfoil" means the counterfoil attached to a ballot paper printed under the provisions of these rules ;
  - (4) "District Magistrate" means the District Magistrate of Daman or Diu, as the case may be;
  - (5) "elector" means a person whose name is entered in the electoral roll of a ward for the time being in force and who is not subject to any of the disqualifications for voting;
  - (6) "Form" means a Form appended to these rules and includes a translation thereof in the language or any of the languages in which the electoral roll is prepared;
  - (7) "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;
  - (8) "order" means an order published in the official gazette;
  - (9) "person" does not include a body of persons;
  - (10) "Presiding Officer" means any person appointed as such under these rules and includes any polling officer performing any of the functions of a Presiding Officer under these rules;
  - (11) "Public holiday" means any day which is a public holiday for the purposes of section 25 of the Negotiable Instruments Act, 1981 (26 of 1881 );

- (12) "Regulation" means the Daman and Diu Municipalities Regulation, 1968;
- (13) "Returning Officer" means any person appointed by the Commission to discharge the functions of the Returning Officer under these rules;
- (14) "roll" means the electoral roll for a ward;
- (15) "section" means a section of the Regulation;
- (16) "voter" in relation to a ward means a person whose name is for the time being entered in the electoral roll of that ward;
- (17) "words and expressions" used but not defined in these rules but defined in the Daman and Diu Municipalities Regulation 1968 shall have the meaning assigned to them in that Regulation.

CHAPTER - II

DELIMITATION OF MUNICIPAL WARDS

3. Delimitation of wards : (1) Subject to the provisions of section 10, the Commission shall delimit the wards having regard to the following provisions, namely :-
- (a) all wards shall, as far as practicable, be geographically compact areas, and in delimiting them regard shall be had to physical features, existing boundaries of administrative units, facilities of communication and public convenience;
  - (b) wards in which seats are reserved for the Scheduled Castes, the Scheduled Tribes, women belonging to these castes or tribes or women shall, as far as practicable, be distributed in different parts of each Council,
  - (c) the seats reserved under clause (b) may be rotated by the Commission by draw of lots separately for the Scheduled Castes, the Scheduled Tribes and the women so that it is ensured that seats are so reserved in favour of such Castes, Tribes or Women in all the wards before such reservation is made in respect of a ward for the second time for that category.
- (2) The Commission shall :-
- (a) publish its proposals for the delimitation of wards, in the Official Gazette and also in such other manner as it thinks fit, inviting objections and suggestions in this regard;
  - (b) specify a date by which objections and suggestions to the said proposals could be made;
  - (c) consider all objections and suggestions which may have been received by it by the date so specified, under clause (b), and for the purpose of such consideration, hold one or more public meetings at such place or places as it thinks fit; and
  - (d) thereafter, by one or more orders, determine -
    - (i) the number of wards;
    - (ii) the extent of each ward;
    - (iii) the wards in which the seats shall be reserved for the Scheduled Castes;
    - (iv) the wards in which the seats shall be reserved for the Scheduled Tribes and
    - (v) the wards in which the seats shall be reserved for women.

4. . Publication of order and their date of operation :-

(1) The Commission shall cause each of its order made under rule 3 to be published in the Official gazette.

(2) Upon publication in the official gazette, and subject to sub-section (3) of section 10 every such order shall have the force of law and shall not be called in question in any court.

5. Power to the Commission to maintain Delimitation Order up-to-date :-

The Commission may, from time to time, by notification published in the official gazette,

(a) correct any printing mistake in any order or any error arising therein from inadvertent slip of omission;

(b) where the boundaries or name of any territorial division mentioned in the order are or is altered, make such amendments as appear to it to be necessary or expedient for bringing the order up-to-date;

6. Public Inspection :- An order published under rule 4 shall remain available for public inspection free of charge for a period of ten days from the date of such publication in the office of the Commission.

7. Copies of Extracts :- A person shall have the right to get an attested copy of any entry or extracts from such an order or to get a copy or copies of the order in such manner and on the payment of such fee as may be fixed by the Commission.

CHAPTER - III

O F F I C E R S

8. **Director of Municipal Elections :** (1) There shall be a Director of Municipal Elections who shall be such officer of Administration as the Commission may, in consultation with the Administrator, designate or nominate in this behalf.  
  
(2) Subject to the superintendence, direction and control of the Commission, the Director of Municipal Elections shall supervise the preparation of all electoral rolls and shall conduct elections to Councils under the Regulation and these rules.
9. **Electoral Registration Officers :** (1) The electoral roll of the Daman and Diu House of the People Constituency referred to sub-section (1) of section 11 and included in a Municipal area shall be divided by an Electoral Registration Officer who shall be such officer of the Administration or of a local authority as the Commission may, in consultation with the Administrator, designate or nominate in this behalf.  
  
(2) An Electoral Registration Officer may, subject to such restrictions as may be imposed by the Director of Municipal Elections employ such persons as he thinks fit for the division and preparation of the electoral rolls referred to in sub-rule (1).
10. **Assistant Electoral Registration Officers :** (1) The Commission may appoint one or more persons as Assistant Electoral Registration officers to assist any Electoral Registration Officer in the performance of his functions.  
  
(2) Every Assistant Electoral Registration Officer shall, subject to the control of the Electoral Registration Officer, be competent to perform all or any of the functions of the Electoral Registration Officer.

CHAPTER - IV

ELECTORAL ROLLS FOR WARDS

11. **Electoral Rolls for Wards :** (1) The Electoral Rolls for wards shall be prepared in accordance with the provisions of sub-section (1) of section 11  
  
(2) The rolls shall be divided into such convenient parts as the Commission may direct.
  
12. **Publication of rolls in draft :** (1) As soon as the electoral roll for a ward is prepared under rule 11, the Electoral Registration Officer shall publish it in draft together with a notice in Form - 1 inviting suggestions and objections by making a copy thereof available for inspection at his office if it is within the territorial area of the ward and at such place or places in the territorial area of the ward, as may be specified by him for the purpose, if his office is outside the territorial area of the ward.  
  
(2) The draft rolls so published under sub-rule (1) shall remain available for public inspection and for lodging suggestion and objections for a period of fifteen days from the date of publication :  
  
Provided that the Commission may, by notification in the Official gazette, extend the period in respect of the territorial area of a ward.
  
13. **Suggestions and objections :** (1) A suggestion or objection shall be presented to the Electoral Registration Officer or to such other officer as may be designated by him in this behalf or be sent by post.  
  
(2) It shall be presented in duplicate by the person concerned or through his authorised agent.  
  
(3) The Electoral Registration Officer shall immediately after a suggestion or objection has been filed, issue an acknowledgement to the person filing the same.
  
14. **Disposal of suggestions and objections :** (1) The Electoral Registration Officer shall, as soon as may be after the expiry of the period specified in sub-rule (2) of rule 12 consider the suggestions and objections, if any, received by him and shall pass necessary orders after recording in writing a brief statement of his reasons for acceptance or rejection of any suggestion or objection. The Electoral Registration Officer may also correct any clerical or printing errors or other inaccuracies subsequently discovered in the roll.



**15. Final publication of roll:** (1) The roll as amended under rule 14 shall be re-published in Form-3 in the manner specified in sub-rule (1) of the rule 12. The roll, so published, shall be final.

(2) The Electoral Registration Officer shall make a complete copy of the roll available for inspection and display the notice in Form – 3 at his office.

**\* “15 (A) Appeal from orders deciding claims and objection :-**

1. An appeal shall lie from any decision of the Electoral Registration Officer under rule 14 to such officer of Government or of local authority as the Commission may designate in this behalf (herein after referred to as the appellate Officer).

Provided that an appeal shall not lie whether the person desiring to appeal has not availed himself of this right to be heard by or to make representation to, the Electoral Registration Officer on the matter which in the subject of appeal.

2. Every appeal under sub-rule (1) shall be :-

(a) in the form of memorandum signed by the appellant and

(b) presented to the appellate officer within a period of fifteen days from the date of announcement of the decision or sent to that officer by registered post so as to reach him within that period.

3. The presentation of an appeal under this rule shall not have effect of staying or postponing any action to be taken by the Electoral Registration Officer under rule 15.

4. Every decision of the appellate officer shall be final, but in so far as it reverses or modifies decision of the Electoral Registration Officer shall take effect only from the date of the decision in appeal.

5. The Electoral Registration Officer shall cause such amendments to be made in the roll as may be necessary to give effect to the decision of the appellate officer under this rule”.

16. **Identity cards for Electors :** (1) The Commission may, with a view to preventing impersonation of electors and facilitating their identification at the time of poll, by notification in the official gazette, direct that the provision of this rule shall apply to the territorial area of any Council or to any ward or part thereof as may be specified in the Notification.

(2) The identity card issued under rule 28 of the Representation of Electors Rules, 1960 shall be deemed to be the identity cards for the purpose of this rule.

17. **Custody and preservation of Rolls and connected papers :-**

(1) After the roll for a Council has been finally published, the following papers shall be kept in the office of the Electoral Registration Officer; or at such places as the Director of Municipal Elections may, by order specify, until the expiration of one year after the completion of the next revision of the roll:

- (a) a complete copy of the roll; and
- (b) papers relating to claims and objections
- (c) one complete copy of the roll duly authenticated by the Electoral Registration Officer shall also be kept in such place as the Director of Municipal Elections may specify, as permanent record.

18. **Inspection of Electoral Rolls and connected papers :-**

Every person shall have the right to inspect the election papers referred to in rule 17 and to get attested copies thereof on payment of such fees as may be fixed by the Director of Municipal Elections.

19. **Disposal of Electoral Roll and connected papers :-**

(1) The papers referred to in rule 17 shall, on the expiry of the period specified therein and subject to such general or special directions, if any, as may be given by the Commission in this behalf, be disposed of in such manner as the Director of Municipal Elections may direct.

(2) Copies of the Electoral Roll for any Council in excess of the number required for deposit under rule 17 and for any other public purpose shall be disposed of at such time and in such manner as the Commission may direct and until such disposal, shall be made available for sale to the public:

Provided that the fees realised under rule 18 and under this rule shall be deposited in the fund of the Council concerned.

CHAPTER - V

ELECTIONS TO THE COUNCILS

20. Superintendence, direction and control of elections :

- (1) The conduct of elections to the Councils under these rules shall be under the general superintendence, direction and control of the Commission.
- (2) Without prejudice to the generality of the provisions of sub-rule (1), the Commission may, if it considers expedient, by order, direct that such of the powers, duties and functions of any authority connected with the work of conducting elections under these rules, as may be specified by it in the order, shall be exercised or discharged, subject to such restrictions and conditions, by such officer or person as may be specified in the order.

C H A P T E R - V I

DISQUALIFICATIONS FOR MEMBERSHIP

21. Disqualification for Membership :

A person shall not be qualified to be chosen to fill a seat in a Municipal Council unless -

- (a) in the case of a seat reserved for the Scheduled Castes or the Scheduled Tribes under sub-section (1) of section 9 A he is a member of any of those Castes or Tribes, as the case may be, of the Union Territory and is an elector for the Council concerned,
- (b) in the case of a seat reserved for women belonging to the Scheduled Castes or the Scheduled Tribes, under sub-section (2) of section 9 A she is a member of any of those Castes or Tribes as the case may be, of the Union Territory and is an elector for the Council referred to in clause (a) above;
- (c) in the case of seat reserved for women referred to in clause (b) above or in the case of a seat reserved for women under sub-section (3) of section 9 A she is a women and is an elector for the Council referred to in clause (a) above.
- (d) in the case of any other seat, he is a an elector for the Council concerned.

C H A P T E R - V I I

NOTIFICATION OF GENERAL ELECTIONS

22. **General Election** : A General Election shall be held in accordance with the provisions of this Chapter for the purpose of constituting a new Council and on the expiration of its duration or on its dissolution.
23. **Notification for general election** : The Administrator shall, by one or more notifications published in the Official Gazette on such date or dates as may be recommended by the Commission, call upon all the concerned wards to elect members in accordance with the provisions of the Regulation and of the rules and orders made thereunder;

Provided that where a general election is held otherwise, than on the dissolution of the existing Council, no such notification shall be issued at any time earlier than six months prior to the date on which the duration of the Council would expire under the provision of section 42.

C H A P T E R - V I I I

ADMINISTRATIVE MACHINERY FOR THE CONDUCT OF ELECTIONS :

24. **Returning Officer :-** (1) For each ward, the Commission shall in consultation with the Administrator, designate or nominate a Returning Officer who shall be an officer of the Administration or of a local authority.

Provided that nothing in these rules shall prevent the Commission from designating or nominating the same person to be the Returning Officer for more than one ward.

(2) It shall be the general duty of the Returning Officer at any election to do all such acts and things as may be necessary for effectually conducting the election in the manner provided by the Regulation or rules or order made thereunder.

25. **Assistant Returning Officer :** (1) The Commission may appoint one or more persons to assist any Returning Officer in the performance of the functions :

Provided that every such person shall be an officer of the Administration or of a local authority.

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

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

26. **Polling stations :** The Returning Officer shall with previous approval of the Commission, provide a sufficient number of polling stations for every ward and shall publish, in such manner as the Commission may direct, a list showing the polling stations so provided and the polling areas or group of voters for which they have respectively been provided.

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

Provided that if a Polling Officer is absent from the polling station, the Presiding Officer may appoint any person who is present at the polling station other than a person who has been employed by, or on behalf of, or has been otherwise working for a candidate in or about the election, to be the Polling Officer, during the absence of the former officer and in case of any such appointment, he shall inform the Returning Officer accordingly :

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

- (2) A Polling Officer shall, if so directed by the Presiding Officer, perform all or any of the functions of a Presiding Officer under these rules or orders made thereunder.
- (3) If the Presiding Officer is 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,
- (4) It shall be the general duty of the Presiding Officer at the polling station to keep order there at and to see that the poll is fairly taken.
- (5) It shall be the general duty of the Polling Officer at a polling station to assist the Presiding Officer for such station in the performance of his functions.

C H A P T E R - I X

NOMINATION OF CANDIDATES

28. **Appointment of dates for nominations etc :** As soon as the notification under rule 23 is issued, the Commission shall, by notification in the Official Gazette, appoint :-
- (a) the last date and hour for making nominations which shall be the seventh day after the date of publications of the said notification under rule 23 :
  - (b) the date, time and place for the scrutiny of the nominations, which shall be the day immediately following the last date for making nominations :
  - (c) the last date and hour for the withdrawal of the candidatures, which shall be the second day after the date of the scrutiny of nominations :
  - (d) \* "the date or dates on which and the hours during which a poll shall, if necessary, be taken, which or the first of which shall be a date not earlier than the fourteenth day after the last date for the withdrawal of the candidatures : and"
  - (e) the date before which the election shall be completed.

**Explanation :-** For the purpose of clauses (a), (b) and (c) if the date or the last date is a public holiday, the next succeeding day which is not a public holiday shall be deemed to be the date or the last date, as the case may be.

29. **Public notice of election :-** (1) On the issue of a notification under rule 28, the Returning Officer shall, subject to any direction of the Commission, give, in such manner as he thinks fit a public notice of the intended election in Form 4 inviting nominations of candidates for such election and specifying the place at which the nomination papers are to be delivered and also setting out a list of approved symbols which may be chosen by the candidates.
- (2) The public notice under sub-rule (1) shall be published in the Official Gazette and copies thereof shall be displayed at the office of the Commission and office of the Council and at one or more conspicuous places within the Municipal area.



**Explanation :-** For the purpose of sub-rule (1), the Commission shall, by notification in the Official Gazette, specify the symbols that may be chosen by candidates at elections in a wards and the restrictions to which their choices shall be subject to

30. **Nomination of candidate for election :-** Subject to the provisions of the Regulation and these rules, any person may be nominated as a candidate for election to fill a seat, if he is qualified to fill that seat.
31. **Presentation of nomination paper and requirements for valid nominations :-** (1) On or before the date appointed under clause (a) of rule 28, each candidate shall, either in person or by his proposer, between the hours of eleven O'clock in the forenoon and three O'clock in the afternoon deliver to the Returning Officer at the place specified in this behalf in the notice issued under rule 29, a nomination paper completed in Form-5 clearly specifying the ward from which he proposes to contest and signed by the candidate himself as assenting to the nomination and by an elector of the ward as proposer:

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

- (2) In a ward, where any seat is reserved for woman, a candidate shall not be deemed to be qualified to be chosen to fill that seat unless the nomination paper contains a declaration by her that she is a woman.
- (3) In a ward, where any seat is reserved for the Scheduled Castes or for the Scheduled Tribes a candidate shall not be deemed to be qualified to be chosen to fill that seat unless his nomination paper contains a declaration by him specifying the particular caste or tribe of which he is a member.
- (4) Any nomination paper which is not received before three O'clock in the afternoon on the last date appointed under clause (a) of rule 28 shall be rejected.
- (5) On the presentation of nomination paper, the Returning Officer shall satisfy himself that the names and electoral roll numbers of the candidate and his proposer as entered in the nomination paper are the same as those entered in the electoral roll:

Provided that no misnomer or inaccurate description or clerical, technical or printing error in regard to the name of the candidate or his proposer or any other person, or in regard to any place, mentioned in the electoral roll or the nomination paper and no clerical, technical or printing error in regard to the

electoral roll numbers any such person in the electoral roll or the nomination paper, shall affect the full operation of the electoral roll or the nomination paper with respect to such person or place in any case where the description in regard to the name of the person or place is such as to be commonly understood and the Returning Officer shall permit any such misnomer or inaccurate description or clerical, technical or printing error to be corrected and where necessary direct that any such misnomer, inaccurate description, clerical, technical or printing error in the electoral roll or in the nomination paper shall be overlooked.

- (6) Where the candidate is an elector of a different ward, a copy of the electoral roll of that ward or the relevant part thereof or a certified copy of the relevant entries in such roll shall be produced before the Returning Officer at the time of scrutiny.
- (7) Nothing in these rules shall prevent any candidate from being nominated by more than one nomination paper :

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

32. **Symbols :-** (1) Subject to any general or special direction issued by the Commission, when at any such election more nomination papers than one are delivered by or on behalf of a candidate, the declaration as to symbols made in the nomination paper first delivered, and no other declaration as to symbols, shall be taken into consideration even if that nomination paper has been rejected.

(2) Every nomination paper delivered under rule 31, shall be accompanied by a declaration by the candidate in writing specifying a particular symbol which he has chosen as his first preference, within the list of symbols notified by the Commission and also specifying two other symbols out of that list which he has chosen as second and third preferences respectively.

33. **Deposits :-** (1) A candidate shall not be deemed to be duly nominated for election from a ward unless he deposits or causes to be deposited a sum of two hundred and fifty rupees or where the candidate is a member of Scheduled Castes or Scheduled Tribes, a sum of one hundred and twenty five rupees. The deposit shall be forfeited if the candidate does not secure atleast one sixth of the total number of valid votes polled. The deposited money if not forfeited, shall be returned to the candidate after the declaration of the result :

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

(2) Any sum required to be deposited under sub-rule (1) shall not be deemed to have been so deposited unless at the time of delivery of the nomination paper under sub-rule (1) of rule 31, the candidate has either deposited or caused to be deposited that sum with the Returning Officer in cash or enclosed with the nomination paper a receipt showing that the said sum has been deposited by him or on his behalf in the treasury.

34. **Notice of nomination and the time and place for their scrutiny :** - The Returning Officer shall, on receiving the nomination paper under rule 31 inform the person delivering the same the date, time and place fixed for the scrutiny of nomination and shall enter on the nomination paper its serial number and shall sign thereon a certificate stating the date on which and the hour at which the nomination paper has been delivered to him, and shall as soon as may be thereafter, cause to be affixed in some conspicuous place in his office a notice of the nomination received by him containing descriptions similar to those contained in the nomination paper both of the candidate and of the proposer in Form - 6.

35. **Scrutiny of nomination :-** (1) On the date fixed for the scrutiny of nominations under clause (b) of rule 28, the candidates, their election agents, one proposer, of each candidate and one other person duly authorised in writing by each candidate, but no other person, may attend, at the appointed time and place, and the Returning Officer, shall give them all reasonable facilities for examining the nomination papers of all candidates which have been delivered within the time and in the manner laid down in rule 31.

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

- (a) that on the date fixed for the scrutiny of nominations the candidate either is not qualified or is disqualified for being chosen to fill the seat under the Regulation or these rules ;
- (b) that there has been any failure to comply with any of the provisions of rule 31 or 33; or
- (c) that the signature of the candidate or the proposer on the nomination paper is not genuine.

- (3) Nothing contained in clause (b) or clause (c) of sub-rule (2) shall be deemed to authorise the rejection of the nomination of any candidate on the ground of any irregularity in respect of a nomination paper, if the candidate has been duly nominated by means of another nominating paper in respect of which no irregularity has been committed.
- (4) The Returning Officer shall not reject any nomination paper on the ground of any defect which is not of a substantial character.
- (5) The Returning Officer shall hold the scrutiny on the date appointed in this behalf under clause (b) of rule 28 and shall not allow any adjournment of the proceedings except when such proceedings are interrupted or obstructed by riot or open violence or by a cause beyond his control ;  
  
Provided that in case an objection is raised by the Returning Officer or is made by any other person the candidate concerned may be allowed time to rebut it not later than the next day but one following the date fixed for scrutiny, and the Returning Officer shall record his decision on the date to which the proceedings had been adjourned.
- (6) The Returning Officer, shall endorse on each nomination paper his decision accepting or rejecting the same and, if the nomination paper is rejected shall record in writing a brief statement of his reasons for such rejection.
- (7) For the purpose of this rule a certified copy of an entry in the electoral roll for the time being in force of a ward shall be conclusive evidence of the fact that the person referred to in that entry is an elector for that ward.
- (8) Immediately after all the nomination papers have been scrutinised and decisions accepting or rejecting the same have been recorded, the Returning Officer shall prepare Form-7 a list of validly nominated candidates, that is to say candidates whose nominations have been found valid and affix it on the notice board of his office. The list shall be prepared in English and Gujarati language and the names shall be arranged in English alphabetical order.
- (9) The names of every such candidate shall be shown in Form - 7 as it appears in his nomination paper.

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

36. **Withdrawal of candidates :** (1) Any candidate may withdraw his candidature by a notice in writing in Form-8. On receipt of such notice, the Returning Officer shall note thereon the date and time at which it was delivered.
- (2) Every notice of withdrawal which is delivered under sub-rule (1) shall be subscribed by the candidate and delivered before three O'clock in the afternoon, on the day fixed under clause (c) of rule 28 to the Returning Officer either by such candidate in person or by his proposer, or election agent who has been authorised in this behalf in writing by such candidate.
- (3) No person, who has given a notice of withdrawal of his candidature under sub-rule (1) shall be allowed to cancel such notice.
- (4) The Returning Officer shall on being satisfied as to the genuinness of a notice of withdrawal and the identity of the person delivering it under sub - rule (1) cause the notice to be affixed on the notice board of his office.
37. **Publication of list of contesting candidates :-**
- (1) Immediately, after expiry of the period within which candidatures may be withdrawal under rule 36, the Returning Officer shall prepare and publish a list of contesting candidates, in Form 9 that is to say, the candidates who were included in the list of validly nominated candidates and who have not withdrawn their candidature within the said period.
- (2) The said list shall contain the names and the addresses of the contesting candidates as given in the nomination paper. The list shall also indicate the symbols assigned to such candidates.
- (3) The Returning Officer shall consider the choice of symbols expressed by the contesting candidates in their nomination papers and shall, subject to any general or special directions issued in this behalf by the Commission.

- (a) allot a different symbol 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 to which of such candidates the symbol will be allotted.
- (4) The allotment by the Returning Officer of any symbol to a candidate shall be final except where it is inconsistent with any directions issued by the Commission in this behalf in which case the Commission may revise the allotment in such manner as it thinks fit.
  - (5) Every candidate or his election agent shall forthwith be informed of the symbol allotted to the candidate and be supplied with a specimen thereof by the Returning Officer.
  - (6) A copy of the list of contesting candidates indicating the symbols allotted to each candidate shall be sent to the Commission and the Director of Municipal Elections.

**38. Declaration of Result in uncontested election :**

- (1) If the number of the contesting candidates is one, the Returning Officer shall forthwith declare in Form-21 B or 21-C, whichever is applicable, such candidate to be duly elected to fill that seat and send signed copies of the declaration to the Commission and the Director of Municipal Elections.
- (2) If there is no contesting candidate, the Commission shall by notifications in the Official Gazette, call upon the ward to elect a person to fill that seat as provided in section 19.

Provided that where the ward having already been called upon under this rule has failed to elect a person to fill the vacancy, the Commission shall not be bound to call upon the ward until it is satisfied that if called upon again, there will be no such failure on the part of the ward.

CHAPTER -X

CANDIDATES AND THEIR AGENTS

39. Appointment and function of election agent :-

- (1) A candidate at an election may appoint any one person to be his election agent in Form-10 and notice of such an appointment shall be given by forwarding the same in duplicate to the Returning Officer who shall return one copy thereof to the election agent after affixing thereon his seal and signature in token of his approval of the appointment.
- (2) Any person who is for the time being disqualified under the Regulation for being a member of a Council shall, so long as the disqualification subsist, also be disqualified for being appointed as an election agent under sub-rule (1).
- (3) The revocation of appointment of an election agent shall be made in Form 11. Such a revocation shall be signed by the candidate and shall operate from the date on which it is lodged with the Returning Officer.
- (4) In the event of such a revocation or of the death of an election agent, the candidate may, at any time, before the result of election is declared, appoint another person to be his election agent in the manner specified in sub-rule (1).
- (5) An election agent may perform such functions in connections with the election as are authorised by these rules to be performed by an election agent.

40. Appointment and revocation of polling agent :-

- (1) A contesting candidate or his election agent may appoint one polling agent and two relief agents to act as polling agents of such candidates at each polling station .
- (2) Every such appointment shall be made in Form -12 and shall be made over to the polling agent for production at the polling station.
- (3) No polling agent shall be admitted into any polling station unless he has delivered to the Presiding Officer the instrument of his appointment under sub-rule (2) after duly completing and signing before the Presiding Officer, the declaration contained therein.

- (4) The revocation of the appointment of a polling agent shall be signed by the candidate or his election agent and shall be in Form -13. It shall operate from the time and date at which it is lodged with the Presiding Officer.
  - (5) In the event of any such revocation on the death of a polling agent, the candidate or his election agent may, at any time before the poll is closed, make a fresh appointment in the manner specified in sub-rule (2)
41. **Appointment of counting agents :** (1) A contesting candidate or his election agent may appoint one or more persons but not exceeding such number as may be determined by the Returning Officer, to be present as his counting agent or agents at the counting of votes, and when any such appointment is made, notice of the appointment shall be given in Form-14 in duplicate, one copy of which shall be forwarded to the Returning Officer while the other copy shall be made over to the counting agent for production before the Returning Officer not later than one hour before the time fixed for the counting of votes.
- (2) No counting agent shall be admitted into the place fixed for the counting unless he has delivered to the Returning Officer the second copy of the appointment order under sub-rule (1) after duly completing and signing the declaration contained therein and receiving from Returning Officer an authority for entry into the place fixed for counting.
  - (3) The revocation of an appointment of a counting agent shall be in Form-15 and lodged with the Returning Officer. Any such revocation shall be signed by the candidates or his election agent and shall operate from the date and time on or at which it is lodged with the Returning Officer. In the event of such a revocation, or of the death of the counting agent before the close of the counting, the candidate or his election may make a fresh appointment in accordance with this rule.
42. **Function of polling agent and counting agents :**
- (1) A polling agent may perform such functions in connection with the poll as are authorised by these rules to be performed by a polling agent.
  - (2) A counting agent may perform such functions in connection with the counting of votes as are authorised by these rules to be performed by a counting agent.



43. Attendance of a contesting candidate or his election agent at polling stations and performance by him of the functions of a polling agent or counting agent :
- (1) At every election where a poll is taken, each contesting candidate at such election and his election agent shall have a right to be present at any polling station.
  - (2) A contesting candidate or his election agents may himself do any act or thing which any polling agent or the counting agent of such contesting candidate, if appointed, would have been authorised by or under these rules to do or may assist any polling agent or the counting agent or such contesting candidate in doing any such act or thing.

44. **Non attendance of polling or counting agents :-**

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

CHAPTER – XI

PROCEDURE OF ELECTIONS

45. \* **Death of candidate before the poll :** (a) Dies at any time after 11:00 am on the last date for making nominations and his nomination is found valid on scrutiny under rule 35.

(b) Whose nomination has been found valid on scrutiny under rule 35 and who has not withdrawn his candidature under rule 36 dies, and in either case, a report of his death is received at any time before the publication of the list of contesting candidates under rule 37; or

(c) Dies as a contesting candidate and a report of his death is received before the commencement of the poll, the Returning Officer shall upon being satisfied about the fact of the death of the candidate, by order; countermand the poll and report the fact to the Commission and to the Director of Municipal Elections and all proceedings with reference to the election shall be commenced a new in all aspects as if for a new election.

Provided that no order for countermanding a poll should be made in a case referred to in clause (a) except after the scrutiny of all the nominations including the nomination of the deceased candidate.

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

\* Substituted Vide Notification No. 2/42/EC/98/Amend/Act-Rules/169 dated 07/02/2000.  
Published in the Official Gazette Extraordinary No. 05 dated 11<sup>th</sup> February, 2000.

Provided also that no person who has given a notice of this withdrawal of his candidature under sub-rule (1) of rule 36 before the countermanding of the poll shall be eligible for being nominated as a candidate for the election after such countermanding;

**Explanation :-** For the purpose of this rule, "recognized political parties" means a political party recognized by the Election Commission of India under the Election Symbols (reservation and allotment) Order, 1968.

**46. Procedure in contested election :-** (1) If the number of contesting candidates is more than the number of seats to be filled, a poll shall be taken.

(2) If a poll becomes necessary, the Returning Officer shall supply to each candidate or his election agent :-

- (a) a copy of the list of contesting candidates ;
- and
- (b) specimen of the symbol allotted to them.

**47. Eligibility of member of Schedule Castes or Scheduled Tribes and Women to hold seats not reserved for them :** For the avoidance of doubt it is hereby declared that a member of the Schedule Castes or of the Schedule Tribes or a Woman shall not be disqualified to hold a seat not reserved for members of those Castes or Tribes or Women, if he or she is otherwise qualified to hold such seats under the Regulation and these rules.

48. **Publication of hours fixed for polling :** The Commission shall fix the hours during which the poll will be taken and the hours so fixed shall be published by notification in the Official Gazette :

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

49. **Voting to be in person :** All electors voting in an election shall do so in person at the polling station, and no vote shall be received by proxy.

50. **Adjournment of poll in emergencies :** If at an election, the proceedings at any polling station are interrupted or obstructed by any riot or open violence, or if at an election it is not possible to take the poll at any polling station on account of any natural calamity, or any other sufficient cause, the Presiding Officer for such polling station shall announce an adjournment of the poll to a date to be notified later, and where the poll is so adjourned by a Presiding Officer, he shall forthwith inform the Returning Officer.

- (2) Whenever, a poll is adjourned under sub-rule (1), the Returning Officer shall immediately report the circumstances to the Director of Municipal Election and the commission and shall, with the previous approval of the commission, publish a notice specifying the day on which the poll shall re-commence from the stage at which it was left immediately before the adjournment and fix the polling stations at which, and the hours during which, the poll will be taken, and shall not count the votes cast at such election until such adjourned poll shall have been completed.

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

51. **Procedure on adjournment of poll :** (1) If the poll at any polling station is adjourned under rule 50, the provisions of rules 70 to 73 shall, as far as practicable, apply as if the poll was closed at the hour fixed in that behalf under rule 48.

- (2) When an adjourned poll is recommenced under sub-rule (2) of rule 50 the electors who have already voted at the poll so adjourned shall not be allowed to vote again.

- (3) The Returning Officer shall provide the Presiding Officer of the polling station at which such adjourned poll is held, with the sealed packet containing the marked copy of the electoral roll and a new ballot box.
- (4) The Presiding Officer shall open the sealed packet in the presence of the polling agents present and use the marked copy of the electoral roll for marking the names of electors to whom the ballot papers are issued at the adjourned poll without however recording therein the serial number thereof.
- (5) The Provision of rule 45 to 73 shall apply in relation to conduct of an adjourned poll as they apply in relation to the poll before it was so adjourned.

52.

**Adjournment of poll or countermanding of election on the ground of booth capturing :**

- (1) If at any election :-
  - (a) booth capturing has taken place at a polling station in such a manner that the result of the poll at that polling station cannot be ascertained ; or
  - (b) booth capturing takes place at any place for counting of votes in such a manner that the result of counting cannot be ascertained ;

the Returning Officer shall forthwith report the matter to the Commission.
- (2) The Commission shall, on receipt of a report from the returning officer under sub-rule (1) and after taking all material circumstances into account either -
  - (a) declare that the poll at that polling station be void, appoint a day, and fix the hours, for taking fresh poll at that polling station and notify the date so appointed and hours so fixed in such manner as it may deem fit, or
  - (b) if satisfied that in view of the large number of polling stations involved in booth capturing, the result of the election is likely to be affected, or that booth capturing had affected counting of vote in such manner as to affect the result of the election, countermand the election in that ward.

Explanation :- For the purpose of this rule, "booth capturing" includes, among other things all or any of the following activities, namely :-

(i) seizure of a polling station fixed for the poll by any person or persons, making polling authorities surrender the ballot papers and doing of any other act which affects the orderly conduct of elections :

(ii) taking possession of polling station fixed for the poll by any person or persons and allowing only his or their own supporters to exercise their right to vote and prevent others from voting;

(iii) threatening any elector and preventing him from going to the polling station fixed for the poll to cast his vote;

(iv) seizure of a place for counting of votes by any person or persons, making the counting authorities surrender the ballot papers and the doing of anything which affects the orderly counting of votes;

(v) doing by any person in the service of Government, of all or any of the aforesaid activities or aiding or conniving at any such activity in the furtherance of the prospects of the election of a candidate.

53.

**Fresh poll in the case of destruction, etc; of ballot boxes** (1) If at any election:-

(a) any ballot box used at a polling station is unlawfully taken out of the custody of the Presiding Officer, or Returning Officer or is accidentally or intentionally destroyed or lost or is damaged or tampered with, to such an extent that the result of the poll at that polling station cannot be ascertained ; or

(b) any such error or irregularity in procedure as is likely to vitiate the poll is committed at a pollong station ;

the Returning Officer shall forthwith report the matter to the Commission.

(2) Thereupon the Commission shall, after taking all material circumstances into account, either :-

- (a) declare the poll at that polling station void ; appoint a day and fix the hours for taking a fresh poll at that polling station and notify the day so appointed and the hours so fixed in such manner as it may deem fit ; or
  - (b) if satisfied that the result of a fresh poll at that polling station will not, in any way, affect the result of the election of that ward or that the error or irregularity in procedure is not material, issue such directions to the Returning Officer as it may deem proper for the further conduct and completion of the election.
  - (3) The provisions of the Regulation and these rules made thereunder shall apply to every fresh poll as they apply to the original poll.
54. Design of ballot boxes :- Every ballot box shall be of such design as may be approved by the Commission.
55. Form of ballot papers :- (1) Every ballot paper shall have a counterfoil attached thereto, and the said ballot paper and the counterfoil shall be in such form and particulars therein shall be in Gujrati & English languages or as the Commission may direct.
- (2) The names of the candidates shall be arranged on the ballot paper in the same order in which they appear in the list of contesting candidates.
  - (3) If two or more candidates bear the same name, they shall be distinguished by the addition of their occupation or residence or in some other manner.
56. Arrangements at polling stations : (1) Outside each polling station there shall be displayed prominently-
- (a) a notice specifying the polling area the electors of which are entitled to vote at the polling station when the polling area has more than one polling station, the particulars of the electors so entitled, and
  - (b) a copy of the list of contesting candidate.
- (2) At each polling station, there shall be set up one or more voting compartments in which the electors can record their votes screened from observation.

- (3) The Returning Officer shall provide at such polling station a sufficient number of ballot boxes, copies of the relevant part of the electoral roll, ballot papers, instruments for stamping the distinguishing mark on ballot papers and articles necessary for electors to mark the ballot papers and such other materials, as are necessary for the conduct of poll.
57. **Admission to polling station :** The Presiding Officer shall regulate the number of electors to be admitted at any time inside the polling station and shall exclude herefrom all persons other than-
- (a) Polling Officers ;
  - (b) Public Servants on duty in connection with the election ;
  - (c) Persons authorised by the Commission ;
  - (d) candidates, their election agents and the polling agent of each candidate ;
  - (e) a child in arm accompanying an elector;
  - (f) a person accompanying a blind or infirm elector who cannot move without help, and
  - (g) such other persons as the Returning Officer or the Presiding Officer may employ for the purpose of election.
58. **Facilities for Women electors :-** (1) Where a polling station is both for men and women electors, the Presiding Officer may direct that they shall be admitted into the polling station alternatively in separate batches.
- (2) The Returning Officer or the Presiding Officer may appoint a woman to serve as an attendant at any polling station to assist women electors and also to assist the Presiding Officer generally, in taking the poll in respect of women electors, and in particular, to help in searching any woman elector in case it becomes necessary.
59. **Identification of electors :-** (1) The Presiding Officer may employ at the polling station such persons as he thinks fit to help in the identification of the electors or to assist him otherwise in taking the poll.



- (2) As each elector enters the polling station, the Presiding Officer or the Polling Officer authorised by him in this behalf shall check the elector's name and other particulars with the relevant entry in the electoral roll and then call out the serial number, name and other particulars of the elector.
- (3) Where the polling station is situated in a ward, electors of which have been supplied with identity cards under the provisions of the Registration of Electors Rules, 1960, the elector shall produce his identity card before the Presiding Officer or the Polling Officer authorised by him in this behalf.
- (4) In deciding the right of a person to obtain a ballot paper, the Presiding Officer or the Polling Officer, as the case may be, shall overlook merely clerical or printing errors in an entry in the electoral roll if he is satisfied that such persons is identical with the elector to whom such entry relates.

60.

Preparation of ballot boxes for poll :- Where a paper seal is used for securing a ballot box, the Presiding Officer shall affix his own signature on the paper seal and also obtain thereon the signatures of such of the polling agents present as are desirous of affixing the same.

- (2) The Presiding Officer shall thereafter fix the paper seal so signed in the space meant thereof in the ballot box and shall then secure and seal the box in such manner that the slit for the insertion of ballot paper therein remains open.
- (3) The seals used for securing a ballot box shall be affixed in such manner that after the box has been closed, it is not possible to open it without breaking the seal.
- (4) Where it is not necessary to use paper seals for securing the ballot boxes, the Presiding Officer shall secure and seal the ballot boxes in such manner that the slit for the insertion of ballot papers remains open and shall allow the polling agents present to affix, if they so desire, their seals.
- (5) Every ballot box used at a polling station shall bear labels, both inside and outside, marked with

- (a) the serial number, if any and the name of the ward,
  - (b) the serial number, if any and the name of the polling station ;
  - (c) the serial number of the ballot box (to be filled in at the end of the poll on the lable outside the ballot box only ) ; and
  - (d) the date of poll.
- (6) — Immediately before the commencement of the poll, the Presiding Officer shall demonstrate to the polling agents that the ballot box is empty and bears the lables referred in sub-rule (5).
- (7) — The ballot box shall then be closed, sealed and secured and placed in full view of the Presiding Officer and the polling agents.
61. **Marked copy of Election Roll :-** Immediately before the commencement of the poll, the Presiding Officer shall allow the polling agents and others present to inspect the marked copy of the electoral roll to be used during the poll.
62. **Challenging of indentity :** (1) Any polling agent may challenge the identity of a person claiming to be a particular elector by first depositing a sum of two rupees in cash with the Presiding Officer for each such challenge.
- (2) On such deposit being made, the Presiding Officer shall-
- (a) warn the person challenged of the penalty for in personation ;
  - (b) read the relevant entry in the electoral roll in full and ask him whether he is the person referred to in that entry ;
  - (c) enter his name and address in the list of challenged votes in Form-16;
  - (d) require him to affix his signature, or left thumb impression in the said list.
- (3) The Presiding Officer shall thereafter hold a summary inquiry into the challenge and may for that purpose-

- (a) require the challenger to adduce evidence in proof of the challenge and the person challenged to adduce evidence in proof of his identity;
  - (b) put to the person challenged any question for the purpose of establishing his identity and require him to answer them on oath; and
  - (c) administer an oath to the person challenged and any other person offering to give evidence.
  - (4) If after the inquiry, the Presiding Officer considers that the challenge has not been established, he shall allow the person challenged to vote and if he considers that the challenge has been established, he shall debar the person challenged from voting.
- (5) If, the Presiding Officer is of the opinion that the challenge is frivolous or has not been made in good faith, he shall direct that the deposit made under sub-rule (1) be forfeited to the Council fund, and in other case, he shall return it to the challenger at the conclusion of the inquiry.
63. **Safeguard against impersonation :** (1) Every elector about whose identity the Presiding Officer, the Polling Officer, as the case may be, is satisfied, shall allow his left forefinger to be inspected by the Presiding Officer or Polling Officer and an indelible ink mark to be put on it.
- (2) If any elector-
    - (a) 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, or;
    - (b) fails or refuses to produce his identity card as required by sub-rule (3) or rule 59, he shall not be supplied with any ballot paper or allowed to vote.
  - (3) Any reference in this rule to the left forefinger of an elector shall in the case where the elector has his left forefinger missing, be considered as a reference to any other finger of his left hand, and shall in the case where all the fingers of his left hand are missing, be construed as a reference to the forefinger or any other fingers of his right hand and shall in the

case where all his fingers of both the hands are missing, be construed as reference to such extremity of his left or right arm as he possesses.

64.

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

(2) At the time of issuing a ballot paper to an elector, the Polling Officer shall -

(a) record on its counterfoil the electoral roll number of the elector as entered in the marked copy of the electoral roll ;

(b) obtain the signature or thumb impression of that elector on the said counterfoil ; and

(c) mark the name of the elector in the marked copy of the electoral roll to indicate that a ballot paper has been issued to him, without however recording therein the serial number of the ballot paper issued to that elector;

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

(3) It shall not be necessary for any Presiding Officer or Polling Officer or any other officer to attest the thumb impression of the elector on the counterfoil.

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

65.

**Maintenance of secrecy of voting by electors within the polling station and voting compartment:-**

(1) Every elector to whom a ballot paper has been issued under rule 64 shall maintain secrecy of voting within the polling station and for that purpose observe the voting procedure hereinafter laid down.

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

- (a) proceed to one of the voting compartments;
  - (b) there make a mark on the ballot paper with the instrument supplied for the purpose on or near the symbol of the candidate for whom he intends to vote;
  - (c) fold the ballot paper so as to conceal his vote;
  - (d) if required, show to the Presiding Officer the distinguishing mark on the ballot paper;
  - (e) insert the folded ballot paper into the ballot box; and
  - (f) quit the polling station.
- (3) Every elector shall vote without undue delay.
- (4) No elector shall be allowed to enter a voting compartment when another elector is inside it.
- (5) If an elector to whom a ballot paper has been issued refuses, after warning given by the Presiding Officer to observe the procedure as laid down in sub-rule (2), the ballot paper issued to him shall, whether he has recorded his vote therein or not, be taken back from him by the Presiding Officer or by Polling Officer under the direction of the Presiding Officer.
- (6) After the ballot paper has been taken back, the Presiding Officer shall record on its back the word "cancelled voting procedure violated" and put the signature below these words.
- (7) All the ballot papers on which the words "cancelled: voting procedure violated" are recorded, shall be kept in a separate cover which shall bear on its face the words "ballot papers, voting procedure violated"
- (8) Without prejudice to any other penalty to which an elector from whom a ballot paper has been taken back under sub-rule (5) may be liable, the vote, if any, recorded on such ballot paper shall not be counted.
66. **Recording of votes of blind or infirm electors:**
- (1) If the Presiding Officer is satisfied that owing to blindness or other physical infirmity an elector is unable to recognise the symbols on the ballot paper or to make a mark thereon without assistance, the Presiding Officer shall permit the elector to take with him a companion of not

less than eighteen years of age to the voting compartment for recording the vote on the ballot paper on his behalf and in accordance with his wishes, and, if necessary, for folding the ballot paper so as to conceal the vote and inserting it into the ballot box;

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

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

- (2) The Presiding Officer shall keep a record in Form-17 of all cases under this rule.

67.

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

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

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

68.

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

- (2) Every such person shall, before being supplied with a tendered ballot paper, sign his name against the entry relating to him in a list in Form - 18.
- (3) A tendered ballot paper shall be the same as the other ballot paper used at the polling except that -
  - (a) such tendered ballot paper shall be serially the last in the bundle of ballot papers issued for use at the polling station ; and
  - (b) such tendered ballot papers and the counterfoil shall be endorsed on the back with the word " tendered ballot paper " by the Presiding Officer in his own hand and signed by him.
- (4) The elector after marking a tendered ballot paper in the voting compartment and folding it shall instead of putting it into the ballot box, give it to the Presiding Officer, who shall place it in a cover specially kept for the purpose.

69.

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

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

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

70.

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

- (2) The ballot box shall thereafter be sealed and secured.

- (3) Where it becomes necessary to use a second ballot box by reason of the first ballot box getting full, the first ballot box shall be closed, sealed and secured as provided in sub-rules (1) and (2) before any other ballot box is put into use.
- (4) The foregoing provisions of this rule shall not apply at a polling station to the Presiding Officer of which the Commission has issued a direction asking him to proceed in accordance with sub-rule (5).
- (5) At any such polling station, as soon as practicable, after the close of poll, the Presiding Officer shall --
  - (a) transfer all the ballot papers contained in the ballot box or boxes used at that polling station, without examining or counting them and with due regard to the secrecy of the ballot papers, into a cloth bag or cloth lined cover after demonstrating to the polling agents present that the bag or cover is empty;
  - (b) allow the polling agents present to inspect each ballot box and demonstrate to them that it has been emptied,
  - (c) record on the bag or cover the name of the ward, the name of the polling station and the date of the poll; and
  - (d) seal the bag or cover and allow polling agents present to affix his seal thereon.

71.

**Account of ballot paper :-** (1) The Presiding Officer shall at the close of poll prepare a ballot paper account in Form-19 and enclose it in a separate cover with the words "Ballot Paper Account" superscribed thereon.

- (2) The Presiding Officer shall furnish to every polling agent present at the close of the poll a true copy of the entries made in the ballot paper account after obtaining receipt from the said polling agent thereof and shall also attest it as a true copy.

72.

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



- (a) the marked copy of the electoral roll;
- (b) the counterfoil of the used ballot papers;
- (c) the ballot paper signed in full by the Presiding Officer but not issued to the voters;
- (d) any other ballot papers not issued to the voters;
- (e) the ballot papers cancelled for violation of voting procedure;
- (f) any other cancelled ballot papers;
- (g) the cover containing the tendered ballot papers and the list in Form-18
- (h) the list of challenged votes; and
- (i) any other papers directed by the Commission to be kept in a sealed packet.

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

73.

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

- (a) the ballot boxes or, as the case may be, the bags or covers referred to in rule 70,
- (b) the ballot paper account;
- (c) the sealed packets referred to in rule 71, and
- (d) all other papers used at the poll.

- (2) The Returning Officer shall make adequate arrangements for the safe transport of all ballot boxes, packets and other papers and for their safe custody until the commencement of the counting of votes.

- \* “73A (a) Notwithstanding anything contained in the Daman & Diu Municipalities (Election) Rules, 1995, the giving and recording of votes by voting machines in such manner as may be prescribed, may be adopted in such constituency or constituencies as the Election Commission may having regard to the circumstances of each case specify ;
- (b) The manner and procedure of voting by Electronic Voting Machines as prescribed in Chapter II of the Conduct of Election Rules 1961 under the Representation of People Act, 1951 shall be the manner and procedure of voting by Electronic Voting Machines, for the purpose of above sub-rule in conduct of Municipal Elections.”

CHAPTER - XII

COUNTING OF VOTES

74. Counting of votes :- (1) At every election where a poll is taken, votes shall be counted by or under the supervision and direction of the Returning Officer, and each contesting candidate, his election agent and the counting agents shall have a right to be present at the time of counting.
75. Time and place for counting of votes :- The Returning Officer shall, at least one week before the date fixed for the poll, appoint the place or places where the counting of votes will be done and the date and time at which the counting will commence and shall give notice of the same in writing to each candidate or his election agent.
- Provided that if for any reason the Returning Officer finds it necessary to do so, he may alter the date, time and place or places so fixed, or any of them, after giving notice of the same in writing to each candidate or his election agent.
76. Admission to the place fixed for counting : - (1) The Returning Officer shall exclude from the place fixed for counting of votes all persons except -
- (a) such persons (to be known as counting supervisor and counting assistants) as he may appoint to assist him in the counting;
  - (b) persons authorised by the Commission,
  - (c) public servants on duty in connection with election; and
  - (d) candidates; their election agents and counting agents.
- (2) No person who has been employed by, or, on behalf of, or has been otherwise working for a candidate in or about the election shall be appointed under clause (a) of sub rule (1)
- (3) The Returning Officer shall decide which counting agent or agents shall watch the counting at any particular counting table or group of counting tables.

- (4) Any person who, during the counting of votes misconducts himself or fails to obey the lawful directions of the Returning Officer can be removed from the place where the votes are being counted by the Returning Officer or by any police officer on duty or by any person authorised in this behalf by the Returning Officer.
77. Maintenance of secrecy of voting:- The Returning Officer shall, before he commences the counting, read out the provisions of section 30 of the Regulation to such persons as mentioned in the said section.
78. Scrutiny and opening of ballot boxes :- (1) The Returning Officer may have the ballot box or boxes used at more than one polling station opened and the ballot papers found in such box or boxes counted simultaneously.
- (2) Before any ballot box is opened at a counting table, the counting agents present at the table shall be allowed to inspect the paper seal or such other seals as might have been affixed thereon and to satisfy that it is intact.
- (3) The Returning Officer shall satisfy himself that none of the ballot boxes has in fact been tampered with.
- (4) If the Returning Officer is satisfied that any ballot box has in fact been tampered with, he shall not count the ballot papers contained in that box and shall follow the procedure laid down in rule 53 in respect of that polling station.
79. Destruction, loss etc; of ballot papers at the time of counting :- (1) If at any time before the counting of votes is completed, any ballot papers used at a polling station are unlawfully taken out of the custody of the Returning Officer or are accidentally or intentionally destroyed or lost, or are damaged or tampered with, to such an extent that the result of the poll at that polling station cannot be ascertained, the Returning Officer shall forthwith report the matter to the Commission.
- (2) Thereupon, the Commission shall, after taking all material circumstances into account, either -
- (a) direct that the counting of votes shall be stopped, declare the poll at that polling station to be void, appoint a date, and fix the hours, for taking a fresh poll at that polling station and notify the date so appointed and hours so fixed in such manner as it may deem fit; or

- (b) if satisfied that the result of a fresh ballot at that polling station will not, in any way, affect the result of the election, issue such directions to the Returning Officer as it may deem proper for the resumption and completion of the counting and for the further conduct and completion of the election in relation to which the votes have been counted.
- (3) The provisions of these rules or orders made thereunder shall apply to every such fresh poll as they apply to the original poll.

80. Counting of votes :- (1) Subject to such general or special directions, if any as may be given by the Commissions in this behalf, the ballot papers taken out of each ballot box shall be arranged in convenient bundles and scrutinised.

- (2) The Returning Officer shall reject a ballot paper-
  - (a) if it bears any mark or writing by which the elector can be identified; or
  - (b) if it bears no mark at all to indicate the vote or it bears a mark elsewhere than on or near the symbol of one of the candidates on the face of the ballot paper or if it bears a mark made otherwise than with the instrument supplied for the purpose; or
  - (c) if votes are given on it in favour of more than one candidate; or
  - (d) if the mark indicating a vote thereon is placed in such manner as to make it doubtful to which candidate the vote has been given; or
  - (e) if it is a spurious ballot paper; or
  - (f) if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established ; or
  - (g) if it bears a serial number, or is of a design, different from the serial numbers or design, as the case may be, of the ballot papers authorised for use at the particular polling station; or
  - (h) if it does not bear the mark and the signature which it should have borne under the provision of the sub-rule (1) of rule 64:

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

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

- (3) Before rejecting any ballot paper under sub-rule (2) the Returning Officer shall allow each counting agent present a reasonable opportunity to inspect that ballot paper but shall not allow him to handle it or any other ballot paper.
- (4) 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 initiate such endorsement.
- (5) All ballot papers rejected under this rules shall be bundle together.
- (6) Every ballot paper which is not rejected under this rule shall be counted as one valid vote :

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

- (7) After the counting of all ballot papers contained in all the ballot boxes used at a polling station has been completed ;
    - (a) the counting supervisor shall fill in and sign Part-II Result of Counting in Form 19, which shall also be signed by the Returning Officer; and
    - (b) the Returning Officer shall make the entries in a result sheet in Form-20 and announce the particulars.
81. **Sealing of used ballot papers :-** The valid ballot papers of each candidate and the rejected ballot papers shall thereafter be bundled separately and the several bundles made up into a separate packet which shall be sealed with the seals of the Returning Officer and of such of the candidates, their election

agents or counting agents as may desire to affix their seal thereon; and on the packets so sealed shall be recorded the following particulars, namely-

- (a) name of the ward;
- (b) the particulars of the polling station where the ballot papers have been used; and
- (c) the date of counting.

82. **Counting of ballot papers transferred to bags or covers under rule-70 :-** The provisions of rule 78, 80 and 81 shall apply so far as may be in relation to counting of ballot papers and votes, if any, which have been transferred from ballot boxes to cloth bags or cloth lined covers, under sub-rule (5) of rule 70.

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

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

84. **Re-commencement of counting after fresh poll :-**  
(1) If a fresh poll is held under rule 53, the Returning Officer shall, after completion of that poll, re-commence the counting of the votes on the date and at the time and place which have been fixed by him in that behalf and of which notice has been previously given to the candidates and their election agents.

(2) The provisions of rules 80 and 81 shall apply so far as may be to such further counting.

85. **Recount of votes :-** (1) After the completion of the counting the Returning Officer shall record in the result sheet in Form-20 the total number of votes polled by each candidate and announce the same.

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

- (3) On such an application being made the Returning Officer shall decide the matter and may allow the application in whole or in part or may reject it in toto if it appears to him to be frivolous or unreasonable.
- (4) Every decision of the Returning Officer under sub-rule (3) shall be in writing and contain the reasons thereof.
- (5) If the Returning Officer decides under sub-rule (3) to allow a recount of the votes either wholly or in part he shall -
  - (a) do the recounting in accordance with the rule 80;
  - (b) amend the result sheet in Form-20 to the extent necessary after such recount; and
  - (c) announce the amendments so made by him.
- (6) After the total number of votes polled by each candidate has been announced under sub-rule(1) or sub-rule (5), the Returning Officer shall complete and sign the result sheet in Form-20 and no application for a recount shall be entertained thereafter.

Provided that no step under this sub-rule shall be taken on the completion of counting until the candidates and election agents present at the completion thereof have been given a reasonable opportunity to exercise the right conferred by sub-rule (2).

86. Equality of votes :- If, after the counting of the votes is completed, an equality of votes is found to exist between any candidates and the addition of one vote will entitle any of those candidates to be declared elected, the Returning Officer shall forthwith decide between those candidates by lot, and proceed as if the candidate on whom the lot falls had received an additional vote.
87. Declaration of result of election and return of election :- (1) When the counting of votes has been completed, the Returning Officer shall, in the absence of any direction by the Commission to the contrary, forthwith declare the result of the election in the manner provided in these rules.
  - (2) The Returning Officer shall,-
    - (a) declare in Form-21 or Form-21A, whichever is applicable, the candidate to whom the largest number of valid votes have been given to be elected and send signed copies thereof to the Director of Municipal Elections, the Commission and the Administrator.



- (b) complete and certify the return of election in Form-22 and send signed copies thereof to the Commission and the Director of Municipal Elections.
88. **Grant of certificate of election to returned candidates :-** As soon as may be after a candidate has been declared by the Returning Officer to be elected, the Returning Officer shall grant to such candidate a certificate of election in Form-23 and obtain from the candidate an acknowledgement of its receipt duly signed by him and immediately send the acknowledgement by registered post to the Director of Municipal Election.
89. **Publication of names of members elected to a Municipality :-** Subject to the provisions of section 20 and rule 91, The Commission, shall as soon as possible, publish in the Official Gazette the list, containing the names of the members elected to a Council and also cause such a list to be affixed on the notice board of his office, and the office of the Council.
90. **Date of election of candidates :-**  
For the purpose of these rules, the date on which the candidate is declared by the Returning Officer under the provisions of rule 38 or rule 87 to be elected to a Council shall be the date of election of that candidate.

CHAPTER - XIII

PUBLICATION OF ELECTION RESULTS AND DEEMED

CONSTITUTION OF COUNCIL :

91. Publication of results of election :-

The Election Commission shall publish the results of the election and the names of the nominated Councillors, if any, in the Official Gazette and the Council shall be deemed to be duly elected in accordance with the provisions of section 20:

Provided that the issue of such notification shall not be deemed -

(a) to preclude -

(i) the taking of the poll and the completion of the election in any ward or wards in which the poll could not be taken for any reason on the date originally fixed under clause (d) of rule 28, or

(ii) the completion of the election in any ward or wards for which time has been extended under the provisions of rule 133; or

(b) to affect the duration of the Council functioning immediately before the issue of the said notification.

CHAPTER - XIV

MISCELLANEOUS

92. Custody of ballot boxes and papers relating to election :- (1) All ballot boxes used at an election shall be kept in such custody as the Director of Municipal Elections may direct.
- (2) The Returning Officer shall keep in safe custody
- (a) the packets of unused ballot papers with counterfoils attached thereto;
  - (b) the packets of the used ballot papers whether valid, tendered or rejected;
  - (c) the packets of the counterfoils of used ballot papers;
  - (d) the packets of the marked copy of the electoral rolls; and
  - (e) all other papers relating to the election
93. Production and inspection of election papers :-
- (1) While in the custody of the Returning Officer -
- (a) the packets of unused ballot papers with counterfoils attached thereto ;
  - (b) the packets of used ballot papers whether valid, tendered or rejected;
  - (c) the packets of the counterfoils of used ballot papers; and
  - (d) the packets of the marked copy of the electoral roll
- shall not be opened and their contents shall not be inspected by or produced before, any person or authority except under the orders of a competent court.
- (2) Subject to such conditions and to the payment of such fee as the Commission may direct -
- (a) all other papers relating to the election shall be open to public inspection; and
  - (b) copies thereof shall on application be furnished -

(3) Copies of the returns that the Returning Officer forwards under rule 88 shall be furnished by the Returning Officer on payment of a fee of five rupees for each such copy.

94. Disposal of election papers :- Subject to any directions to the contrary, given by the Commission or by a competent court -

(a) the packets of unused ballot papers shall be retained for a period of six months and shall thereafter be destroyed in such manner as the Commission may direct ;

(b) the other packets, referred to in sub-rule (1) of the rule 93 shall be retained for a period of one year and shall thereafter be destroyed;

Provided that packets containing the counter foils or used ballot papers shall not be destroyed except with the previous approval of the Commission;

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

CHAPTER - XV

CASUAL ELECTIONS

95. **Casual Elections :-** (1) Subject to the provisions of section 50, when the seat of a member elected to a Council becomes vacant, the Commission shall subject to the provisions of sub-rule(2), by a notification in the Official Gazette, call upon the ward concerned to elect a person for the purpose of filling the vacancy so caused before such date as may be specified in the notification, and the provision of the Regulation and these rules and order made thereunder shall apply, as far as may be, in relation to the election of a member to fill such vacancy.
- (2) If the vacancy so caused be a vacancy in a seat reserved in any such ward for Scheduled Caste or for the Scheduled Tribe or for a Woman, the notification issued under sub-rule(1) shall specify that the person to fill that seat shall belong to the Scheduled Caste or the Scheduled Tribes or be a Woman, as the case may be.

CHAPTER - XVI

DISPUTES REGARDING ELECTIONS

96. **Definitions :-** In this chapter unless the context otherwise requires -
- (a) "candidate" means a person who has been or claims to have been duly nominated as a candidate at any election to a Council;
  - (b) "costs" means all costs, charges and expenses of, or incidental to, a trial of an election petition;
  - (c) "electoral right" means the right of a person to stand or not to stand as, or to withdraw or not to withdraw from being, a candidate, or to vote or refrain from voting at an election to a Council;
  - (d) "High Court" means the High court within the local limits of whose jurisdiction the election to which, the election petition relates has been held;
  - (e) "Judge" means a Judge referred to in sub-section (5) of section 22;
  - (f) "returned candidate" means a candidate whose name has been published under section 20 in the Official Gazette as duly elected.
97. **Presentation of petitions :-**
- (1) An election petition calling in question any election of a councillor may be presented on one or more of the grounds specified in sub-rule (1) of rule 110 and rule 111 to the District Court by a candidate at such election or by any elector within ten days after the publication of the names of the councillors in the Official Gazette under section 20.
- Explanation :** In this sub-rule 'elector' means a person who was entitled to vote at the election to which the election petition relates, whether he has voted at such election or not.
- (2) Every election petition shall be accompanied by as many copies thereof as there are respondents mentioned in the petition and every such copy shall be attested by the petitioner under his own signature to be a true copy of the petition.
98. **Parties of the petition :-** A petitioner shall join as respondents to his petition-

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

99. Contents of petition :-

- (1) An election petition :-
  - (a) Shall contain a concise statement of the material facts on which the petitioner relies;
  - (b) shall with sufficient particulars, set-forth the ground or grounds on which the election is called in question;
  - (c) shall set forth full particulars of any corrupt or illegal practice that the petitioner alleges including as full a statement as possible of the names of the parties alleged to have committed such corrupt or illegal practice and the date and place of the commission of each practice; and
  - (d) shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908 (5 of 1908) for the verification of pleadings:

Provided that where the petitioner alleges any corrupt or illegal practice, the petition shall also be accompanied by an affidavit in Form-24 sworn before a Magistrate of the First Class or a Notary or a Commissioner of Oaths in support of the allegation of such corrupt or illegal practice and the particulars thereof.

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

100. Relief that may be claimed by the petitioner :-

A petitioner may, in addition to claiming a declaration that the election of the returned candidate is void, claim a further declaration that he himself or any other candidate has been duly elected.

101. Trial of election petitions :-

- (1) The District Judge or the judge referred to in sub-section (5) of section 22 shall inquire into and dispose of such petition. He shall dismiss an election petition which does not comply with the provisions of rule 97 or rule 98 or rule 121.

**Explanation :** An order of the judge dismissing an election petition under this sub-rule shall be deemed to be an order made under clause (a) of rule 108.

- (2) Any candidate not already a respondent shall, upon application made by him to the judge within fourteen days from the date of commencement of the trial and subject to any order as to security for costs which may be made by the judge, be entitled to be joined as a respondent.

**Explanation :** For the purposes of this sub-rule and of rule 107, the trial of a petition shall be deemed to commence on the date fixed for the respondent to appear before the Judge and answer the claim or claims made in the petition.

- (3) The Judge may, upon such terms as to costs and otherwise as he may deem fit, allow the particulars of any corrupt or illegal practice alleged in the petition to be amended or amplified in such manner as may in his opinion be necessary for ensuring a fair and effective trial of the petition, but shall not allow any amendment of the petition which will have the effect of introducing particulars of a corrupt or illegal practice not previously alleged in the petition.
- (4) The trial of an election petition shall, so far as is practicable consistently with the interest of justice in respect of the trial, be continued from day to day until its conclusion, unless the Judge finds the adjournment of the trial beyond the following day to be necessary for reasons to be recorded.
- (5) Every election petition shall be tried as expeditiously as possible and endeavour shall be made to conclude the trial within six months from the date on which election petition is presented to the Judge for trial.

102. Procedure before Judge :-

- (1) Subject to the provisions of sub-section (7) of section 22, the trial of every election petition by the Judge shall be, as nearly as may be, in accordance with the procedure applicable under the Code of Civil Procedure, 1908 (5 of 1908) to the trial suits:



Provided that the Judge shall have the discretion to refuse, for reasons to be recorded in writing, to examine any witness if he is of the opinion that evidence of such witness or witnesses is not material for the decision of the petition or that the party tendering such witness is doing so on frivolous grounds or with a view to delay the proceedings.

- (2) The provisions of the Indian Evidence Act, 1872 (I 1872) shall, subject to the provisions of Regulation and these rules, be deemed to apply in respects to the trial of an election petition.
103. **Documentary evidence :-** Notwithstanding anything in any enactment to the contrary, no document shall be inadmissible in evidence at the trial of an election petition on the ground that it is not duly stamped or registered.
104. **Secrecy of voting not to be infringed :-** No witness other than the person shall be required to state for whom he has voted at an election.
105. **Answering of incriminating questions and certificate of indemnity:-**
  - (1) No witness shall be excused from answering a question as to any matter relevant to a matter in issue in the trial of an election petition upon ground that the answer to such question may incriminate or may tend to incriminate him or that it may expose or may tend to expose him to any penalty or forfeiture.

Provided that -

- (a) a witness, who answers truly all questions which are required to be answered, shall be entitled to receive a certificate of indemnity from the Judge, and
  - (b) an answer given by a witness to a question put to him or before the Judge shall not, except in the case of any criminal proceedings or perjury in respect of the evidence, be inadmissible in evidence against him in any civil or criminal proceeding.
- (2) When a certificate of indemnity has been granted to any witness, it may, be pleaded by him in any case and shall be a full and complete defence to or against any charge under any law arising out of the matter in which such certificate relates, but it shall not be deemed to relieve him from any disqualification or connection with an election imposed by the Regulation or any other law.

106. **Expenses of witnesses :-** The reasonable expenses incurred by any person in attending to give evidence may be allowed by the Judge to such person and shall, unless he otherwise directs, be deemed to be part of the costs.

107. **Recrimination when seat claimed :-**

- (1) When in an election petition a declaration that any candidate other than the returned candidate has been duly elected is claimed, the returned candidate or any other party may give evidence to prove that the election of such candidate would have been void if he had been the returned candidate and a petition had been presented calling in question his election ;

Provided that the returned candidate or such other party, as aforesaid, shall not be entitled to give such evidence unless he has, within fourteen days from the date of commencement of the trial, given notice to the Judge of his intention to do so and has also given the security and the further security referred to in rule 121.

- (2) Every notice referred to in sub-rule (1) shall be accompanied by the statement and particulars required by rule 99 in the case of an election petition and shall be signed and verified in like manner.

108. **Decision of the Judge :-** At the conclusion of the trial of an election petition, the Judge shall make an order which shall be conclusive-

- (a) Dismissing the election petition; or  
(b) Declaring the election of the returned candidate to be void; or  
(c) Declaring the election of the returned candidate to be void and the petitioner or any other candidate to have been duly elected.

109. **Other orders to be made by the Judge :-**

- (1) At the time of making an order under rule 108, the Judge shall also make an order -

- (a) Where any charge is made in the petition of any corrupt or illegal practice having been committed at the election, recording -  
i) a finding whether any corrupt or illegal practice has or has not been proved to have been committed at the election, and the nature of that corrupt or illegal practice; and

- ii) the names of all persons, if any, who have been proved at the trial to have been guilty of any corrupt or illegal practice and the nature of that practice; and
- (b) fixing the total amount of costs payable and specifying the persons by and to whom costs shall be paid;

Provided that a person who is not a party to the petition shall not be named in the order under sub-clause (ii) of clause (a) unless-

- (a) he has been given notice to appear before the Judge and to show cause why he should not be so named and
  - (b) if he appears in pursuance of the notice, he has been given an opportunity of cross-examining any witness who has already been examined by the Judge and has given evidence against him, of calling evidence in his defence and of being heard.
- (2) The provisions of clause (a) of sub-rule (1) are subject to the provisions of sub-sections (11) and (12) of section 22.

**110. Grounds for declaring election to be void :-**

- (1) Subject to provisions of sub-rule (2), if the Judge is of opinion-
  - (a) that on the date of his election, the returned candidate was not qualified, or was disqualified to be chosen to fill the seat under the Regulation or
  - (b) that any corrupt or illegal practice has been committed by the returned candidate or his election agent or by any other person with the consent of the returned candidate or his election agent; or
  - (c) that any nomination has been improperly rejected, or
  - (d) that the result of the election in so far as concerns the returned candidate; has been materially affected-
    - (i) by the improper acceptance of any nomination; or
    - (ii) by any corrupt or illegal practice committed in the interests of the returned candidate by an agent other than his election agent; or

- (iii) by the improper reception, refusal or rejection of any vote or the reception of any vote which is void; or
- (iv) by any non-compliance with the provisions of the Regulation or of these rules or orders made thereunder;

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

- (2) If in the opinion of the Judge, the returned candidate has been guilty by an agent, other than his election agent, of any corrupt or illegal practice, but the Judge is satisfied-
  - (a) that no such corrupt or illegal practice was committed at the election by the candidate or his election agent, and every such practise was committed contrary to the orders, and without the consent, of the candidate or his election agent;
  - (b) that the candidate and his election agent took all reasonable means for preventing the commission of corrupt or illegal practices at the election; and
  - (c) that in all other respects the election was free from any corrupt or illegal practice on the part of the candidate or any his agents,

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

111. **Grounds for which candidate other than returned candidate may be declared to have been elected:-**

Subject to sub-section (10) of section 22, if any person who had lodged a petition has, in addition, to calling in question the election of the returned candidate, claimed a declaration that he himself or any other candidate has been duly elected and the Judge is of opinion -

- (a) that in fact the petitioner or such candidate received a majority of the total valid votes; or
- (b) that but for the votes obtained by the returned candidate by corrupt or illegal practices, the petitioner or such other candidate would have obtained a majority of the valid votes;

the judge shall after declaring the election of the returned candidate to be void declare the petitioner or such other candidate, as the case may be, to have been duly elected.

112. Procedure in case of equality of votes :- If during the trial of an election petition it appears that there is an equality of votes between a candidates at the election and that the addition of a vote would entitle any of those candidates to be declared elected, then -

- (a) any decision made by the Returning Officer under the provision of the Regulation and these rules shall, in so far as it determines the question between those candidates be effective also for the purpose of the petition; and
- (b) in so far as that question is not determined by such a decision, the Judge shall decide between them by lot and proceed as if the one on whom the lot then falls has received an additional vote.

113. **Withdrawal of election petitions:-**

- (1) Subject to sub-section (8) of section 22, an election petition may be withdrawn only by leave of the Judge.
- (2) Where an application for withdrawal is made under sub-rule (1), notice thereof fixing a date for the hearing of the application shall be given to all other parties to the petition and shall be published in the Official Gazette.

114. **Procedure for withdrawal of election petitions :-**

- (1) If there are more petitioners than one, an application to withdraw an election petition shall be made except with the consent of all the petitioners.
- (2) No application for withdrawal shall be granted if, in the opinion of the Judge, such application has been induced by any bargain or consideration which ought not to be allowed.
- (3) If the application is granted-
  - (a) the petitioner shall be ordered to pay the costs of the respondents therefor incurred or such portion thereof as the Judge may think fit;
  - (b) the Judge shall direct that the notice of withdrawal shall be published in the Official Gazette and in such other manner as he may specify and thereupon the notice shall be published accordingly;

- (c) a person who might have been a petitioner may within seven days of such publication, apply to be substituted as petitioner in place of the party withdrawing and upon compliance with the conditions, if any as to security, shall be entitled to be so substituted and to continue the proceedings upon such terms as the Judge may deem fit.

115. **Report of withdrawal by the Judge to the Commission:-**

When an application for withdrawal is granted by the Judge and no person has been substituted as petitioner under clause (c) of sub-rule (3) of rule 114, in place of the party withdrawing, the Judge shall report the fact to the Commission and thereupon the Commission shall publish the report in the Official Gazette.

116. **Abatement of election petitions:-**

- (1) An election petition shall abate only on the death of a sole petitioner or of the survivor of the several petitioners.
- (2) Where an election petition abates under sub-rule (1), the Judge shall cause the fact to be published in such manner as he may deem fit.
- (3) Any person who might himself have been a petitioner may, within seven days of such publication, apply to be substituted as petitioner and upon compliance with the conditions, if any, as to security, shall be entitled to be so substituted and to continue the proceedings upon such terms as the Judge may deem fit.

117. **Abatement or substitution on death of respondent:-**

If before the conclusion of the trial of an election petition, the sole respondent dies or gives notice that he does not intend to oppose the petition or any of the respondents dies or gives such notice and there is no other respondent who is opposing the petition, the Judge shall cause notice of such event to be published in the Official Gazette, and thereupon any person who might have been a petitioner may, within seven days of such publication, apply to be substituted in place of such respondent to oppose the petition and shall be entitled to continue the proceedings upon such terms as the Judge may deem fit.

118. Appeals to High Court :-

- (1) Notwithstanding anything contained in any other law for the time being in force, an appeal shall lie to the High Court from every order made by a Judge under rules 108 & 109.
- (2) Every appeal under these rules shall be preferred within a period of thirty days from the date of the order of the Judge under rules 108 and 109:

Provided that the High Court may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that the appellant has sufficient cause for not preferring the appeal within such period.

119. Stay of operation of orders of Judge :-

- (1) An application may be made to the Judge for stay of operation of an order made by him under rule 108 or rule 109 before the expiration of the time allowed for appealing therefrom and the Judge may, on sufficient cause being shown and on such terms and conditions as he may think fit, stay the operation of his order, but no application for stay shall be made to the Judge after an appeal has been preferred to the High Court.
- (2) Where an appeal has been preferred against the order of the Judge, the High Court may, on sufficient cause, being shown and on such terms and conditions as it may think fit, stay the operation of the order appealed from.
- (3) When the operation of an order is stayed by the Judge, or as the case may be, the High Court, the order shall be deemed never to have taken effect and a copy of the stay order shall immediately be sent by the Judge, or as the case may be, the High Court to the Commission and to the Director of Municipal Elections.

120. Procedure in appeal :-

- (1) Every appeal shall be heard and determined by the High Court as nearly as may be in accordance with the procedure applicable to the hearing and determination of an appeal from an order passed by a District Judge in the exercise of its original civil jurisdiction and all the provisions of the Code of Civil Procedure, 1908 (5 of 1908) shall, so far as may be, apply in relation to such appeal.

- (2) As soon as an appeal is decided, the High Court shall intimate the substance of the decision to the Commission and the Director of Municipal Elections and as soon as may be thereafter shall send to the Commission an authenticated copy of the decision and upon its receipt, the Commission shall-
- (a) forward copies thereof to the authorities to which the copies of the order of the Judge were forwarded, and
- (b) cause the decision to be published in the Official Gazette.
121. Security for costs :-
- (1) At the time of presenting an election petition, the petitioner shall deposit in the Court in accordance with the Rules of that court, a sum of two thousand rupees as security for the costs of the petition.
- (2) During the course of trial of an election petition, the Judge may, at any time, call upon the petitioner to give such further security for costs as he may direct.
122. Costs :- Cost shall be in the discretion of the Judge.
- Provided that where a petition is dismissed under clause (a) of rule 108, the returned candidate, shall be entitled to the costs incurred by him in contesting the petition and accordingly the Judge shall make an order for costs in favour of the returned candidate.
123. Payment of costs out of security deposits and return of such deposits :-
- (1) If in any order as to cost under the provisions of these rules, there is a direction for payment of costs by any party to any person, such costs shall, if they have not been already paid, be paid in full, or so far as possible, out of the security deposit and the further security deposit, if any, made by such party on an application made in writing in that behalf within a period of one year, from the date of such order to the Judge by the person in whose favour the costs have been awarded.



(2) If there is any balance left of any of the said security deposits after payment under sub-rule (1) of the costs referred to in that sub-rule, such balance, or where no costs have been awarded or an application as aforesaid has been made within the said period of one year the whole of the said security deposits may, on an application made in that behalf in writing to the Judge by the person by whom the deposits have been made, or if such person dies after making such deposits by legal representatives of such person, be returned to the said person or to his legal representatives, as the case may be.

124.

**Execution of orders as to costs :-** Any order as to costs under the provisions of these rules may be produced before the concerned court and such court shall execute the order or cause the same to be executed in the same manner and by the same procedure as if it were a decree for the payment of money made by itself in a suit :

Provided that where any such costs or any portion thereof may be recovered by an application made under sub-rule (1) of rule 123, no application shall lie under this rule within a period of one year from the date of such order unless it is for the recovery of the balance of any costs which have been left unclaimed after an application has been made under that sub-rule owing to the insufficiency of the amount of the security deposits referred to in that sub-rule.

CHAPTER - XVII  
ELECTORAL OFFENCES

125. Promotion of enmity between classes in connection with election :- No person shall in connection with an election under the Regulation and these rules, promote or attempt to promote on grounds of religion, caste, race, community or language, feelings of enmity or hatred between different classes of the citizens of India.
126. Restrictions on the printing of pamphlets, posters etc :-
- (1) No person shall print or publish or cause to be printed or published, any election pamphlet or poster which does not bear on its face the names and addresses of the printer and the publisher thereof.
  - (2) No person shall print or cause to be printed any election pamphlet or poster -
    - (a) unless a declaration as to the identity of the publisher thereof, signed by him and attested by two persons to whom he is personally known, is delivered by him to the printer in duplicate; and
    - (b) unless, within a reasonable time after the printing of the document, one copy of the declaration is sent by the printer, together with one copy of the documents,--
      - (i) where it is printed in the capital of the Union Territory to the Administrator; and
      - (ii) in any other case, to the District Magistrate of the District in which it is printed.
  - (3) For the purposes of this rule,--
    - (a) any process for multiplying copies of a document other, than copying it by hand, shall be deemed to be printing and the expression 'Printer' shall be construed accordingly; and

(b) 'election' pamphlet or poster' means any print pamphlet, hand-bill or other document distributed for the purpose of prompting or prejudicing the election of a candidate or group of candidates any placard or poster having reference to 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 workers.

127. **Failure to observe procedure for voting :-** If an elector to whom a ballot paper has been issued refuses to observe the procedure prescribed for voting, the ballot paper issued to him shall be liable for cancellation.

128. **Government servants not to act as election agents or polling agent or counting agent :-**

(1) No person in the service of the Government shall act as an election agent or a polling agent or counting agent of a candidate at an election.

CHAPTER - XVIII

POWERS OF COMMISSION IN CONNECTION WITH INQUIRIES TO  
DISQUALIFICATIONS OF MEMBERSHIP AND EXTENSION OF THE  
TIME FOR COMPLETION OF ELECTION.

129. Powers of Election Commission :-
- (1) Where in connection with tendering of any opinion to the Administrator under section 17, the Commission considers it necessary or proper to make an inquiry, and the Commission is satisfied that on the basis of the affidavits filed and the documents produced in such enquiry by the parties concerned of their own accord, it cannot come to a decisive opinion on the matter which is being inquired into, the Commission shall have, for the purposes of such inquiry, the powers of a civil courts while trying a suit under the Code of Civil Procedure, 1908 (5 of 1908), in respect of the following matters, namely :-
    - (a) summoning and enforcing the attendance of any person and examining him on oath ;
    - (b) requiring the discovery and production of any document or other material object produceable as evidence;
    - (c) receiving evidence on affidavits;
    - (d) requisitioning any public record or a copy thereof from any court or office;
    - (e) issuing commissions for the examination of witnesses or documents.
  - (2) The Commission shall also have the power to require any person, subject to any privilege which may be claimed by that person under any law for the time being in force, to furnish information on such points or matters as in the opinion of the Commission may be useful for, or relevant to, the subject matter of the inquiry.
  - (3) Any proceeding before the Commission shall be deemed to be a judicial proceeding within the meaning of section 193 and section 228 of the Indian Penal Code (45 of 1860).

130. **Statement made by person to the Commission :-** statement made by a person in the course of giving evidence before the Commission shall be subject to; or be used against him in, any civil or criminal proceeding, except a prosecution giving false evidence by such statement ;

Provided that the statement-

- (a) is made in reply to a question which he is required by the Commission to answer; or
- (b) is relevant to the subject matter of the inquiry

131. **Procedure to be followed by the Commission :-**

The Commission shall have the power to regulate its own procedure (including fixing of places and times of its sittings the deciding whether to sit in public or in private)

132. **Protection of action taken in good faith :-**

No suit, prosecution or other legal proceedings shall lie against the Commission or any person acting under the direction of the Commission in respect of anything which is in good faith done or intended to be done in pursuance of the provisions of this chapter or of any order made thereunder in respect of tendering of any opinion by the Commission to the Administrator or in respect of the publication, by or under the authority of the Commission of any such opinion, paper or proceedings.

133. **Extension of time for completion of election**  
It shall be competent for the Commission for reasons which it considers sufficient, to extend the time for the completion of any election and making necessary amendments in the notification issued by it under rule 28,

134. **Repeal and Savings :-** As from the date of commencement of these Rules, the Goa, Daman & Diu Municipality (Election) Rules, 1969 and the Goa, Daman & Diu (Election Disputes) Rules, 1969 shall stand repealed.

Provided that such repeal shall not affect any provision in the said Rules which is inconsistent with the provisions of the Regulation or these rules, unless and until that provision is superseded by any law.

F O R M - 1

( See rule 12 )

Notice of publication of electoral roll in draft

To

The Electors of the \_\_\_\_\_ ward of  
\_\_\_\_\_ Municipal Council.

Notice is hereby given that the electoral roll has been prepared in accordance with rule 11 of Daman and Diu Municipalities (Election) Rules, 1995 and a copy thereof is available for inspection at my office and at \_\_\_\_\_ during office hours.

If there be any suggestion or objection to the inclusion or exclusion of names of voters residing within the territorial limits of the said wards, as appear in the electoral roll relating to the House of the People Constituency, it should be lodged on or before \_\_\_\_\_ 19 \_\_\_\_\_ in Form 2.

Every such suggestion or objection ( in duplicate ) should either be presented in my office or to \_\_\_\_\_ or sent by post to the address given below so as to reach me not later than the aforesaid date.

Electoral Registration Officer

Date :- \_\_\_\_\_

(Address).....

F O R M - 2  
( See rule 13 )

Suggestion or objection to the inclusion or exclusion of names of voters residing in the territorial limit of \_\_\_\_\_ ward of \_\_\_\_\_ Municipal Council.

To,  
The Electoral Registration Officer,  
\_\_\_\_\_Ward.

Sir,

\*I/We request that the names of voters residing in the following houses falling within the territorial limits of \_\_\_\_\_ ward may be included/excluded as these houses are within/outside the territorial limit of the ward.

Place:.....

Dated:.....

\_\_\_\_\_  
Signature or thumb impression  
of the applicant/applicants.

.....(perforation).....

Intimation of action taken

The application in Form 2 relating to inclusion/exclusion of names of voters residing in the following houses has been -

\*a) Accepted and their names have been included/excluded from the electoral roll vide serial No.....in part No.....

\*b) Rejected for the reason.....  
.....

\*House Nos.

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.

.....(perforation).....

Receipt for application

Received the application in Form 2 relating to the following house numbers:-\*\*

- |    |    |
|----|----|
| 1. | 5. |
| 2. | 6. |
| 3. | 7. |
| 4. | 8. |

Electoral Registration Officer

(Address).....

.....

Date:.....

\* Score out the words not applicable.

\*\*To be filled in by the applicant.



F O R M - 3

( See rule 15 )

Notice of final publication of electoral roll

It is hereby notified for public information that the list of amendments to the draft electoral roll for the \_\_\_\_\_ ward has been prepared in accordance with the Daman & Diu Municipalities (Election) Rules, 1995. A copy of the said roll has been published and will be available for inspection at \_\_\_\_\_ office.

.....

Electoral Registration Officer

Place:.....

(Address).....

Date:.....

.....

F O R M - 4

( See rule 30 )

NOTICE OF ELECTION

Notice is hereby given that:-

1. An election is to be held of a member to \_\_\_\_\_ ward of \_\_\_\_\_ Municipal Council.

2. Nomination papers may be delivered by a candidate or his proposer to the Returning Officer, at \_\_\_\_\_ or to the Assistant Returning Officer, at \_\_\_\_\_ between at 11.00 a.m. to 3.00 p.m. on any day (other than a public holiday) not later than the \_\_\_\_\_

3. Forms of nomination paper may be obtained at the place and time aforesaid :

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

5. Notice of withdrawal of candidature may be delivered by a candidate or his proposer or his election agent who has been authorised in writing by the candidate to deliver it to either of the officers specified in paragraph, 2 above at his office before 3.00 p.m. in the .....

6. In the event of the election being contested, the poll will be taken on .....between the hours of .....and.....

Place:.....

Date:.....

Returning Officer

-----

F O R M - 5

( See rule 31 )

NOMINATION PAPER

Election to the.....ward of.....Council

I nominate as a candidate for election to the.....

Council

Candidate's Name .....

Father's/Husband's Name .....

His postal address .....

His name is entered at S.No.....in part No.....  
of the electoral roll for.....ward.

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

Dated.....

Signature of Proposer.

-----  
I, the above-mentioned candidate, assent to this nomination  
and hereby declare:

- (a) That I have completed 21 years of age:
- (b) That the symbols I have chosen are in order of preference  
(i).....(ii).....and(iii).....
- (c) That my name and my father's/husband's name have been  
correctly spelt out above in.....(name of the  
language).
- (d) That to the best of my knowledge and belief, I am qualified  
and not also disqualified for being chosen to fill the seat in  
the .....Council.

\*I further declare that I am a member of the \_\_\_\_\_ caste which is a Schedule Caste in the Union territory.

\*I further declare that I am a member of the \_\_\_\_\_ tribe which is a Scheduled Tribe in the Union territory.

\*I further declare that I am a woman.

Cash deposit Receipt hearing No.....dated..... for rupees.....is attached/has already been attached with my nomination paper received at S.No..... Dated:..... (Signature of candidates)

\*Score out 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 Date:..... Returning Officer

----- (perforation) -----

Decision of Returning Officer accepting or rejecting the nomination paper.

I have examined this nomination paper in accordance with Rule 35 of the Daman and Diu Municipalities (Election) Rules, 1995 and decide as follows:-

Date:..... Returning Officer

.....(perforation).....

Receipt for Nomination paper and notices of scrutiny (To be handed over to the person presenting the nomination paper) Serial No. of nomination paper.....

The nomination paper of..... a candidate in election from .....ward of Council.

was delivered to me at my office at All nomination paper will be taken up for scrutiny at ..... (hour)on.....(date) at.....(place).....

Date:..... Returning Officer.

----- \*Score out the words not applicable.

F O R M - 6

( See rule 34 )

NOTICE OF NOMINATION

Election to the ..... Council from ..... wa

Notice is hereby given that the following nominations in respect of the above election have been received upto 3.00 p.m. today.

Sr.No.of nomination paper	Name of candidate	Name of *father/husband	Age of candidate	Address	Whether the Candidate is a woman
(1)	(2)	(3)	(4)	(5)	(6)

Particulars of caste for candidates belonging to Scheduled Castes.	Particulars of tribes for candidates belonging to Schedule tribes.	Electoral roll No. of candidate.	Name of proposer	Electoral roll No. of proposer.
(7)	(8)	(9)	(10)	(11)

Place: \_\_\_\_\_ Returning Office

Dated: \_\_\_\_\_

F O R M - 7

[ See rules 35 (8) and 35 (9) ]

LIST OF VALIDITY NOMINATED CANDIDATES

Election to the .....Council  
from .....ward.

Sr. No.	Name of candidates	Name of father/ husband	Address of the candidate
(1)	(2)	(3)	(4)

Place.....

Returning Officer

Date:.....

F O R M - 8

( See rule 36 (1) )

Notice of withdrawal of candidature

Election to..... Council fr  
.....ward.

To,  
The Returning Officer,

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

Place:.....

Date:.....

Signature of valid  
Nominated candidate

This notice was delivered to me at my office at .....  
(hour) on.....(date) by .....(Name)  
the \* .....  
Date:.....

Returning Officer

RECEIPT FOR NOTICE OF WITHDRAWAL

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

The notice of withdrawal of candidature by a validly  
nominated candidate at the election to.....Council  
from.....ward was delivered to me  
the \*.....at my office at.....  
(hour) on.....(date).

RETURNING OFFICER

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

- (1) Candidate.
- (2) Candidate's proposer or election agent who has  
authorised in writing by the candidate to deliver

F O R M - 9

( See rule 37 (1) )

LIST OF CONTESTING CANDIDATES

Election to.....Council

from.....ward.

Sr. No.	Name of candidate	Address of Candidate	Symbol allotted
(1)	(2)	(3)	(4)

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.

It is hereby declared that the poll will be taken on .....(date) between the hours of..... and.....at the polling stations.

Place:.....

Date:-.....

Returning Officer



F O R M - 10

( See rule 39 (1) )

APPOINTMENT OF ELECTION AGENT

Election to .....Council fro  
.....ward.

To  
The Returning Officer  
.....(ward)

I, .....  
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 the candidate.

I ACCEPT THE ABOVE APPOINTMENT

Place :

Date :

Signature of Election Agent.

APPROVED

SIGNATURE AND SEAL OF THE  
RETURNING OFFICER

-----  
Note:- To be submitted to the returning officer in duplicate

F O R M - 11

( See rule 39 (3) )

Revocation of Appointment of Election Agent

Election to.....Council

the .....ward.

To,

The Returning Officer

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

agent.

place:

Date:

Signature of candidate.

-----

F O R M - 12

( See rule 40 (2) )

APPOINTMENT OF POLLING AGENT

Election to council from .....  
.....ward.

I, .....  
a candidate/the election agent of.....  
who is a candidate at the above election do hereby appoint  
.....  
.....(name and address) as a polling  
agent to attend polling station No.....  
fixed for the poll.....  
at.....

Place :

Date:

Signature of Candidate/  
Election agent.

I agree to act as such polling agent.

Place:

Date:

Signature of Polling agent  
DECLARATION OF POLLING AGENT TO BE  
SIGNED BEFORE PRESIDING OFFICER

I hereby declare that at the above election, I will not do  
anything forbidden by section 30 of the Daman and Diu  
Municipalities Regulation, 1968 which I have read/have been read  
over to me.

Date:

Signature of Polling agent  
SIGNED BEFORE ME

Presiding Officer

-----  
To be handed over to the polling agent for production at the  
polling station fixed for the poll.

F O R M - 13

( See rule 40 (4) )

Revocation of Appointment of polling Agent  
Election to Council.

from.....ward.

To  
The Presiding Officer,

.....

.....

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

Signature of the Candidate/  
Election Agent.

Place:

Date:

-----

Strike off the inappropriate alternatives.

F O R M - 14

( See rule 41 (1) )

Appointment of Counting Agents

Election to, .....

To  
The Returning Officer,  
.....  
.....  
.....

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

	Name of the Counting Agent	Address of the Countin Agent
1.		
2.		
3.		
etc.		

Signature of the candidate/  
Election Agent.

We agree to act as such counting agents:

- 1.
- 2.
- 3.
- etc.

Place:

Date:

Signature of the counting agents

contd..

Declaratin of the Counting Agents

( To be signed before the Returning Officer )

We hereby declare that at the above electin we will not do anything forbidden by sectin 30 of the Daman and Diu Municipalities Regulation 1968 which we have read/has been read over to us.

1.

2.

3.

etc.

Date :

Signature of the counting agents

Signed before me

Date :

Signature of the Returning Officer

-----  
\* Strike off the inappropriate alternative.

F O R M - 15

( See rule 41 (3) )

Revocation of appointment for counting Agent.

Election to.....

Council from the.....ward.

To,  
The Returning Officer,

.....  
.....

I,.....  
a candidate\*\*/the election agent of.....who is a  
candidate at the above election hereby revoke the appointment  
of .....my/his counting agent.

Place:

Dated:

Signature of the candidate/  
Election Agent

-----  
Strike off the inappropriate alternatives.

F O R M - 16

( See rule 62 (2) (c) )

LIST OF CHALLENGED VOTES

ELECTIONS TO ..... Council from .....

Number and name of polling station .....

in.....ward.

Sr.No. of entry	Name of elector	Sr.No. of part roll	Sr.No. of elector's name in that part	Signature or thumb impression of the person challenged
(1)	(2)	(3)	(4)	(5)

Address of the person challen- ged.	Name of identi- fier if any	Name of challen- ger	Order of presiding officer	Signature of challenger on receiving refund of deposit.
(6)	(7)	(8)	(9)	(10)

Date:

Signature of presiding officer



F O R M - 17

( See rule 66 (2) )

List of blind or infirm voters

Election to.....from  
the .....ward.

Number and name of the polling station.....

Part number & serial No. of elector	Full name of elector	Full name of compan- ion.	Address of comp- nion.	Signature of companion.
(1)	(2)	(3)	(4)	(5)

Date:

Signature of Presiding Officer

F O R M - 18

( See rule 68 (2) )

List of Tendered Votes

Election to.....Council from  
.....ward.

Number and name of polling station:-

Part number Serial No. and name of elector	Address of elector	Serial No. of tendered ballot paper	Serial No.of ballot paper issued to the person who has already voted	Signature or thumb impression of person tendering vote.
(1)	(2)	(3)	(4)	(5)

Dated:

Signature of Presiding Officer

Appropriate particulars of the election to be inserted here.

F O R M - 19

( See rule 71 (1) )

Part I : Ballot Paper Account

Election to.....from  
.....ward  
Number and name of polling station.....

=====  
Serial Nos  
-----  
From To Total No.  
=====

1. Ballot paper received \_\_\_\_\_

2. Ballot papers unused  
(i.e. not issued to  
voters): \_\_\_\_\_

a) With the signature of Presiding Officer \_\_\_\_\_

b) Without the signature of Presiding Officer \_\_\_\_\_

Total ( a + b) \_\_\_\_\_

3. Ballot paper used at the  
polling station (1-2-3) \_\_\_\_\_

4. \*Ballot paper used at  
polling station but not  
inserted into the Ballot Box: \_\_\_\_\_

a) Ballot paper cancelled for  
violation of voting procedure  
under rule 65 \_\_\_\_\_

b) Ballot papers cancelled for  
other reasons. \_\_\_\_\_

c) Ballot papers used as tendered  
ballot papers \_\_\_\_\_

\*Total (a+b+c) \_\_\_\_\_

5. \*Ballot papers to be found  
in the ballot box.(3-4 = 5) \_\_\_\_\_

\*(Serial number need not be given)

Dated:

Signature of Presiding Office

PART II RESULT OF COUNTING

I. Name of candidates	No. of valid vote caste
1.	
2.	
3.	
4.	
5.	
etc.	
II. Rejected Ballot papers	
III.	TOTAL

Place:

Date:

Signature of the Counting  
Supervisor

Place:

Dated:

Signature of the Returning  
Officer

\* Strike off whichever is inapplicable

F O R M - 20

( See rules 80 (7) (b) and 85 )

FINAL RESULT SHEET

Election to.....Council  
from.....ward.

Serial No. of Polling station.	No. of valid votes cast in favour of candidates				Total No. of valid votes.	No. of Rejected votes	Total No. of valid & rejected votes.	Total of ter-ered
	A	B	C	D				

1.

2.

3.

etc.

Total votes polled

Place:

Dated

Returning Officer

F O R M - 21

( See rule 87 (2) )

Declaration of the result under rule 87 (2) (a), of Daman and Diu Municipalities (Election) Rules, 1995.

Election to.....Council from  
.....Ward

In pursuance of the provisions contained in rule 88(2) (a) of the Daman and Diu Municipalities (Election) Rules, 1995 I declare that.

----- (Name)

----- (Address)

has been duly elected to fill the seat in the said Council from the above ward.

Place:

Dated:

Returning Officer

-----

F O R M - 21A

( See rule 87 (2) )

Declaration of result of Election under rule 87(2) (a) of Dam and Diu Municipalities (Election) Rules 1995.

Election to.....Council from.....ward.

In pursuance of the provisions of rule 87(2) (a) of Dam and Diu Municipalities (Election) Rules 1995.

I declare that.....(Name) .....(Address)..... has been, duly elected to fill the vacancy caused in the above Council by the resignation of..... death of..... election of..... having been declared void and seat of..... having become/having been declared vacant.

Place:

Dated:

Signature

Returning Officer

-----

Score out, if inappropriate.

F O R M - 21 B

( See Rules 38 (1) )

( For use in General Election when seat is uncontested)

Declaration of the Result of election under, rule 38.  
Election to.....Council  
from.....ward.

In pursuance of the provisions of sub-rule (1) of rule 38 of  
the Daman and Diu Municipalities (Election) Rules 1995, I hereby  
declare that .....(Name  
Address of the candidate) has been duly elected to fill the seat  
in that Council from the above ward.

Place:

Dated:

Signature

Returning Officer

---



F O R M - 21 C

( See rule 38 (1) )

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

Declaration of the result of Election under rule 38. Electi  
to.....  
Council from.....ward.

In pursuance of the provisions contained in sub-rule (1) o  
rule 38 of the Daman and Diu Municipalities (Election) Rule, 199  
I declare that.....  
(Name).....(Address) has bee  
duly elected to fill the vacancy caused in that Council by th  
resignation/death/election of.....  
(having been declared void) and the seat having been vacant.

Place:

Date:

Signature

Returning Officer.

-----  
Score out the inappropriate

F O R M - 22

( See rule 87 (2) (b) )

Election to the.....  
Council from the.....ward.  
reserved for Scheduled Tribes/Scheduled Castes/Women.

Return of Election

Serial Number	Name of Candidate	Number of votes polled
.....	.....	.....
.....	.....	.....

Total number of electors .....

Total number of valid votes polled .....

Total number of rejected votes .....

Total number of tendered votes .....

I declare the

.....Name

.....Address

has been duly elected to fill the seat.

Place:

Dated:

Returning Officer

- \* Appropriate particulars of the Election to be inserted here
- \* Strike off the inappropriate alternative.

F O R M - 23

( See rule 88 )

CERTIFICATE OF ELECTION

I, Returning Officer for the.....  
Council in Union Territory of Daman and Diu hereby certify that  
I have on the .....  
day of .....199 .....  
declared Shri/Smt.....of.....  
..... to have  
been duly elected by the said ward in the General Election to  
a member of the said By - Election  
Council and that in token thereof I have granted to him/her the  
Certificate of Election.

Place:

Dated:

Returning Officer for

\_\_\_\_\_ Ward

( Seal )

FORM - 24

[(See Rule 99 (1))]

A F F I D A V I T

I,.....the petitioner in the accompanying election petition calling in question the election of Shri/Smt..... (respondent No.....in the said petition) make solemn affirmation and say ;

(a) That the statement made in paragraphs..... of the accompanying election petition about the commission of the corrupt or illegal practice of \* ..... and the particulars of such corrupt or illegal practice mentioned in paragraphs .....of the same petition and in paragraph.....of the schedule annexed thereto are true to my knowledge ;

(b) That the statement made in paragraphs..... to the said petition about the commission of the corrupt or illegal practice of \* ..... and the particulars of such corrupt or illegal practice given in paragraphs .....of the schedule annexed thereto are true to my information :

- (c)
(d)
etc.

Signature of deponent.

Solemnly affirmed/sworn by Shri/Smt. ....
..... at this ..... day of .....19.....

Before me
Magistrate of the First Class
Notary/Commissioner of Oaths

\* Here specify the name of the corrupt practice.

\*\*\*