



GOVERNMENT OF TRIPURA
URBAN DEVELOPMENT DEPARTMENT

THE TRIPURA MUNICIPALITIES
(CONDUCT OF ELECTION)
RULES, 1995

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(d) "Election Commission" means the State Panchayat Election Commission Constituted Under Article 243K of the Constitution of India read with Section 176 of the Tripura Panchayat Act, 1993 (Act No. 7 of 1993) ;

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

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

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

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

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

(g) "Marked copy of the electoral roll" means the copy of the electoral roll set apart for the purpose of marking the names of electors to whom ballot papers are issued at an election ;

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

(i) "Presiding Officer" includes any polling officer performing any of the functions of a presiding officer under sub-rule (2), or sub-rule (3), of rule 9.

(j) "Returning Officer" means an officer appointed under sub-rule (1) of Rule 5 of these rules and includes an Assistant Returning Officer appointed under sub-rule 1 of rule 6 for performing any function he is authorised to perform ;

(k) "Section" means a section of the Act ;

(l) "Voter on election duty" means any polling officer, presiding officer, or other public servant, who is an elector in the constituency and is, by reason of his being on election duty, unable to vote in the polling station where he is entitled to vote ;

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

(2) The expression used in these rules and not otherwise defined shall have the meaning assigned to them in the Tripura Municipal Act 1994.

(3) The Tripura General Clauses Act, 1966, shall apply for interpretation of these rules as it applies for the interpretation of an Act of the legislatures of the State of Tripura.

CHAPTER—II

ADMINISTRATIVE MACHINERY FOR
CONDUCT OF ELECTION.

Superintendence, direction and control.

3. (1) The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the Municipalities shall be vested in the Election Commission appointed by the State Government under Article 243K of the Constitution of India read with Section 176 of the Tripura Panchayat Act, 1993.

(2) Subject to the provision of sub-rule (1), the Election Commissioner may make such order as may be necessary for the purposes mentioned in sub-rule (1).

Appointment of District Municipal Election Officer.

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

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

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

Appointment of Returning Officer.

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

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

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

Appointment of Assistant Returning Officer.

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

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

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

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

Sub-ordination
of Returning
Officer & Asstt.
Returning Officer

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

Polling Stations.

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

Appointment of
Presiding
Officer.

9. (1) The Returning Officer shall appoint a Presiding Officer for each polling section and such other Polling Officer or Officers as he thinks necessary to assist the Presiding Officer, but shall not appoint any person who has been employed by or on behalf of or has been otherwise working for a candidate in or about the election to be a Presiding Officer or Polling Officers.

Provided that if any Polling Officer is absent from the Polling station the Presiding Officer may appoint in his place any person who is present at the polling station other than a person who has been employed by or on behalf of or has been otherwise working for a candidate in or about the election to be the Polling Officer, and shall, when such appointment is made, inform the Returning Officer accordingly.

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

(3) If the Presiding Officer owing to his illness or for any other unavoidable reason 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.

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

CHAPTER—III
GENERAL PROVISION

General and
bye-election to
Municipality.

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

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

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

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

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

(b) the date for scrutiny of nominations which shall be the day immediately following the last date for making nominations, or if that day is a public holiday, the next succeeding day which is not a public holiday ;

(c) the last day for the withdrawal of candidatures, which shall be the second day after the date for the scrutiny of nominations, or, if that day is a public holiday, the next succeeding day which is not a public holiday ;

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

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

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

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

Notification for
nomination etc.
to be issued by
the Returning
Officer.

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

Nomination of
Candidates.

13. (1) Any person, if not otherwise disqualified under the provisions of the Act or any order made thereunder may be nominated as a candidate for election to a Municipality from any of the Constituency in that Municipality, if his name is included in the Electoral Roll of that Constituency or any other constituency in that Municipality.

(2) Nomination papers in Form 2 shall be supplied by the Returning Officer to any voter on demand.

Presentation of
nomination pa-
pers and requi-
rement for
valid nomina-
tion.

14. (1) On any of the dates, fixed for filling nomination under clause (a) of sub-Rule (1) of Rule 11, each candidate shall either in person or by his proposer deliver it to the Returning Officer during the time and at the place specified in the order under Rule 12, a nomination paper duly completed and signed by the candidate and by a voter of the constituency as proposer ;

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

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

Provided that he shall not subscribe as proposer for more than one nomination.

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

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

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

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

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

Provided that Returning Officer shall permit any clerical or technical error in the nomination paper in regard to the name or numbers to be corrected in order to bring them in conformity with the corresponding entries in the electoral roll and where necessary may direct that any clerical or printing error in the said entries shall be overlooked.

Classification of Symbols.

15. (1) For the purpose of these Rules symbols are either reserved or free as specified in the appendix to be attached.

(2) A reserved symbol is a symbol which is reserved by Election Commission of India for a recognised political party for exclusive allotment to contesting candidate or candidates set up by that party.

Classification of recognised political party.

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

Symbol for Election.

17. (1) The free symbol which may be chosen by the candidate at the election from any constituency are specified in the first schedule.

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

When a candidate shall be deemed to be set up by a Political Party.

18. (1) For the purpose of these Rules a candidate shall be deemed to be set up by a recognised political party if—

- (a) the candidate has made a declaration to that effect in his nomination paper ; and
- (b) a notice in writing to that effect so as to reach not later than 3 P.M. on the last day of withdrawal of candidature, being delivered to the Returning Officer of the Constituency ; and
- (c) the said notice is signed by the President, chairman or General Secretary of the recognised political parties, or if there is no General Secretary, the Secretary of the state Unit of the recognised political party or by any Member of such political party duly authorised by such President, Chairman, General Secretary or Secretary, as the case may be.

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

Choice of free
symbol/symbols
by candidate

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

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

Deposit.

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

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

Notice of nomi-
nations and
time and place
for the scrutiny.

21. The Returning Officer shall, on receiving the nomination papers under Sub-Rule (1) of Rule 14 from the person or persons delivering the same, enter on the nomination paper itself serial number, and shall sign thereon clearly the date on which and the hour at which the nomination paper has been delivered to him and shall as soon as may be thereafter, cause to be affixed in Form 3 in some conspicuous place in his office a notice of the nomination containing description similar to those contained in the nomination paper both of the candidate and of the proposer.

Scrutiny of
Nomination.

22. (1) On the date fixed for scrutiny of nomination papers, the candidates or their election agent and one proposer and no other person may attend at the time and place appointed in this behalf and the Returning Officer shall give them all reasonable facilities for examining the nomination papers of all candidates which have been delivered within the time.

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

(a) that the candidate is disqualified for being chosen to fill the seat by or under the Act ;

(b) that the proposer is not a voter of the constituency concerned ;

(c) that there has been a failure to comply with any provision of the Rules 13 and 14 ;

(d) that the signature of the candidate or the proposer on the nomination paper is not genuine.

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

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

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

(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 brief of his reasons for such rejection.

List of validly
nominated can-
didate.

23. (1) Immediately after all nomination papers have been scrutinised and decided and decisions accepting or rejecting the same have been recorded the Returning Officer shall prepare in form -4 a list of validly nominated candidates that is to say the candidates whose nominations have been found valid and affix it on his notice board.

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

Withdrawal of
Nomination :
Notice of With-
drawal of can-
didate.

24. (1) Any candidate may withdraw his candidature by a notice in writing which shall be signed by him and delivered before 3 O'clock in the afternoon on the day fixed under Clause (c) of sub-Rule (1) of Rule 11 to the Returning Officer either by such candidate in person or by his election agent who has been authorised in this behalf in writing by such candidate.

(2) No person who has given a notice of withdrawal of his candidature under Sub-Rule (1) shall be allowed to cancel the notice.

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

(4) The Returning Officer shall on being satisfied as to the genuineness of notice of withdrawal and identity of the persons delivering it under the sub-rule (1) cause a notice in Form 6 to be affixed on his Notice Board.

Preparation
and Publica-
tion of List of
Contesting
Candidates.

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

Provided that while allotting a symbol, the Returning Officer shall give preference to the candidate of a recognised State Political Party of any other State or registered/unregistered Political party or an unrecognised un-registered Political Party which exists in this State of Tripura.

(c) every candidate or his election agent shall forthwith be informed of the symbol allotted to the candidate and be supplied with specimen thereof by the Returning Officer.

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

Appointment of
Election Agent
and rejection of
such appoint-
ment.

26. (1) If a candidate desires to appoint an Election Agent such appointment shall be made in Form-8, either at the time of delivering nomination paper or at any time before the election.
- (2) The appointment of the election agent may be revoked by the candidate at any time by a declaration in writing in Form-9 signed by him and lodged with the Returning Officer, such revocation shall take effect from the date on which it is so lodged. In the event of such

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

**Appointment of
Polling Agent.**

27. (1) At an election at which a poll is to be taken any contesting candidate or his election agent may appoint one agent and one relief agent to act as a polling agent of such candidate at each polling station. Each appointment shall be made by a letter in writing in duplicate in Form-10 signed by the candidate or his election agent.

(2) The candidate or his election agent shall, deliver the duplicate copy of the letter of appointment to the polling agent who shall, on the date fixed for poll, present it to the Presiding Officer and the Presiding Officer shall retain the duplicate copy presented to him in his custody. No polling agent shall be allowed to perform any duty at the polling station unless he has complied with the provision of this sub-rule.

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

Provided that where the appointment of a polling agent is revoked or where the polling agent dies before the commencement of the poll, the candidate or his election agent may at any time before the poll is closed appoint a new agent in accordance with the provisions of the Rule.

Publication of the list of places fixed for polling.

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

Voting Normally to be in person

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

Procedure of Contested and Uncontested Elections.

30. If at any election of a constituency of a Municipality

(a) the number of contesting candidates is more than one, a poll shall be taken;

(b) the number of contesting candidate is one against the constituency of a Municipality, the Returning Officer shall forthwith declare, in Form-12, such candidate to be duly elected to fill the constituency ;

(c) no nomination paper is received or all the nomination papers are rejected in respect of a particular constituency, the constituency shall remain vacant till it is filled up under Rule-81.

Death of Candidate before poll.

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

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

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

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

Manner of Voting.

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

Ballot Box.

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

Form of
Ballot Paper.

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

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

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

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

Arrangement
at Polling
Station.

35. (1) Outside each polling station there shall be displayed prominently-

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

(b) a copy of the list of contesting candidates.

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

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

Admission to
Polling Station.

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

(a) Polling Officers ;

(b) public servants on duty in connection with the election ;

(c) persons authorised by the Returning Officer, District Municipal Election Officer, Election Commission ;

(d) candidates, their election agents and subject to the provisions of Rule 27 one polling agent of each candidate at a time ;

- (e) a child in arms accompanying an elector ;
- (f) a person accompanying a blind or infirm voter who cannot move without being helped ; and
- (g) such other persons as the Returning Officer or the Presiding Officer may employ for the purpose of identifying the voter.

Preparation of
Ballot Boxes for
Poll.

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

Marked copy of
Electoral Rolls.

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

Identification of
Electors.

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

(3) As such voter 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 rolls and then call out the serial number, name and other particulars of the voter.

(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 any entry in the electoral rolls, if he is satisfied that such person is identical with the voter to whom such entry relates.

**Facilities for
Women Voters.**

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

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

**Facilities for
Public sarvants
on Election
duty.**

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

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

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

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

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

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

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

Challenging of
Identity.

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

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

- (a) warn the person challenged of the penalty for impersonation ;
- (b) read the relevant entry in the electoral roll in full and ask him whether he is the person referred to in that entry ;
- (c) enter his name and address in the list or challenged voter in Form-15 ;
- (d) require him affix his signature or thumb impression in the said list.

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

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

(4) If after the inquiry, the Presiding Officer considers that the challenge has not been established, he shall allow the person challenged to vote ; and if he considers that the challenge has been established, he shall debar the person challenged from voting ;

(5) If the Presiding Officer is of the opinion that the challenge made is frivolous or has not been made in good faith he shall direct that the deposit made under sub-rule (1) be forfeited to the Government, and in any other case, he shall return it to the challenger at the conclusion of the inquiry.

Safeguard against
Impersonation

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

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

(3) Any reference in this rule to the left forefinger of a voter shall in the case where the voter has his left forefinger missing be constructed as a reference to any other finger of his left hand and shall, in the case where

all the fingers of his left hand are missing be constructed as a reference to the forefinger or any other finger of his right hand, and shall in the case where all his fingers of both the hands are missing be constructed as reference to such extremity of his left or right arm as he possesses.

Issue of Ballot
paper to Voters

44. (1) Every ballot paper shall before issue to a voter, be stamped with such distinguishing mark as the Election Commission may direct and signed in full on its back by the Presiding Officer.
- (2) Except as provided in Rule 41, no ballot paper shall be issued to any voter before the hour fixed for the commencement of the poll.
- (3) No ballot paper shall be issued to any voter after the hour fixed for the closing of the poll except to those voters who are present at the polling station at the time of closing of the poll. Such voters shall be allowed to record their vote even after the closing of the poll.
- (4) At the time of issuing a ballot paper to a voter, the Polling Officer shall—
- (a) record on its counterfoil the electoral roll number of the voter as entered in the marked copy of the electoral roll ;
 - (b) obtain the signature or thumb impression of the said voter on the said counterfoil ;
 - (c) marked the name of the voter 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 the voter.

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.

- (5) Notwithstanding anything contained in sub-rule (4) 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.
- (6) No person in the polling station shall note down the serial numbers of the ballot paper issued to particular voters.

Maintenance
of secrecy of
voting by elec-
tors within pol-
ling station and
voting procedure,

45. (1) Every elector to whom a ballot paper has been issued under Rule 44 or under any other provision of these rules, shall maintain secrecy of voting within the polling station and for that purpose observe the voting procedure hereinafter laid down.
- (2) The voter on receiving the ballot papers 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.
- (g) Every voter shall vote without undue delay.
- (4) No voter shall be allowed to enter a voting compartment when another voter is inside it.
- (5) If a voter to whom a ballot paper has been issued, refuses, after warning given by the Presiding Officer, to observe the procedure as laid down in sub-rule (2), the ballot paper issued to him shall, whether he has recorded his vote thereon or not, be taken back from him by the Presiding Officer or a Polling Officer under the direction of the Presiding Officer.
- (6) After the ballot paper has been taken back, the Presiding Officer shall record on its back the words "Cancelled voting procedure violated" and put his signature below 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 word "Ballot Papers : Voting Procedure Violated".
- (8) Without prejudice to any other penalty to which a voter, 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.

Recording of
votes of blind or
infirm voters.

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

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

Provided further that before any person is permitted to act as the companion of a voter on any day under this rule, the person shall be required to declare in Form 16 that he will keep secret the vote recorded by him on behalf of the voter and that he has not already acted as the companion of any other voter at any polling station on that day.

- (2) The Presiding Officer shall keep a record of blind and infirm voter in Form 16 (A).

Spoilt and Re-
turned Ballot
Papers.

47. (1) A voter who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently use as a ballot paper may, on returning it to the Presiding Officer and on satisfying him of the inadvertence, be given another ballot paper, and the ballot paper so returned and the counterfoil of such ballot paper shall be marked as "Spoilt cancelled" by the Presiding Officer.
- (2) If a voter, after obtaining a ballot paper decides not be use it, shall return it to the Presiding Officer, and the ballot paper so returned and the counterfoil of such ballot paper shall be marked as "Returned Cancelled" by the Presiding Officer.
- (3) All ballot papers cancelled under sub rule (1) or sub-rule (2) shall be kept in a separate packet.

Tendered.

48. (1) If a person representing himself to be a particular voter applies for a ballot paper after another person has already voted as such voter, he shall, on satisfactorily answering such questions relating to his identity as the Presiding Officer may ask, be entitled, subject to the following provisions of this rule to mark a ballot paper (herein after 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 No. 17.
- (3) A tendered ballot paper shall be the same as the other ballot papers used at the polling except that—
- (a) such tendered ballot paper shall be serially the last in the bundle of ballot papers issued for use at the polling station ; and
- (b) such tendered ballot paper and its counterfoil shall be endorsed on the back with the words "tendered ballot Paper" by the Presiding, Officer in his own hand and signed by him.
- (4) The voter, after marking a tendered ballot paper in the voting compartment and folding it, shall, instead of putting in into the ballot box, give it to the Presiding Officer, who shall place it in a cover specially kept for the purpose.

Closing of Poll

49. (1) The Presiding Officer shall close a polling station at the hour fixed in that behalf under Rule 11 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.

Sealing of
Ballot Boxes
after Poll.

50. (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 to close the slit, he shall seal up slit and also allow any polling agents present to affix his seal.
- (2) The ballot box shall thereafter be sealed and secured.
- (3) Where it becomes necessary to use a second ballot box by reason of the first ballot box getting full, the first box shall be closed, sealed and secured as provided in sub-rules (1) and sub-rule (2) before another ballot box is put into use.

Account of
Ballot Papers.

51. (1) The Presiding Officer shall, at the close of the poll, prepare ballot paper account in Form 18 and enclose it in a separate cover with the words "Ballot paper Account" superscribed.
- (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 duly attested by him after obtaining a receipt from the said polling agent therefor.

Sealing of other
Packets.

52. (1) The presiding Officer shall then make into separate packets:-
- (a) the marked copy of the electoral roll;
 - (b) the counterfoils of the used ballot paper;
 - (c) the ballot papers 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—17;
 - (h) the list of challenged votes ;
 - (i) any other papers directed by the Election Commission to be kept in a sealed packet.
- (2) Each such packet shall be sealed with the seals of the Presiding Officer and 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 ;

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

53. (1) The presiding Officer shall, as early as possible 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 bag or cover referred to in rule—50.
 - (b) the ballot paper account ;

(c) the sealed packets referred to in rule 52 ; and

(d) all other papers used at the poll.

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

Adjournment of
poll in emer-
gencies.

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

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

Procedure on
adjustment of
Poll.

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

(2) In any adjourned poll the voters who have already voted at the poll so adjourned shall not be allowed to vote again.

(3) The Returning Officer shall provide the Presiding Officer of the polling station at which such adjourned poll is held with the sealed packet containing the market copy of the list of voters other sealed packets, the original ballot box containing the polled ballot papers and a new ballot box.

(4) The Presiding Officer shall open the sealed packets in the presence of the polling agents present and use the market copy of the list of voters at the adjourned poll.

(5) The provision of rules 32 to 52 (both inclusive) shall apply in relation to the conduct of an adjourned poll as they apply in relation to the poll before it was so adjourned.

In case of destruction etc. of Ballot Boxes.

56. It at a poll

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

(b) any such error or irregularity in procedure as is likely to vitiate the poll is committed at a polling station or at a place fixed for the poll.

the Presiding Officer shall forthwith report the matter to the Returning Officer/District Municipal Election Officer who will immediately report the same to the Election Commission and to the State Government.

(2) Thereupon, the District Municipal Election Officer shall, after taking all material circumstances into account, either.

(a) declare the poll at the polling station to be void ; or

(b) if satisfied that, the result of a fresh poll at the polling station will not in any way, alter the result of the election or that error or irregularity in procedure is not material, issue such directions to the Returning Officer as he may deem proper for the further conduct and completion of the election.

(3) Where a poll at a polling station is declared to be void under clause (a) of sub rule (2), the District Municipal Election Officer shall immediately report the matter to the Election Commission and also to the State Government. The Election Commission in consultation with the State Government shall, by notification, fix a date and time for taking a fresh poll and thereupon the District Municipal Election Officer shall, fix the polling station at which poll shall be taken.

(4) The provisions of these rules or orders made thereon shall apply to every such fresh poll as they apply to the original poll.

CHAPTER—IV
COUNTING OF VOTES

Definition

57. In this part, unless the context otherwise requires—

- (a) "Candidate" means a contesting candidate ;
- (b) "Constituency" means a Constituency of a Municipality.
- (c) "Counting Agent" means a counting Agent duly appointed under these rules and includes a candidate and the election agent of a candidate is who present in the counting ;

Time and place for counting of votes.

58. The Returning Officer shall at least one week before the date, or the first of the dates, 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 a 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 so to do he may alter the date, time and place or places so fixed or any of them alter giving notice of the same in writing to each candidate or his election agent.

Appointment of counting agent and revocation of such appointment.

59. (1) Each contesting candidate or his election agent may appoint such number of agents to act as counting agent as the Election Commission may direct by a general or special order.

(2) Every such appointment shall be made in Form 19 in duplicate, one copy of which shall be forwarded to the Returning Officer while the other copy shall be made over to the counting agent for production before the Returning Officer not later than one hour before the time fixed for counting under rule 58.

(3) No counting agent shall be admitted into the place fixed for counting unless he has delivered to the Returning Officer the second copy of his appointment letter under sub-rule (2) after duly completing and signing the declaration contained therein and receiving from the Returning Officer pass valid for entry into the places fixed for counting.

(4) The revocation of appointment of counting agent at any time shall be made in Form 20 and lodged with the Returning Officer.

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

Admission to the place fixed for counting.

60. (1) The Returning Officer shall, exclude from the place fixed for counting of votes all persons except—

- (a) such persons authorised by the Election Commission ;
- (b) persons authorised by the District Municipal Election Officer ;
- (c) public servant on duty in connection with the election ;
- (d) candidates or their election agent and Counting agent ; and
- (e) such persons to be known as Counting supervisor and Counting Assistant as he may appoint to assist his in the counting.

(2) No person who has been employed by or on behalf of, or has been otherwise working for a candidate in or about election shall be appointed under clause (c) 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) The Returning Officer shall not allow more than one counting agent of a candidate at any time in the counting hall.

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

Maintenance
of Secrecy
at the Counting
Centre.

61. The Returning Officer shall before he commences the counting explain the necessity for maintenance of secrecy of voting to such persons as may be present.

Counting
Votes Received in
Sealed Cover.

62. (1) The Returning Officer shall first deal with the ballot papers received by him in sealed covers under Rule 33.

(2) The sealed covers shall be opened one after another in the presence of candidates or their election agent or counting agent.

(3) The Returning Officer shall count all the valid votes in the sealed covers and record the total number thereof in the counting sheets in Form 21 and announce the same.

(4) Thereafter all the valid ballot papers and all the rejected ballot papers shall be separately bundled and kept together in a packet which shall be sealed by the Returning Officer and such of the candidates and election agents or counting agents as may desire to affix their seal on the packet shall be permitted to do so. On the envelope shall be recorded the name of the constituency, the date of counting and the brief description of the contents.

(5) No Ballot papers received in a sealed cover may be rejected except on the ground specified in Rule 64.

Scrutiny
and opening
of Ballot
Boxes.

63. (1) The Returning Officer shall open the ballot boxes in presence of the candidate or their election agent or counting agent.

(2) Before any ballot box is opened at the counting table the counting agents present at the table shall be allowed to inspect the seal as might have been affixed thereon and to satisfy themselves 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 of the ballot boxes has in fact been tampered with, he shall not count the ballot papers contained in the Ballot box and shall follow the procedure laid down in Rule 48 in respect of that Polling Station.

Scrutiny
and Rejection
of Ballot
Papers.

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

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

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

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

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

(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 initial such endorsement.

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

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

Counting
of Votes.

65. (1) For the purpose of counting of votes in respect of election to a Municipality a mark in the ballot paper which is not rejected under Rule 56 shall be counted as one valid vote for the candidate in whose favour the voting mark has been validity given.

(2) During the progress of counting of vote in connection with the Municipality, the Returning Officer shall count all the valid votes in the ballot box and record the total numbers thereof, in the counting sheet in Form 21.

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

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

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

Sealing of used
Ballot Papers.

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

(a) the name and number of the constituency;

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

(c) the date of counting.

Counting to be
Continuous.

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

Recounting of
Vote.

68. (1) After completion of the counting of vote the Returning Officer shall record in the counting sheet in Form 21 the total number of votes polled by each candidate and announce the same.

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

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

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

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

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

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

(c) announce the amendment 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 counting sheet in Form 21 and no application for recounting shall be entertained thereafter :

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

Equality of
Votes.

69. If, on completion of counting of votes of a constituency, 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.

Declaration of
Results of Elec-
tion and Ret-
urn of Election.

70. (1) On the completion of counting of votes and signing of results sheets in Form 22 the Returning Officer shall

- (a) declare the results in Form 23, the candidate to whom the largest number of valid votes have been cast, to be duly elected ;
- (b) inform the District Municipal Election Officer, Election Commission and the State Government of the result of the poll. The Election Commission shall cause the names of elected candidate published in the Official Gazette ;
- (c) permit any candidate or his election agent or counting agent to take a copy of extract from, such return which shall be prepared by the Returning Officer after the declaration of result.

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

Sealing of
packets.

71. (1) After completing the counting of votes in an election the Returning Officer shall then make into separate packets—

- (a) Counting sheets in Form— ; 21
- (b) result sheets in Form— ; 22
- (c) the ballot paper account in Form—18
and
- (d) any other papers directed by the Election Commission to be kept in sealed packet.

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

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

72. (1) The Returning Officer, shall then deliver or cause to be delivered to the District Municipal Election Officer, at such place as the District Municipal Election Officer may direct—

- (a) the ballot boxes;
- (b) the ballot paper account;
- (c) the sealed packets referred to in Rule 52; and
- (d) all other papers used at the poll.

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

Account of Election expenses and lodging of Account with the District Municipal Election Officer.

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

Explanation I.—Notwithstanding any judgement, order or decision of any court to the contrary, any expenditure incurred or authorised in connection with the election of a candidate by a political party or by any other association or body of persons or by any individual other than the candidate or his election agent shall not be deemed to be, and shall not ever be deemed to have been, expenditure in connection with the election incurred or authorised by the candidate or by his election agent for the purpose of this sub-rule:

Provided that nothing contained in this Explanation shall affect any judgement, order or decision of the Civil Court whereby the election of a candidate has been declared void or seatside.

Explanation II.—For the removal of doubt, it is hereby declared that any expenditure incurred in respect of any arrangements made, facilities provided or any other act or thing done by any person in the service of the Government and belonging to any of the classes mentioned in clause (7) of section 123 of the Representation of the people Act, 1951, in the discharge or purported discharge of his official duty as mentioned in the proviso to that clause shall not be deemed to be expenditure in connection with the election incurred or authorised by a candidate or by his election agent for the purpose of this sub-section.

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

(3) The total of the said expenditure shall not exceed such amount as specified in rule 78.

(4) Every contesting candidate at an election shall, within thirty days from the date of election of the returned candidate or, if there are more than one returned candidate at the election and the dates of their

elections are different, the latter of those two dates, lodge with the District Municipal Election Officer an account of his election expenses which shall be a true copy of the account kept by him or by his election agent under sub-rule (1).

Particulars of
Account of
Election Expenses.

74. (1) The account of election expenses to be kept by a candidate or his election agent shall contain the following particulars in respect of each item of expenditure from day to day, namely—

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

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

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

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

Notice by District Municipal Election Officer for inspection of accounts.

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

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

Inspection of Account and the obtaining of copies thereof.

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

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

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

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

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

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

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

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

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

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

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

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

Maximum Election expenses

CHAPTER—V.
MISCELLANEOUS

Procedure when no nomination is filed or all nominations are rejected or election is countermanded.

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

Resignation from Constituency in case of Election to more Constituency than one.

80. (1) The time within which a person may resign all but one of the constituency of a Municipality from which he has been elected shall be—

- (a) fourteen days from the date of his election ;
- (b) where the dates of his election are different in respect of different constituencies fourteen days from the last of those dates.
- (2) such resignation shall be addressed to—
 - (a) the Chairperson of the Municipality ;
 - (b) where the office of the Chairperson is for the time being vacant or is deemed to be in abeyance, the Vice Chairperson of Municipality ;
 - (c) where the post of the Vice-Chairperson is also for the time being vacant or is, deemed to be in abeyance, to the Election Commissioner.

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

Casual Vacancies in the Municipality.

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

Return or Forfeiture of Candidates Deposit

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

(2) Except in case hereinafter mentioned in this Rule, deposit shall be returned as soon as practicable after result of the election is declared.

(3) If the candidate is not shown in the list of contesting candidates, or if he dies before the commencement of the poll, the deposit shall be returned as soon as practicable after the publication of the list or after his death to his heirs as the case may be.

(4) Subject to the provision of sub-rule (3), the deposit shall be

forfeited if at an election where a poll has been taken, the candidate is not elected and the number of valid votes polled by him is less than one sixth of the valid votes polled by all the candidates.

Custody of
Ballot Boxes
and papers Relating to Election.

83. (1) All ballot boxes used at an election shall be kept in such custody as the Election Commission may direct.

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

- (a) the packets of unused ballot papers with counterfoils attached thereto ;
- (b) the packets of used ballot papers whether valid, tendered or rejected ;
- (c) the packets of the counterfoils of used ballot papers ;
- (d) the packets of the marked copy of the electoral roll ;
- (e) the packets of the declarations by electors and the attestation of the valid votes polled by all the candidates.
- (f) all other papers relating to the election.

Production and
Inspection of
Election papers.

84. (1) While in the custody of the District Municipal Election Officer, as the case may be, the 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 ;
- (d) the packets of the marked copy of the electoral roll ;
- (e) the packets of the declarations by electors and the attestation of their signatures ;

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

Disposal of Election papers.

85. Subject to any direction to the contrary given by the Election Commission or by a competent court or tribunal—

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

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

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

Requisitioning
of Premises,
Vehicles, Vessels
and Animals
etc. for Election
Purpose.

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

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

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

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

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

(4) In this rule—

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

Payment of
Compensation.

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

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

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

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

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

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

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

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

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

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

Eviction from Requisitioned Premises.

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

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

Release of premises from requisition.

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

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

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

Penalty for contravention of any order regarding the requisition.

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

CHAPTER—VI

ELECTORAL OFFENCES

Promoting animity between classes in connection with Election.

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

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

93. (1) No person shall convene, hold or attend any public meeting in any polling area during the period of forty-eight hours ending with the hour fixed for the conclusion of the poll for any election in that polling area.

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

Disturbances at election meetings.

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

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

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

Restriction on the printing of pamphlets, posters etc.

95. (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 name and address of the printer and the publisher thereof.

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

(a) unless a declaration as to the 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

(i) where it is printed in at Agartala to the Election Commission, and

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

(3) For the purpose of this rule.

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

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

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

Maintenance of
secrecy of
voting.

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

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

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

97. (1) No person who is a District Municipal Election Officer, a Returning Officer or an assistant Returning Officer or a presiding or polling Officer at an election or an officer or clerk appointed by the Returning Officer or the Presiding Officer to perform any duty in connection with an election shall in the conduct or the management of the election do any act (other than the giving of vote) for the furtherance of the prospects of the election of a candidate.

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

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

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

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

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

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

Prohibition of
canvassing in
or near polling
station.

98. (1) No person shall, on the date or dates on which poll is taken at any polling station, commit any of the following acts within the polling station or in any public or private place within a distance of one hundred metres of the polling station.

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

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

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

Penalty for disorderly conduct in or near polling station.

99. (1) No person shall, on the date or dates on which a poll is taken at any polling Station :—

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

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

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

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

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

Penalty for misconduct at the Polling Stations

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

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

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

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

Breaches of officials duty in connection with Election.

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

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

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

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

Penalty for Government Servants for acting as Election Agent, polling Agent, or counting agent.

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

Removal of ballot papers from polling station to be an offence

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

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

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

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

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

Other offence
and penalties
therefor

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

(a) fraudulently defaces or fraudulently destroys any nomination paper; or

(b) fraudulently defaces, destroys or removes any list, notice or other document affixed by or under the authority of a Returning Officer; or

(c) fraudulently defaces or fraudulently destroys any ballot paper or the official mark on any ballot paper to any declaration of identity or official envelope used in connection with voting by postal ballot; or

(d) without due authority supplies any ballot paper to any person or receives any ballot paper from any person or is in possession any ballot paper; or

(e) fraudulently puts into any ballot box anything other than the ballot paper which he is authorised by law to put in; or

(f) without due authority destroys, takes, opens or otherwise interferes with any ballot box or ballot paper then in use for the purposes of the election; or

(g) fraudulently or without due authority, as the case may be attempts to do any of the foregoing acts or wilfully aids or abets the doing of any such acts.

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

(a) if he is a Returning Officer or an Assistant Returning Officer or a Presiding Officer at a Polling Station or any other Officer or Clerk employed on official duty in connection with the election, be punishable with imprisonment for a term which may extend to two years or with fine or with both.

(b) if he is any other person, be punishable with imprisonment for a term which may extend to six months or with fine or with both.

(3) For the purposes of this rule a person shall be deemed to be on official duty if his duty is to take part in the conduct of an election or part of an election including the counting of votes or to be responsible after an election for the used ballot papers and other documents in connection with such election, but the expression 'official duty' shall not include any duty imposed otherwise than by or under these rules.

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

Removal of
difficulties if
any by the
Government.

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

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

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

APPENDIX
(See Rule 15)
List of Symbols

TABLE—1
(Symbols reserved for recognised National Parties)

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

Table—11
(Symbols reserved for recognised State Parties)

Name of State Party	Symbol reserved
1	2
1. Revolutionary Socialist Party	Spade and Stoker.
2. Tripura Upajati Juba Samiti	Two Leags.

FIRST SCHEDULE
(Free Symbols)

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

FORM—(1)

(See Rule (12))

Notice is hereby given that—

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

(2) Nomination papers may be delivered by a candidate or his proposer to the Returning Officer/Assistant Returning Officer (designation)at between 11.00 a.m. and 3 p.m. on any day (other than a public holiday) not later than the.....

(3) Form 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 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 p.m. on the (date).....

(6) in the event of the election being contested the poll will be taken on..... between.....and.....hours

Place :

Date :

* Strike off the inappropriate alternative.

Returning Officer

FORM (2)

(See Rule 13 (2))

Nomination Paper.

I nominate as a candidate for election to the... .. Municipality from the constituency No... .. which is a general Constituency/Constituency reserved for Scheduled Castes/Scheduled Tribes/Women.

Candidate's name... ..

His/Her postal address... ..

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

Date... ..

(Signature of proposer)

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

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

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

Date... .. (Signature of Candidate)

Strike off the inappropriate alternative.
(To be filled by the Returning Officer)

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

Date... .. Returning Officer.

Perforation

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

Serial No. of Nomination Paper... ..

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

Date : Returning Officer.

FORM (3)

(See Rule (21))

Notice of Nomination

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

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

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

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

Place :

Date : Returning Officer.

FORM (4)
(See Rule 23 (1))

List of validly Nominated Candidates.

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

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

Place :-
Date :-

Returning Officer.

FORM (5)
(See Rule 24 (3))

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

To
The Returning Officer,

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

Place :-
Date :-

Signature of Candidate.

Receipt for Notice of Withdrawal

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

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

Place :-
Date—

Returning Officer.

FORM (6)
(See Rule 24 (4))
Notice of Withdrawal of Candidature.

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

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

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

Place :-

Date :-

Returning Officer.

*Strike off which is inappropriate.

FORM (7)
(See Rule 25(1))
List of contesting Candidates

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

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

Place :

Date :

Signature of Returning Officer.

FORM (8)
(See Rule 26(1))
Appointment of Election Agent.

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

To
The Returning Officer,

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

Place :

Date :

Signature of Candidate.

I accept the above appointment.

Place :

Date :

Signature of Election Agent.

FORM (9)
(See Rule 26 (2))
Revocation of Appointment of Election Agent.

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

To
The Returning Officer,

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

Place :

Date :

Signature of Candidate.

FORM (10)

(See Rule 27 (1))

Appointment of Polling Agent.

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

I ... a candidate/the election agent of ...
who is a candidate at the above election do hereby appoint ... of ...
... as a polling Agent and appoint ...
... as relief polling agent to attend Polling Station No. ...
at (Place) ... fixed for the poll.

Place :

Date :

Signature of Candidate/Election Agent.

I agree to act as Polling Agent.

Place : date : Signature of Polling Agent/Relief 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 Rule 45
of the Tripura Municipal (Conduct of Election) Rules, 1994, which I have read/has been
read over to me.

Date :

Signature of Polling Agent/Relief
Polling Agent.

Signed before me.

Date :

Signature of Presiding Officer.

FORM (11)

(See Rule 27 (3))

Revocation of Appointment of Polling Agent.

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

To

The Presiding Officer,

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

Place :

Date :

Signature of Candidate/Election Agent.

FORM (12)
(See Rule 30 (6))

Declaration of Election when seat is uncontested.

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

In pursuance of the provisions contained in sub-rule (b) & (c) of rule 30 of the
Tripura Municipal (Conduct of Election) Rules, 1995, I declare that
... .. (name)... .. (address)
has been duly elected to fill the seat in the said Municipality from the above Constituency.
He/She is/is not a member of the Scheduled Castes/Scheduled Tribe.

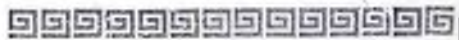

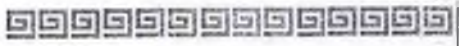
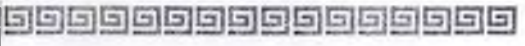
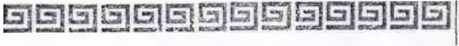
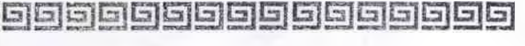
Place :
Date :

Signature of Returning Officer.

FORM (13)
(See Rule 34)
Ballot Paper.

... .. Municipality
Constituency No.
Electoral Roll Part No.... .. Sub-Part No.... ..
Serial No. of voter
signature Thumb impression of voter
Name of Municipality
Constituency No/Year GEN/Bye

Perforation

Name	Symbol
	
	
	

FORM 14

See Rule 41(1)

Application for Casting of Vote by person on election duty.

To

The Returning Officer.

... .. Municipality Constituency No.

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

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

I have been posted on election duty and produce, herewith, my letter of appointment.

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

Place :

Yours faithfully,

Date :

FORM-15

(See Rule 42(2) (c))

List of Challenged Votes

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

Sl. No. of entry.	Name of Voter.	Serial Part/Sub-part No.	Number of Voter's name in that sub-part.	Signature or impression of the person Challenged.
1	2	3	4	5

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

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

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

Place :
Date :

Signature of Presiding Officer.

FORM—16
(See Rule 45(1))

Declaration by the Companion of Blind/Infirm Elector.

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

... ..No. and Name of the Polling Station

... ..

I... ..Son of...

... ..agedresident of

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

... ..

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

... ..

Signature of the Companion

Full Address to be given.

FORM—16(A)
(See Rule 46(2))

List of Blind and Infirm Voters

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

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

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

Date... ..

Signature of Presiding Officer.

FORM —17
(See Rule 48(2))

List of Tendered Votes

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

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

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

Place... ..

Signature of Presiding
Officer.

Date... ..

FORM NO. 18
 (See Rule No. 51 (1))
 Ballot Paper Account

PART-I

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

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

3. Ballot Papers issued to Voters at the Polling Station. (3 = 1-2 )	...	...	...
4. Ballot Papers issued to Voters but not inserted into the ballot Box.	...	...	...
(a) Ballot Papers cancelled for Violation of Voting procedure under Rule 45 and	...	...	...
(b) Ballot Papers cancelled for any other reason	...	...	...
(c) Ballot Papers used as tendered ballot Papers	...	...	...
Total (a+b+c)			...
5. Ballot Papers to be found in the Ballot Box (5 = 3-4 )	...	...	...

Date ;

Signature of Presiding Officer.

PART—II
Result of Counting

Sl. No.	Name of Candidate	Number of valid votes cast
1.		
2.		
3.		
4.		
5.		
(a) Total No. of valid votes cast		
(b) Total number of rejected ballot papers		
III Grand total (a + b)		

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

Place :

Date :

Signature of Counting Supervisor.

Place :

Date :

Signature of Returning Officer.

FORM—19

(See Rule 59(2))

Appointment of Counting Agent

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

To

The Returning Officer,

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

Place... ..

Date... ..

Signature of Candidate/Election Agent.

I agree to act as Counting Agent.

Signature of Counting Agent.

FORM—20
 (See Rule 59(4))
 Revocation of Appointment of Counting Agent.

Election to the... .. Municipality
 from the Constituency No... ..
 To
 The Returning Officer,
 I (name), a candidate/
 Election Agent of (name), who is a
 candidate at the above election, hereby revoke the appointment of... ..
 (name) Counting Agent
 (Place fixed for Counting).
 Place.....
 Date.....

Signature of Candidate/Election Agent.

FORM—21
 (See Rule 62 (3))

Counting Sheet for Counting of Votes received
 in sealed cover.

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

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

Name of Candidates	Total votes secured by the Candidates.			
5	6			
A	B	C	D	E

Grand Total :

Place... .. Signature of Counting Supervisor
 Date... .. Signature of Returning Officer.

FORM-22
(See Rule 70 (1))

Result Sheet

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

No. & Name of polling Station (s)	No. of ballot papers found in ballot box (es)	No. of valid ballot papers.	No. of rejected ballot papers.	No. of tendered votes.
1	2	3	4	5

Votes secured by the Candidates.

6

A	B	C	D	E	TOTAL.
---	---	---	---	---	--------

Election Duty Votes

Grand Total

Place.....

Date:

Signature of Returning Officer.

FORM-23

(See Rule 70(1) (a))

Declaration of Election Result when seat is contested

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

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

Place... ..

Date... ..

Signature of Returning Officer.

FORM-24

(See Rule 70 (2))

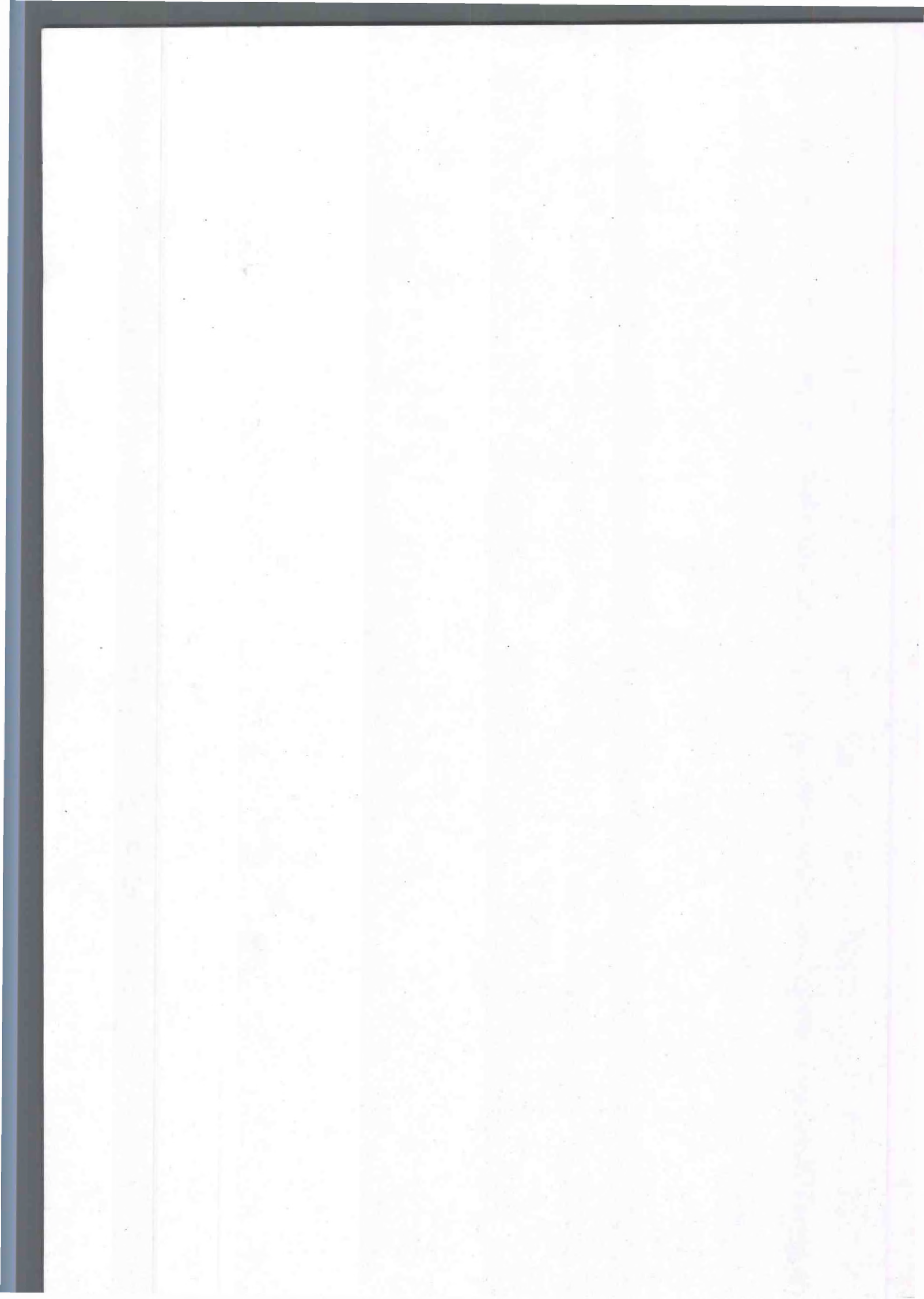
Certificate of Election

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

Signature of Returning Officer
(Seal)

Place... ..

Date... ..



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