CANTONMENT ELECTORAL RULES, 2007

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EMRAORf)lNARY [PART 11—SFC. 4) MLNISTRY OF DEFENCE NO'IMCATION New l)elhi, the 21st August, 2()07 S.R.O. 5(E).—Whercas, certain draft Cantonment Elcctorai Rules, 2007 were published, as required by section '31 of' thc Cantonments Act, 2()06 (41 of 2006), in P art-LL Section 4 of the Gazette of India, dated the 1 9th Apri', vide notification of the Government of India the Ministry of Defence number S.R O. 2(E), dated thc 1 9th Apul, 2007 for inviting objections and suggestions i persons jikcly to be affected thereby till the expiry the pervad sixty days from the. date on which the copies, of the said Gazette notification were madc available And, whereas, the copies of the said Gazette were Inade -available to the public on different dates after i 9th 2007, ending on 22nd May, 2007 by the can- tonrnent Boards: And, whereas, all the objections and suggesuons received he.icre the date so specified have been duly con- sldcre,d by thc Centrai Government', Bow, therefore, In exercise of the powers conferred by seduon 31 of the said Act, the (jentral Governrnent lierehy n l'dkes [lie following rules, na:nely CHAVI'ER 1 GLA«ERAL L Short title and extent.—(I 'Ihesc rules Inay he cai led Lile Electoral Rules, 2007. (2) 11 shall extend to the Cantonments in thc whole 2 Definitions. In these rules, unless there is any- llnng. in the subject or context.— ' 'Act" rneans the

Cantomnents Act, (41 of "Board" has the sarnc rnea ng assigned to iL in clause (h) of Section 2 of the Cantonments Act. (41 of 2006]; "(j\kntonmenl" means thc contonxncnl con- ' •Chief Executive Officer" Incans the Chief Ex- ecutlvc C)i'ficer of the Cantonment; corrupt practices' means any of the practices speci fied in Section 3() of rhe Act: rneans a Fonn sel out in the Second .Schc.dule to these rules; Ine.ans lhe of the Can- Board or where a Board is not consti- t led the Comman(ling the Staticuo: •Sched ed Scheduled Castes and I'l'lhcs".shüll have the liltanings assigned Io thern clauses (24) and '25) respectively ot' a' tjcle 366 of lhe Constitution of India. 3 Division of Cantonments into wards.---Subject to of these rules, (a) (b) (c) (d) "['he Board, shall publish a draft plan for divi- oi (_?antonment into wards, Such i)raft plan as approved by the Board shall be published in the notice board of the Canton- nient Board Office and two newspapers having ocal circulation for inviting objections and sug- gestions within a period of fifteen days from the datc of publication of notification. Tlhe. Board shall, after considering the objec- fions and suggestions, if any. prepare a final plan for, division of Cantonment into wards. l'he Central Government shall publish in the ()fficial Q lazette thc final plan forwarded by the Board dividing thc Cantonment into wards, with rnodifications, if arty, as it may consider appro- pri ate

4. Number of members to be elected from each ward in a Cantonment.——--Only one member shali be elected from each ward of any Cantonment hy an election

5. Reservation of seats for Scheduled Castes and Scheduled rrribes.(l) Seats shall be reserved for the Scheduled C.astes and thc'Schedulcd Tribes in every Can- tonment on the basis of the percentage which their popu- lation bears to the total population of lhe Cantonrnent ac- cording to latest census and lhe mimrnum percentage re- quired for such reservation shall be as specified in the First Schedule • Provided that thc Scheduled Caste or the Scheduled Tribe population so exceeds the minimum required per- centage in any Cantonment' that they become entitled to higher reservakidn. the number of seats reserved for the[li inay be increased proportionately, according to their popu- lation of the area and in détermining the number of seats to (be Scheduled Caste or the Scheduled he reserved for Tribes, if the Scheduled Caste or Scheduled Tribe popula- tion falls short by less than 3% of the required minimum percentage, lhe figure Inay be rounded of for the reserva- lion of a seal cr seats for which they would have otherwise, been entitled. (2) The. n unibcr of seat or seats reserved for the Scheduled Castes or the Scheduled Tribes referred to in sub-rule ( )) s.ll'dl] be. a) lotted to those ward or wards, which have the highest population of Scheduled Castes or Sched- uled Tribes. as Elle case, Inay be. (3) 'I wards rcscrved in every Cantonment shall be notified by the Central Governmcnt in the Official Ga- zelle and s•i1aM be eftective för five years or till the next ordinary election, whichever, is later, irrespective of election ta fil any casual vacancy

6. Reservation of seats for NOL less than one-third the Iota] number of seats reserved for the Scheduled (--a.s(es and the Scheduled Tribes shall bc re- served for helonging to the Scheduled Castes or as the casc nnav be. [he Scheduled 'Fribes. (b) No reservation shall be made for women candi- (latc of Scheduled Caste or Scheduled Tribe wherever there is on (y one ward reserved for the Scheduled Castes or as lhe case Inay be, the Scheduled Tribes; (c) Not lass than one-third (including the number of scats leserved for women belonging to the Scheduled C'a.slcs and the Scheduled Tribes) of the total number of seats to be filled in an ordinary election in every Canton- Inent shall bc reserved for women. (d) The seats reserved under this section shall be effective tor complete five years or till the next ordinary election, whichever is later, irrespective of election to fill any casual vacancy. (c) While calculating the number of seats reserved (or wcnnell under clauses (a) and (c) a fraction less than Inalf Shal] be left out and more than half shall be taken as one. (F) (i) The seats reserved for women in a Canton- Illent (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) shall be allotted to different wards in the Cantonment in accordance with rule 7. (li) The wards reserved for women in every Can- tonment shall be notified by the Central Gov- ernment in the Official Gazette

7. Manner of rotationof seats reserved for women to different wards of a Cantonment—(a) While reserving the wards for women in a Cantonment for the first time, the seats reserved for women belonging to Scheduled Castes or Scheduled Tribes shall be allotted to different wards by drawmg lots between the wards reserved for Scheduled Castes or Scheduled '[Iribes, as the case may be. (b) Reservation for women in respect of the remain- Ina seats, after reservation in accordance with clause (a), Shull bc aliottcd by drawing lots between the remaining wards other than those reserved for Scheduled Castes or Scheduled Tribes. (c) In case or category IV Cantonments, one ward cul of two shall be reserved for women candidate alter- nateiy in subsequent ordinary election. (d) During every subsequent ordinary election in a Cantomnent other than category IV Cantonment, the pro- ced ure for reservation Df wards for women as referred to in clauses (a) and (b) shall be followed but all those wards which had been réserved in just earlier election shall not be Included while drawing the lots for reservation. (e) (i) '.11he drawing of lots for reservation of seats for women (including the seats reserved for women belonging to Scheduled Castes or Scheduled Tribes) shall be carried out by lhe President. (iii) 23 The place, date and time for drawing lots shall be published by the President at least seven days before the date so fixed, in any two lo- col newspapers having wide circulation. The exercise for drawing lots shall be carried out in the presence of members of the Board and general public who wish to witness the proceedings. CHAPITER n ELECIORAL ROLLS 8. Registration.—No person shall be entitled to be registered in the electoral roll for more than one ward and no person shall be so registered for any ward more than once, 9. Qualification of elector.—Every person who is eligible for enrolment as an elector under sub-section (l) of section 28 of the Act, and is not otherwise disqualified under sub-section (2) of the said section shall be enrolled as an elector. IO. Preparation of electoral The Board or where a Board is not constituted, the Officer Command- ing the Station, shall prepare on 1st July of each year, in English and in the language commonly used in the District in which Cantonment is located, an electoral roll in

Form I. (2) The electoral roll shall be divided into separate parts for each ward. (3) The names of electors in each part of the roll shall be arranged according to house numbers. Explanation.—For the purposes of this sub-rule, any building or unit line used for the purpose of lodging troops shall be deemed to be a house. (4) The names of electors in each part of the elec- toral roll shall be numbered as far as practicable, consecu- tively with a separate series of numbers beginning with number one. 1 } . Manner of ascertaining names of electors for inclusion in the electoral roll.—(l) The Chief Executive Officer may for the purpose of preparing the electoral roll, send letters of request in Form I-A to the occupants of dwelling houses in the Cantonment and every person re- ceiving any such letter shall furnish the information called for therein to the best of his ability. (2) The Chief Executive Officer shall ascertain the names of members of the Armed Forces and other defence personnel residing in the unit lines or other buildings, who are eligible for registration in the electoral roll of the Can- tonment, from the Officer Commanding the Station or the Officer Commanding the Unit, as he deems necessary

12. Notice of publication of elcctoral Copies of the electoral roll prepared under rule IO shall be displayed at the notice board of the office of Cantonment 24 THE GAZETIT'.OF INDIA : EXTRAORDINARY [PART 4) Board, and at the same time notice of their preparation shall be displayed in

Form 11 at the notice Board of the said Office, tind at such places throughout the Cantonment, there being at Icas•l one such place in each ward, as the Board, or where a Board is not constituted, the Officer Cornmanding thc Station. rnay specify. 'Thc notice shall also specify the in which clailns anc.å objections are to be preferrcd and disposed of. CHAVI'F,R 111 CLAIMS AND OBJECTIONS 13. Clairns and claim for the inclusion of a name in the electoral roll and every objection IO an entry lherein shall be made within a period of twenty days IIIC date of publication of thie notice referred to (2) (b Every claim made under sub-rule (l) shall be I 111. sit-'ncd by the person desirjng his name to be Included in the roll. countersigned by another person whose name is already induded in that part of tbc roll in which the clairnant desires his name to bc in- Every objection 10 the inclusion ofa namc in the in For-rn IV. , b) prctcrred only by a person whosc name is al- I eady included in that roll. (c) countersigned by another person whose natne IS al ready included in that part of the roll in which lhe narnc objected to appears. (4) I I.'ve.ry C)bicction to any particular in an entry in IV and preferred only by the person "_o whorn that entry f S) or objection shall he presented to Lhe Cllitef I-.'xec.utive ()üficer in person or be sent by registered POSI Elle. Chiet' I-Ixeculive Officer. 6) It any objection relates to (he inclusion in the Dt' lhe narne of a perst)n other tlnan the objec- tar the shall be filed in duplicate. (Executive Officer sh:tll reject any clai!ll or 0b Icc tjan which is made within tlr period or in Ihe and'] El antler specified in this rule. 14.' Publication of list of corrections to electoral (E 'xecutive Officer Inay oi his own rnotion I roll thie narnes of any whon-l he knows to be dead and may also make correction In pursuance of any claiTn . Provided that he shall publish a list of all such cor- rections with thie hst of claims and objections referred to in IS Publication of list of claims and objections and time and place of their hearing.—(l) A list of all claims and objections not disposed of under sub-rule of rule 13 or under rule 14 shall be published in Form V in the same manner as notice in rule 12 not later than three days after the last day fixed for receipt of claims and objections. (2) The list shall givc inumation of the time and place of the hearing of such claims or objections. (3) 'I'he piace of hearing Will ordinarily be the Can- tonment Board Office and the date of hearing shall be not earlier than fifteen and later than thirty days of the dale of publication under this sub-rule. (4) At the sarne eirne as action under sub-rule (l) of thc rule is taken, notice of hearing, together with a copy of the objections shall be sent to all persons who are the subject of objections excgpt where the objector himself the subject. (5) may bc served through the Cantonment Board Staff ordinarily employed för that purpose, or by registered post. to the place of residence or business of thc individual as the case may bc, and shall bc deemed sulTiciently served if leit at such place of residence or busi- ness, or duly pasted. as the case may be

16. Hearing of claims and Objections and issue of orders thereon.—(l) Fl'he. President or some other person not being an elected meanber, lhe Chief Executive Officer or a servant of' lhe Board nominated by' him shall hear all clailns and ablections published under rule 15 or the sub- ject of corrections under rule 14. (2) E.vidence, doeurncntarv or oral, rnay be adduced an.v or objection, subject to its being in respect a' produced on tloe date of hearing fixed under rule 15. (3) Appearance by legal practitioner shall not be al]owcd. (4) 'Thc President or his nonlinee, after hearing the party or parties to a clairll or objection taking such evi-- dence as rnay be produced in respect thereof, and making, such other enquiry as appears to him necessary, shall pass thereon. stating as briefly as possible the order in writins_r and such orders shall be final. reasons his decision: when passed hy lhe President, but subject to the result of dny, Inade within two days tp lhe President an appeal, when passed bv his no:-rnnee..] 7. linal publication ofthe electoral rolls.*' I) "Flie Chief F,xec.lffiH_? ()fticer shall correct the electoral roll In accordance wilh the orders passed under rule 16 and pre- pare by printing or otherwise as rnany copies thereof.in English and in the Indiån language of the District as is rcasonably necessary. (2) A copy of the corrected roll shall be pasted at the notice board of the Cantonment Board Office and notice the.l-ell)l' shad be published throughout the Cantonment in Ibe sanw Inanner as in rule 12, on 15th September of each Provided that pubiication of notice shall not be nec- essary if there are no corrections in the electoral roll as originally prepared Provided fürther that the Chief Executive Officer shall ranove from the roll the names of any persons from any local area

forming part of a Cantonment when, by a noti [ication under Section 4 of the Act, such areas cease to be under the control of the Board after the tinal publication (3) If the electoral roll is not prepared or finally put> I-shed on the dates specified in rule IO or sub-rule (1) of rule 17 respectively, the Central Government may direct ne Board or where a Board is not constituted, the Officer (-'on-nnanding the Station to have the electoral roll prepared ar finally published on such dates as may' be specified in the order, and the Board or the Officer Commanding the Gtatl on, as the case may be, shall comply with such direc- (4) Any person whose name is borne on the electoral oll as finally-published in a ward shall be entitled to pur- chase froin the Chief Executive Officer, at a reasonable price, to be fixed by the Board or where a Board has not been constituted, the Officer Commanding the Station, one copy of the roll of his own ward. 18. Re-arrangement of rolls on alteration of) Where, after the electoral rolls for a Canton- Inent have been published under rule 17, the division of lhe Cantonment into wards is altered, the President shall, order to give effect to the alteration of the wards, cause thc names of the electoral rolls to be re-arranged on the off the. altered wards. (2) The roll with the names so re-arranged shall be published in the manner specified in rule 12 and shall, on such publication, be the electoral roll for the altered wards

19. Inclusion of names in the electoral roll.— (i) Where. a notification regarding election to fill any vacancy I-ras been Issued by the Central Government under sub-section (l) or sub-section (2) of Section 15 of Lhe Act, every person whose name is not included in the electoral roll as finally published under rule 17, may apply as provided hereinafter for the inclusion of his name in (2) Every application under sub-rule (1) shall be Iliade in duplicate in

Form Ill to the President after the Central Government directs the date of election to be held by notifilion under Section 15 of the Act and before the expiry of three days after the publication of the public notice as required under rule 2(), 357 C 02 25 (3) 'Ihe President shall immediately on receipt of the application referred to in sub-rule (I), cause one copy thereof to be pasted at the Notice Board of the office of the Cantonment Board with a notice inviting objections to such application within a period of three days from the date of such posting. (4) After the expiry of the period referred to in sub- rule (3), the application and the objections received thereto shall be heard and disposed of in the manner laid down in rule 16. (5) The President, on such hearing if satisfied that the applicant is entitled to be registered in the roll, shall direct the Chief Executive Officer to include the name of the applicant in the electoral roll. (6) Every direction made under sub-rule (5) shall be final, (7) The Chief Executive Officer shall comply with the directions made under sub-rule (5) where no appeal has been preferred under these rules. CHAVIER lv POLLING, NOMINATION AND SCRUTINY 20. Public notice of election.—As soon as pos- Sible after the notification by the Central Government of the date of an election under Section 15 of the Act, the Board or where a Board has not been constituted, the Officer Commanding the station shall draw up and pub- 1ish in the same manner as in rule 12, a public notice setting out— (a) (b) (c) (d) (f) the date, time and places of polling, the number of persons to be elected and details of wards reserved for Scheduled Castes or Scheduled Tribes or Women, the time and place for receipt of nominations, the time and place for scrutiny of nominations, the symbols that may be chosen by candidates and the restrictions to which their choice shall be subject; and any other matter which may be necessary for information and assistance of voters and candi- dates Provided that the• Central Government may, on receipt of a recommendation to that effect from the President, postpone, by not more than forty days, the date of such election to a later date if— (ii) (iii) the date of election coinciding witli or is in close proximity of the date of election for the Lok Sabha, State Assembly or any adjacent local authority; a riot or open violence breaks out or there is tension in the Cantonment on account of such riot or violence; or some natural calamity affects the Cantonment . 26 THE GAZETTE OF INDIA : EXTRAORDINARY -SEC. 4) Provided further that, in respect of items (ii) and (iii) of lhe preceding proviso, the President, may, if deemed necessary. on receipt of a report from the Returning Officer, adjourn the polling in any ward of the Cantonment (a) Riot or open violence breaks out in that ward or any of the polling stations on the eve of or on the date of polling; or (b) some sudden natural calamity affects the Can- toti]nent : Provided also that on receipt of a report of such adjournrnent of election or polling, the Central Govern- illent inay appoint thc day on which such postponed elec- uan polling will be held by publishing a notification to thal e[téct In the Official Gazette ard after the date is so notified, the President, shall notify locally, in the manner specified in this rule, the place and time of polling for the election so postponed without de novo compliance of formna:lltles specified in the rules, 21. Polling stations and the responsibility for their The President shall fix such place or place.) as he deems fit as polling stations for the purposes or recording of votes and sha]i kay down Lhe area which each [!olling station shall serve: Provided that there shall be at least one polling station for each ward. (2) 'I'lae President shall appoint a person other than {hc Chicf Executive Officer, to be a Returning Officer who shall he. responsiblc for the proper conduct of the election, and the Returning Officer shall for each polling station, a Polling Officer who shall be in charge of the voting arrangements, and be responsible for Lhe fair con- duct thc election at his polling station on the polling day Each Polling ()fficer may appoint, 'subject to thc sanel of tl)e President, one or two assistants as noay be necessaiY [D ussiS1 him in his duties on the polling day, urid lot whose conduct he shall be responsible, 22. Nomination of candidate for election and ap- pointrjent of election agent.—(I) A candidate for election shall he norninated by a nomination paper in Form VI. ('2) 'Ilhe nonnnation paper shall be signed by a rcgis- tered elector of the ward for which the candidate proposes as proposer, and shall contain a declaration it) stantl, by the, candidate that he assents to the nomina- No elector shall act as proposer for Illore than candidate In a ward. (4) Each candidate rnav appoint one person by power attornev, as his election agent and such agent shall be entitled Io act for the candidate unless 01herwise provided bv these rules. (_5) Where rnore nomination papers than one are presented by the •candidate or on his behalf by his election agent or his proposer, the declaration as to syrnbols made in the nomination paper first delivered and no other,declaration as to symbols, shall be taken into consideration by the Returning Officer even if that nomi- nation paper has been rejected under the provisions of these rules

23. Presentation of nomination papers.—(l) Every nomination paper shall be presented to the Returning Officer at the Cantonment Board office, on the day and within the hours specified in the public notice referred to in rule 20, by the candidate or his election agent or his proposer. (2) Any normnation paper not presented within Che proper hours, or presented by•any person other than those referred to in this sub-rule, shall be rejected. (3) Subiect to the provisions of these rules, a candi- date or on his behalf his ejection agent or proposer shall not present more than four nomination paper in total in thc sarne ward. (4) Each candidate with his nomination paper shall deposit, or cause to be deposited with the Returning Officer, a surn of rupees three thousand in cash Provided that where the candidate belongs to Scheduled Caste or Scheduled Tribe the amount af such deposit shall be rupees one thousand aqd five hundred Provided further that w.here more than one nomina- tion paper IS preäented, one deposit only shall be suffi- cient. (5) The nomination of a candidate not accompanied by the required deposit shall be rejected. Explanation:—For the purposes of this rule, ' 'Election agent" rneans any person appointed in writing by a candidate to represent him

24. Preliminary examination of nomination papers.—Whe.li a nonlination paper is presented, the Returning Officer shall examine it and inform the person presenting it, of any points in which the nomination paper appears defective. but no failure on the part of Retuning ()fficer [o give such information and no defect or error in- the information shall affect the validity of the proceed- 25. Valid nominatioms and time ana place for scru- tiny of nomination after the hour for receipt of nan)ination papers is past. the Returning ()fficer shall drays,' up in

Form V r I, a list of candidates, excluding an h'L_'ne whose nomination papers have been rejected under sub-rules (2) and (5) of rule 23, and pest it at the notice Board of the Office of Cantonment Board, with notice of the titne and place fixed for scrutiny of nomi- nat:on papers. [43 26. Scrutiny of and objections to nomination . —(1) On the date and at the time appointed, the papers. Returning Officer shall undertake scrutiny of the nomina- lion. papers. (2) No person other than the candidates, their elec- agents and proposers shall be permitted to be present and they shall be given all reasonable facilities for the ex- alnination of nomination papers, (3) Objections to a nomination paper may be oral or i n •writing and rnay relate not only to the form of the nomi- nation but also to the violation or non-observance of any provision of the Act or the rules made thereunder relating to such notnination, including objections to the eligibility of thc candidate to stand for election or of the proposer to novillnate Provided that no objection to a candidate or the proposer which relates to his registration in the electoral roll and anything referTed to in rule 13 shall be considered : Provided further that any objection raised merely in regard to failure to complete, or defect in completing the declaration as to symbols in a nomination paper shall not be considered, as a ground for rejecting the nomination par)er and when any such objection being raised the Relurning Officer shall cause the nomination paper to be cornpleted or defect rectified by the candidate who has filed or on whose behalf the nomination paper has been (4) Ihe decision taken on each objection shall be endorsed on the nomination paper, and if any nomination paper is rejected, a brief statement of the reasons for rejec- (ion shall be recorded thereon and signed by the Return- inz (Dfficcr. (5) M? the Returning Officer is unable to undertake the scrutiny of nomination papers, it shall be undertaken by a person other than the Chief Executive Officer, an elected Incinbcr or a servant of the Board, nominated by the Officer : Providecl that the aggrieved party may appeal to the President against the decision of such nominee within two days of such decision

27. Withdrawal of candidature.—(l) Any candidate Inay withdraw his candidature by notice in writing in Form VII-A signed by him and delivered in person by him or by his election agent to the Returning Officer before four O'clcck in the afternoon on the day following the scrutiny ot' nonlination papers under sub-rule (l) of rule 26 : Provided that if scrutiny is undertaken by nominee 01' Returning C)fficer and the person aggrieved prefers an appeal before the President, in such cases the date of with- drawal shall. be the day, following the day the President decides the appeal. (2) receipt of such notice, the Returning Officer shall note thereon the date and time at which it was delivered. 27 (3) The Returning Officer shall, on being satisfied as to the genuineness of notice of withdrawal and the iden- tity of the person delivering it under sub-rule (l), cause a notice in Form VII-B to be pested at the notice Board of the office of Cantonment Board. (4) A candidate who has given notice of withdrawal of his candidature under sub-rule (l) shall not be allowed to cancel the notice, or to be renominated as a candidate for the same election. CHAVIER V POLLS, POLLNG OFFICER, THE PROCEDURE BY WHICH THE POLLING IS TO BE CARRIED OUT AND THE COUNTE.4G OF VOTES 28. Procedure in contested and un-contested elec- tions.— After the hour for withdrawal provided in sub-rule (l) of rule 27 has expired, if — (a) The number of contesting candidates in a ward more than one, a poll shall be taken; (b) The number of such candidates is one, the Returning Officer shall forthwith declare such candidate to be duly elected

29. Eligibility of members of Scheduled Castes or Scheduled Tribes to hold seats not reserved for them.—A member of the Scheduled Castes or the Scheduled Tribes shall not be disqualified to hold a seat not reserved for members of those castes or tribes, if he or she is otherwise qualified to hold such seat under the provisions of the Act

30. Eligibility of women candidates to hold seats not reserved for women.—A women candidate shall not be disqualified to hold a seat not reserved for women, if she is otherwise qualified to hold such seat under the provision of the Act

31. Publication of list of contesting candidates and publication of results of uncontested I) The Returning Officer shall draw up in

Form VII-C a list ward by ward, of candidates who are standing for election and also a list of candidates, if any, who have been declared duly elected under the provisions of clause (b) of rule

28.(2)The listsreferréd to in sub-rule (1) éhall be pub- lished in the same manner as a notice under rule 12 and not later than twenty days before the date of poll. (3) The names of candidates who are standing for election shall be arranged in Form VII-C in the alphabetical order and the alphabetical order shall be determined with reference to the surnames of the candidates having sur- names and the names proper of other candidates, (4) At an election where a poll becomes necessary, the Returning Officer shall consider the choice of symbols expressed by the contesting candidates in their nomina- tion papers and shall— 28 (b) THE GAZMTE OF INDIA: EXTRAORDINARY [PART 11- 4] allot a different symbol to each contesting can- didate, m conförmity, as far as practicable; with Ins choice; and if more contesting candidates than one have Indicated their preference for the same symbol, decide by lot to which of such candidates the synbol shall be allotted. (5) Thc allotment by the Returning Officer, of any bol, 10 a candidate shall be final. (6) Every candidate or his election agent shall forth- wilh bd tnionned of the symbol to the candidate and shnll be supplied with a specirnen thereof by the Returning Officer

32. Death of candidate before poll.—lf a candidate who bds been duly nominated under these rules dies after the date fixed for the scrutiny of nominations and a report ot his death IS received by the Returning Officer before the con-nnéncelnent of Lhe poll, the Returning, Officer. shall, upon t-cing satisfied of the fact of the death of the candi- date, counterrnand the poli for the ward concerned and report thc fact to the President and 2.11 proceedings with rele,reiice to the election in that ward shali bc comnmenced a ncw inhi!l respects as if for a new election . Prov 'dcd that in the case of a candidate whose nomi- nation ;was valid the time of thc countermanding of the poll, no turther nomination shall be necessary, and it shall bc sufficient It thc candidate intimates in writing to the Ret 01 fing Officer on or before the last of the dates fixed for cccupc of nonnnation papers that he wishes his candidature 33. Forfeiture and return of Subject Io the !prowsnons of sub-rule (2), the deposit made by a candidaic under sub-rule (4) of rule 23 shall be forfeited to and credited to the Cantcnment fund if at an election a poll has been taken, the candidate. is not elected and thc, nurnber valid votes polled by hilli does not cxce,ed one ot the total number of valid votes polled by all lhe candidates in the ward. ['he deposit made by a candidate— nc)lllinaoon is rejected or declared invalid; who withdraws his candidature in the Elianner u-osic]ed in sub-rule (t) of rule 27 and before IIIC. Lillie, stipulated therein or ho dies before the comrnencernent of the poll who is elected; shall be returned to lhe candidate (or in thc event of his to his legal representative as soon as Inay be after the publication of result of he election under rule 51. .34. l)uties of Polling Officer.—H' l) Euch Po] ling C)f- i IQ keep order at his polling station, shall see that the election is fairly conducted, regulate the num- ber of electors to be admitted at one time, and shall exclude all other persons, except his own assistants, the candi- dates and their election agents, the police on duty and such persons as I-nay be necessary for identificat.ion of voters. (2) 'lhe Returning Officer shall provide to each Poll- ing Officer a copy of the electoral roil for the ward of the Cantonrnent which his polling station serves, containing an additional column for recording the serial number of ballot papers Issued and he shall also provide sufficient number of ballot boxes, ballot papers, instruments for stamping the distinguishing mark on ballot papers and ar- ticies necessary for electors to mark the ballot paper. (3) There shall be displayed prominently outside each polling station (a) a notice specifying the ward, the electors of which are entitled to vote at the polling station and, when the ward has more than one polling station, the parliculars of the electors so en- titled and (b) a copy of the Irst of names of candidates with their authorized symbols. (4) At each polhng station there shall be set up onc or more voting compartlnents ill which electors can record their votes screened frorn observation

35. Ballot box and its preparation for Every ballot box used at a polling station shall be so made that papers once.inse'rted cannot be withdrawn without unlocking iL (2) Irnrnediatelv before the commencement of the voting, the polling officer' shall show the ballot box empty to such persons as rnay be present at the polling station and shall lock it up and place a seal upon the ballot box in such Ilkanncr aq to prevent its being opened without break- ing the seal. (3) rl'he Officer shall also seal [he key, jf any, of [he ballot box in such manner as to prevent its being used and keep lhe key sealed with hill]. (4) Every ballot box used at a polling station shall bear labels, outside and inside Inarked wilh— (ii) the serial number of the polling station, if lhere Illore than one polling station in Che, ward. the serial nulliber of the ballot box (to be filled al the end ol- lhe poll on the label outside the ballot box only), and (5) '1%he ballot

box closed, sealed, secured and la- belled as provided under this rule, shall be placed in full view of the polling officer.

36. Use of Electronic Voting Machines.—ln case Board decides to use electronic voting machines pro- vidcd hy the Election Commission, in that eventuality, the lcs or instructions of the Election Commission or of any such authority involved in conduct of elect.ions, as I hc case may be, regarding use of electronic voting ma- chincs shall mutatis mutandis apply to Cantonment Board election under the control, supervision, and direction of ',hc Returning officer Provided that in case elections are conducted by Ilse of electronic voting machines, the provision under fliese rules regarding use of ballot paper shall not apply to the extent polling is conducted by the use of such elec- rnachines. Explanation.—For the proposes of this rule, 'elec- Irornc voting 'nachine' means any machine or apparatus whether operated electronically or otherwise used for giv- Ing or recording of votes

Form VIII in English or in the official language or in Ibe language commonly used in the State or both, and shall indicate the names and symbols of contesting candi- dates, (2) Each ballot paper shall be serially numbered on Its back Provided that a tendered ballot paper referred to in rule 42 shall be printed on a paper of different colour which shall bear a serial number of its own.(3) The names of the candidates Shail be arranged in thc san-ic order in which they appear in the list of candi- dales contesting the election published under rule 31 . (4) I f two or rnore candidates bear the same name, they shali be distinguished by the addition of their occu- or residence or in some other manner. (5) The candidates belonging to the Scheduled Castes the Scheduled Tribes or women shall bc distin- gw shed by placing the letter "S" or "W"circumscribed by a ctrclc against their names

38. Prohibition ofcanvassing in or near polling sta- (l) No person shall- tion.(a) convene, hold, attend, join or address any pub- IIC Ineeting or procession in connection with an election; or (b) display to the public, any election matter by means of cinematograph, television or other simi- tar apparatus; or (c) propagate any election matter to the public by holding, or by arranging the holding of, any nnusical concert or any theatrical performance or any other entertainment or amusement with a view to attracting the members of the public thereto; any poiling area during the period of forty eight hours ending with the hour fixed for the conclusion 01' lhe poll for any election in that polling area. 43/07-8 29 (2) No person shall on the date on which a poll is taken at any polling station commit any of the following acts within a polling station or in any public or private place within a distance of one hundred metres of the poll- ing station, namely (a) (b) (c) (d) (e) (3) canvassing for votes; or soliciting the vote of any elector; or persuading any elector not to vote for any par- ticular candidate; or persuading any elector not to vote at the elec- tion; or exhibiting any notice or placard (other than an official notice or placard) relating to election. No person shall on the date on which a poll is taken at any polling station — (a) (b) use or operate within or at the entrance of the polling station or in public or private places in the neighbourhood thereof, any apparatus for amplifying or reproducing of human voice, such as a megaphone or a loudspeaker; or shout or otherwise act in a disorderly manner within or at the entrance of the polling station or in any public or påblic places in the neighbourhood thereof, So as to cause annoyance to any person visit- ing the polling station for poll, or as to interfere with the work of the officers and other persons on duty at the polling station. (4) Any person who contravenes any of the provi- sions of this rule shall, on conviction, be punishable with fine which may' extend to rupees one thousand, 39. Voting.—(l) Voting shall bein person. (2) Notwithstanding anything contained in sub-rule (I), any elector of a ward who is, by reason of his being on duty at a polling station or for other reasons of exigencies of public service, unable to be present and to vote at the polling station where he is entitled to vote, Tnay apply by an application to the Returning Officer at least seven days before the date of the first of the dates fixed for the poll at that ward for permission to vote at the election by postal ballot. (3) Every such application sha]i specify the name of the elector, his address and his serial number in the elec- toral roll for that ward. (4) If the Returning Officer is satisfied that the claim is just and that the applicant is entitled to vote, in the ward, he shall allow the application and permit the applicant to cast his vote at the election by postal ballot and thereupon the applicant may give his vote at such election by postal ballot and shall not be entitled to give his vote thereat in any other manner. (5) Each elector shall have one vote only irrespec- tive of the number of candidates. 30 THE OF INDIA : EXTRAORDINARY [PART II—SFC. 4] (6) (a) The Returning Officer shall in the case of every elector who has been permitted under sub-rule (2) to aive lus vote at the election by postal ballot, send by recustered posl to each such elector a ballot paper in

Form VIII t(wcthcr with (i) a blank declaration fortnin Fonn VIII-A; (ii) an envelope with the number of ballot pa- per entered on its face in Form V Ill-B by the Returning Officer; (iii) a large cover addressed to the Returrnng Officer in Form VIII-C; and (IV) a letter in Form V Ill-D. (b) The ballot paper together with the declaration, cnvclove cover and letter shall be sent to the elector at the address diven in the application made by hirn referred to in (c) An elector who receives a postal ballot paper sent under clausc (a) and desires to vote, shall record his vote thc ballot paper and sign the declaration in Form VIJI-A and also obtain the attestation of his signature by any officer authorised in this behalf by the President, or any Mågnstrate to whom the elector is oersonally known or Io whose. satisfaction the elector has been identified, in accordance, with the instructions contained in lhe letter se,nl wilh the ballot paper. l'he elector shall place the ballot paper in the envelope in Form VIII-B, close the envelope and enclose it Wilh lhe declaration in Form V Ill-A in the cover (Form VIII- C) and send the cover to the Returning Officer in accor- dance the instructions contained in thc letter so as to reach before 5 P.M. on the date fixed for the poll. (e) Any cover which is not received by the Return- Ing Officer before 5 P M. on the date fixed for the poll shall bc I éjecæe.d. (f) Ail such reiccted covers shall bc kept in a sepa-] atc scaled packet by the Returning O-ticcr. Returning Officer Shail keep in safe custody until the of the count-_ng of votes all cov- ets containing postal ballot papers received by hilli under this sub-rule. (h) No election Shal] be invalidated mere]y by reason ot an eEec.tor not having received his ballot paper . P} avided that a ballot paper has been issued to him in with the provisions of this rule. Fl'he, Rel urning Officer shall at the tillie of for- ward h',g {he. postal ballot paper also record under his of issue of the ballot paper against the to that elector in the copy of the electera[roll •elating (hm- part of the Cantomnent which shall bc used at the rilnc ('f poll tor voting by electors in person. the ballot papers have been Issued to all entitled to vote by post. the Returning Officer shall enclose and seal the marked copy of the electoraf roll relating 1.0 cach polling station in special covers and shall hand over personally Lhe covers containing the marked copy of the electoral roll to the Polling Officer concerned on the day of the poll

40. Identity of Except as hereinafter provided, every person whose name is registered on the electoral roll, and who is present and intending to vote shall be supplied with a ballot paper.(2) The Polling ()fficer shall of his own accord.put to each person applying for a ballot paper such question as he thinks necessary in order to satisfy himself that he is the person who represents himself to be and is entitled to rccelve a ballot paper. (3) He shall also to the same end, put any further questions that may be suggested by a candidate or an election agent, who is present, and may call on and ques- tion persons who purport to be able to identify such person. (4) Every elector, about whose identity the Polling Officer satisfied, shall allow his left fore-finger to be inspected. by the Pollin'g ()fficer and an indelibke mark to be put on it. (5) If any elector refuses to allow his left förefinger to be inspected or I-narked in hccordance with sub-rule (4) or has already such a rnark on his left forefinger or does any act with a view to remove the ink mark, he shall not be supplied with any ballot paper-or allowed to vote. (6) Any reference in this rule to the left forefinger of any elector shall. In the case where the clector has his left forefinger tmssing, be construed as a reference to any other finger of his left hand and shall in the case where all the fingers of his left hand are missing, be construed as a refer- ence to the forefinger or any other finger of his right hand, and shall in the case where all his fingers of both thc hands are missing be construed as a reference to such extremity of his lefl or right arm as he possesses

41. Procedure för the supply of ballot papers and method of I) satisfying himself that a person is entitled to recel ve a ballot paper, the Polling Officer shall—the serial number of the ballot paper (a) rec ord against the entry relating to the elector in the copy of the electoral roll set apart for the purpose: (b) (2) person In StanlP thc ballot paper with an official mark 011 Lhe back: initial the ballot paper on the official mark; hand over the ballot paper to the voter. instruct- ing hini how rnany votes he has and how he Inay record his vote. Save as, provided in clause (a) of sub-rule (l), nci the polling station Shakl note down the serial n ulnbers of the. ballol papers issued to particular elector. The elector on receiving, the ballot paper shall forthwith---- (d) prcjce.ed one of the voting cornpartments•, rnakc a Fnark- on the ballot paper with the in- supplied for the purpose on or near C 11 the symbol of the candidate for whom he in- tends to vote; (c) fold the ballot paper so as to conceal his vote; (d) show to the Polling Officer if required, the distinguishing mark on the ballot paper, (e) insert the folded ballot paper into the ballot box, and (i) quit the polling station, (4) Every elector shall vote without undue delay. (5) No elector shall be allowed to enter a voting compartment when another elector is inside. (6) If owing to blindness or other physical infirmity, an elector is unable to recognise the symbols on the ballot paper or to make a mark thereon, the Polling Officer shall record the vote on the ballot paper in accordance with the wishes of the elector, fold it so as to conceal the vote and insert it into the ballot box. (7) While acting under sub-rule (6) the Polling Of- ficer shall observe as much secrecy as is feasible and shall keep a brief record of each such instance but shall not :ndicate therein the manner in which any vote has been vcn (l) If a person representing 42. Tendered votes.— to be a particular elector named on the electoral roll. applies for a ballot paper after another person has voted as such elector, the applicant shall after duly an- gwc.rmg such questions as thé Polling Officer may put to him, be entitled to mark a ballot paper (in these rules called a tendered ballot paper) in the same manner as any other voter, bul such ballot paper shall be of a colour differing (I-om the other ballot papers and instead of being put into the ballot box, shall be taken by the Polling Officer en- dorsed by with the name of the voter and his number on l_he electoral roll and set aside in a separate packet and shall not be counted by the Returning Officer. (2) Tine. name of the voter and his number on the electoral roll and the name or distinctive number of the polling stal ion shall be entered in a list in

Form IX called lhe tendered votes list. (3) The person tendering such ballot paper shall sign his name on the list or affix his thumb impression thereto, and give his address

43. Spoilt ballot papers.—A voter who has inad- vertently spoilt his ballot paper so that it cannot be: used by hiffi as such i may on delivering it to the Polling Officer and satisfy Ing him of the inadvertence, obtain another bal- [ot paper in place of the spoilt one, the latter being marked cancek ked and such ballot papers shall be kept in a sepa- rat? packet

44. Challenging of Any candidate or his election agent may challenge the identity of a person claiming to be a particular cicctor by first depositing a sum of one hundred rupees in cash with the Polling Officer for each such challenge.(2) shall (a) (b) (c) (d) 31 On such deposit being made, the Polling Officer warn the person challenged, the penalty för irn- personation : read the relevant entry in the electoral roll in full and ask him whether he is the person referred to in that entry : enter his name and address in the list of chal- lenged votes in

Form X : and require him to affix his signature in the said list. (3) The Polling Officer shall thereafter hold a sum- mary inquiry into the challenge and may for that purpose (a) (b) (c) require the challenger to adduce evidence in proof of the challenge and the person challenged to adduce evidence in proof of his identity, put to the person challenged any questions nec- essary for the purpose of establishing his identity and require him to answer them on oath; and administer an oath to the person challenged and any other person offering to give evidence. (4) If, after the inquiry, the Polling 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 Polling Officer is of the opinion that the challenge is frivolous or has not been made in good faith, he shall direct that the deposit made under sub-rule (1) be forfeited to the Board, and in any other case he shall return it to the challenger at the conclusion of the inquiry

45. No challenge for a mistake committed in the bonafide exercise of one's duty.—No election of a candi- date shall be challenged merely on the ground that the Polling Officer the bonafide exercise of his duties has wrongly pernnitted or refused an elector perrnission to vote, as a result of proceedings under any of the provisions of rules 40, 42 and 44. CHAVIERVI CONCLUSION OF POLLING, RESULT OF ELECTION AND CUSTODY OF ELECTION PAPERS 46. Closing of poll.—(l) At the time fixed for the conclusion of polling, the Polling Officer shall close the polling station, 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) ff any question arises whether any elector was present at the polling station before it was closed, it shall be decided by the Polling ()fficer and his decision shall be find. 47, Ballot boxes and other papers to be sealed and forwarded to the Returning Officer.—(l) As soon as THE GAZFATE OF INDIA practicable alter thc closing of the pcll, the Polling ()fficer tn the presence of such of the candidates and their election agents as may be in attendance, close the slit of lhe box and where the box does not contain any njechnnical device for closing the slit, seal up the slit with his own seal and also allow any candidates or their election aue.nts as rnay desire to affix their seats. (2) Thc Polling C)fficer shall also attach thc sealed any, to the ballot box and shall also enclose In separate, packets and seal up in the sarne rnanner (he tendered ballot papers, (a) (h) the unused ballot papers, (c) Iloc spoilt ballot papers, the marked copy of the electoral roll, (c) the tendered votes list, the challenged votes list. (3) (i) The packets shall bc clearly marked with the number of the poiling station and nurnbe.r of the ward and the number of its contents, and, together with the ballot box ar boxes, and key thcreof shall be forwarded without Ciel ay to the Returning Officer. (11) Polling Officer shall forward a list of articles despatched to the Returning, Officer and shall also fcjrward details ot- accounting for the ballot papers and tendered ballot papers ree.e,lved by him and their issue. 48 _ Counting of lhe Returning Officer sanne evemng, or lhe next morning, as I-nay be at the tirne announced by' him, undertake the convcrnent, counting votes and may appoint to assist him such persois as 'nay be necessary. (2) No person shall be appointed to assist in the count012 who has been etnployed by or on behalf of' any cariddate any purpose whatsoever connected with the 'l he only person al lowed to IDe present, apart per s uns re.lerred to in this rufe, shall be the candidates their election agents, ()pening of ballot boxes, scrutiny of ballot 49. papers and counting of votes. l) ballot box or if than one, ballot box is used for each polling station, such box as [he case Inay be, shall be opened separately, and the Return tng (_)fficer shall take out the papers there dts[ribllllinp, [hern for counting as he thinks fit, benne, iakc.n that where there is luore. ihan one polling sl•atlon a 'Ward, the ballot boxes relating thereto shall be' immediately following one after another, keepi ng the papers taken oul each such box a sdllara(e bcap. ('D r The Returning (_)fflcer shall scrutinise every hallot paper it) dift erent heaps undcr sub-rule (l). EXTRAORDINARY [PART II- --SFC. 4) (b) (g) if no vote is recorded thereon; or if votes are given on it in favour of more candidates than one; of the mark indicating the vote thereon is placed in such manner as to make it doubtful to which candidate the vote has been given, or If it IS a spurious ballot paper; or If it is damaged or mutilated that its identity as a genuine ballot paper cannot bc established; or it bcars a serial number, or is of a design different from the serial number, or as the case I-nay be. the design, of the ballot paper authorised for use at the particular polling station; or if it does not bear thc official mark which it should have borne under the provision of clause (b) of sub-rule (I) of rule 41. Provided that where the Returning ()fficer is 11 Relurrung Officer shali a ballot paper bears any mark on writing by which the c.lor can be identified; satisfied that any such defect as is rnentioned in clause (g) or clause (h) has been caused by any rnistake or failure on Ihe part of a Polling ()fficer the ballot paper

shall not be rejected rnerely on the ground of such defect Provided lurther that the ballot paper shall not be rejected merely on the ground that. the mark indicating the vote is indistinct or made ynore than once, if thc intention that the vote shall be for a particular candidate clearly appears from the way the paper IS I-narked. (4) Before rcjecling any ballot paper under sub-rule (3), the Returning (_)fficer shåll allow each candidate or his election agent present. a reasonable opportunity to inspect the ballot paper but shall not allow him to handle it or anv other ballot paper. (5) "I'he Returntng ()fficer shall record on every ballot paper which he rejects, the letter and the grounds for rejection. in abbreviated either in his own hand or by rneans oi a ruhher stcltnp. (6) The Returning ()fficer shall bundle together a]] lhe reiccted ballot papers under this rule and then count or cause to be counted the valid votes given to each candidate on thc 'oal]ot papers . Provided that no cover containing, tendered bullat I)'dpcrs shall be and no such paper shan be counted. (7) Aller counting of all ballot papers contained in all ballot boxes uqed at a polling station has been the Returning icer shall make the entries in a result sheet in X- A and announce. thc particulars. (8) 'Ilhe \ alid bal]ol papers shall then be bundled together and kept along with the bundle of the rejected a separate packet which shall be sealed ballot papers in and on Shal! be recorded the following particulars, namely — J he narne of the ward: (b) The particulars of the polling station where the ballot papers have been used; and (c) The date of counting

50. Scrutiny of postal ballot paper and counting of r.(3) After scrutiny .and counting the ballot papers votes — Inund ballot boxes has been completed, the Returning C)fficcr shall deal with the postal ballot papers in the Inanner hereinafter provided. (2) No cover in

Form V Ill-C shall be opened and no vote contained In any such cover shall be counted by the Returning Officer if received after the expiry of the time xed In this behalf under clause (d) of sub-rule (6) ofrule 39. (3) The other covers shall be opened one after the other and as each cover is opened the Returning Officer Sha! , scrutinise the declaration in Form V Ill-A. (4) If the declaration referred to in sub-rule (3) is not found or has not been duly sighed and attested or is ()lhcrwise substantially defective or if the serial number as entered in it differs from the serial number endorsed on the envelope containing the postal ballot paper, that envelope not be opened and after making an appropriate endorsement thereon, the Returning Officer shall reject the ballot paper therein contained. (5) Each envelope so endorsed and the declaration received with it shall be replaced in the cover in Form V Ill-C and all such covers in the said Form shall be kept in I separate packet which shall be sealed and on which shall 3e recorded the name of the ward, the date of counting and brict- description of its contents. (6) 'l"he Returning Officer shall place all the declaration forms in Form V Ill-A which he has found to be [n order in separate packet which shall be sealed before any envelope containing the postal ballot paper is opened and on which shall be recorded the particulars referred to in sub-rule (5). (7) The envelopes (Form VIII-B) containing the postal ballot papers not already dealt with under the foregoing prowsjons of this rule shall then be opened one after the other and tile.. Returning Officer shall scrutinise each ballot paper and decide the validity of the vote recorded thereon. (8) A postal ballot paper shall be rejected (a) if no vot_e is recorded thereon; or (b) if votes are given in favour ofmore candidates than one; or (c) if it is a spurious ballot paper; or (d) if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be esl.ablished; or (e) ifitis not returned in the envelope sent alongwith it to the elector by the Returning Officer. (9) A vote recorded on a postal ballot paper shall be rejected the mark indicating the vote is placed on lhe ballot paper in such manner as to make it doubtful to wilich candidate the vote has been given. 35 7 C G' T-/)p7_ 33 (IO) A vote recorded on a postal ballot paper shall not be rejected merely on the ground that the mark indicated on 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. (l I) The Returning Officer shall record on every ballot paper which he rejects the letter and the grounds of rejection in abbreviated form either in his own hand or by means of a rubber stamp. (12) The Returning Officer shall count or cause to be counted the valid votes given to each candidate on the postal ballot papers and record the total thereon in the result sheet in FOMI X-A and announce the same. (13) 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 and on which shall be recorded the name of the ward, the date of counting and a brief description of its contents

Form X-A, the Returning Officer shall prepare a return in Form XI of the results of polling and he shall also declare to be elected the candidates to whom most valid votes have been given : Provided that if there is equality of votes between any two or more candidates in a ward, the Returning Officer shall after such notice as may be necessary to the candidates concerned decide by drawing lots which candidate he shall declare to have been elected.(2) The Returning Officer shall also simultaneously publish the return showing the results of election in Form XI in the same manner as the notice in rule 12 and also cause the same to be published in a local newspaper

52. Transmission of documents, etc.to the Chief Executive Officer for safe custody .—fte Returning Officer shall, immediately after the declaration of the results of poll, forward to the Chief Executive Officer-— (i) (iü) (iv) (v) (vi) (viii) the sealed packets referred to in sub-rule (2) of rule 47 , the empty ballot boxes and their keys, if any, the lists of articles referred to in clause (ii) of sub-rule (3) of rule 47 received by him from the Polling Officers, account of ballot papers and tendered ballot papers referred to in clause (ii) of sub-rule (3) of rule 47, the sealed packets referred to in sub-rule (8) of rule 49. all unopened cover in

Form V ILI-C referred to in sub-rule (2) of rule 50 enclosed in a sealed packet, the contents thereof being marked outside. the sealed packets referred to in sub-rules (5), (6) and (13) of rule 50. 34 THE GAZETIE OF INDIA EXTRAORDINARY [PART 11—SEC. 4] 53. Custody and preservation of ballot boxes and (I) 'Ehe Chief Executive Officer shall preserve for papers. a peripd o [one year all article sent to him under rule 52 atter unless the President sees good reason to lhc contrary, he shall, except for the ballot boxes, destroy (2) While in custody of the Chief Executive Officer, lhe ballot papers (whether valid, rejected OT tendered) shall not be opened, inspected or produced anywhere except underorders in writing of a competent court or of the Officer enquiring Into an election petition. (3) All other documents in such custody shall be open for public inspection under the same conditions as other Cantonment documents which may be inspected by lhe public. CHAPITER VII ELECTION PETmON AND DISPUTE 54. Election petition.—No election shall be called in quéstlon except by an election petition presented in accordance with these rules, 55. Officer to whom the petition should be presented.—A petition calling in question the validity of an election or the return of a particuar Candidate may be presented In writing to thc District Judge of the district withiri which the election has been held (or where there is na Di$lrict Judge to such Judicial Officer as the Statc (30vcrmnent rnay appointin this behalf) within seven days after the. dale on which the result of the election was dcclavcd, either by a person who was a candidate at the cle.cuan or by not less than five persons entitled to vote at the sail] election . ravidcd that no such petition shall be presented on thc ground either that the name of any person qualified to vote has been ornitted from the electoral roll or that the n•cune Of any person not so qualified has been inserted in 56. I)eposit of Every petition shall be acc.on-tpatwed bv a deposit of three thousand rupees in cash ag security for lhe costs likely to bc incurred Provided that where such petition relates to the election of a candidate belonging to the Scheduled castes or the Scheduled Tribes, the amount of such deposit Shail be one! thousand and five hundred rupees 'only. (2) At the conclusion of the dispute, the deposit or, if lhe petilloner has been directed Jnder rule 58 to pay cost-sz lhe bal auce, if any, of the deposit after deduct]on of lhose cnsts•, shall be refunded to the petitioner

57. Inquiry into election.—Where a petition has been presented under rule 55 and the security deposited as rule 56, Lhe District Judge or thc afficcr appolnlhd accordance, with rule 55, or any judicial Officer subordinate, IO and not below such rank as the State Govei rvrjent Inay by notification in thc Official Gazette in Ch'S bebaEt la whom the District Judge may Lransfer the petition, shall after notice to all candidates for the ward concerned at the election (other than such of them as may be petitioners) hold such inquiry as he deems necessary

58. Powers of inquiry officer.—For the purpose of any Inquiry referred to in rule 57, the inquiry officer may summon and enforce the attendance of Witnesses and compel thern to give evidence as if he were a Civil COUTt, and may also direct by whom the whole or any part of thc costs of thc inquiry shall be paid and such costö shall except to such extent as they may be directed to be recovered from the deposit made under rule 56, be recoverable as if they had been awarded in a suit under the Code of Civil Procedure, 1908 (5 of 1908)

59. Grounds for declaring election void.—lf in the opinion of the inquiry officer— (a) the election has not been a free election by reason of the general employ ment of bribery or undue influence within the meaning of Section 171B or Section 17 IC of the Indian Pena] Code (45 of 1860), or the result of thc election has been materially affected by (i) thc cornrnission of a corrupt practice; or (ii) the improper acceptance or refusal of a notnination pa>er; or (iii) the irnproper reception or refusal of a vote; or (iv) thc failure to comply with Any provision of the Act or these rules, he shall set aside the electiom (b) thc election of a candidate has been procured, induced or aided by a corrupt practice by such candidatei but the election has not been otherwise materially iaffected, he shall declare the election of such candidate to be void and shall pass an order arncnding the declared result of the election according ly. 6().- Decision of the inquiry officer to be final.— The decision or order of the inquiry officer under rule 59 shall be finaL 61. Penalty for Commission of corrupt practice.— If after an inquiry under lule 57 , the inquiry officer is satisfied that a corrupt practice has been committed in connection with the election by any person, he may, if he thinks fit, declare such person (0 be disqualified from being a candidate in any election to any Cantonment Board för a period not exceeding five. years; and such declaration shall be final Provided that the Central Ciovcrnment Illay, if it thinks fit. at any t i nu: relieve such person from such disq i fi cation

62. Effect of notification of public holidays.— Notwithstanding, anything, contained in these rules, if any day on which any act or proceeding is posted or intended, to be donc or taken. is notified to be a public holiday for lhe purposes of Section 25 of the Negotiable Instrurnents Act, 1881 (26 01 188]) oris notified by the State Government •.o he a holiday for the Government offices in the State, theri , that act or proceeding shall be done or taken on the next succeeding day which is not a public holiday. HRST SCHEDULE [See rule 5) [Il—zgu-g 4] 35 Signature..... Date..... Date ....Cantonment ..ofthe . Name and particulars of adults residing in the above premises. Name (1) 1. 2. 3

4. Particulars as to Age on 1st March, 20 Can tonmen ts Cantonments which have '.o elecl 8 members Cantonments which have •.o elect 7 members Cantoninents which have 4.0 elect 6 members Cantonments which have •.o elect 2 members Approximate Percentage of Scheduled Caste or Scheduled Tribe population to total population father or husband (2) etc. INSTRUCTIONS (3) SECOND SCHEDULE N)RMS FORM [See rule 10] Electroral roll for -Serial Name 2 2

3. Age 3 ...Ward No. , Father' s name or Husband's name 4 .....Cantonment Address in full 5 1, The names of all persons who have completed 18 years of age on or before 1st March of this year and who are ordinarily residing in the premises should be entered

2. Only the names of those who are continuously residing in the Cantonment for a period of not less than six months immediately preceding 1st March should be entered

3. Enter against serial No.1 in the column (1), the name of the head or other •senior member of the family, provided he or she has the qualification mentioned in paragraphs land 2

4. In the case of every male resident, enter column (2), the name of his father preceded by the words son of

FORM I-A [See rule Ill LEITER OF REQUEST Place The occuptant of.... Dear Sir/Madam, The preparation of the Electoral roll for Ward No. . .....cantonment in which you resident has been taken in hand. It will greatly facilitate work if you will kindly complete the statement given below after reading the attached instructions and hand it over to my assistant who will call for it. Yours faithfully, Chief Executive Officer (ii) (iii) The name of the husband preceded by the words 'wife of' if she be married: The name of the late husband preceded by the words 'widow of' if she be a widow, and The name of the father preceded by the words 'daughter of' if she be unmarried

6. In column (3), enter the age of the person as accurately as possible, giving only the number of complete years and ignoring the months.FORM [See Rule 12] NOTICE TO CLAMS AND OBJECTIONS The preliminary electoral roll of voters for the Cantonment.....,..... is open to inspection at the Cantonment Board Office daily between 1 1 A.M. and 4 P.M. upto 15th August

2. Any person who claims to be entered in this roll and v€ho is not entered therein or is entered in an incorrect place or with incorrect particulars may put in a claim 36 GAZMTE OF INDIA EXTRAORDINARY [PART IL—SEC. 4) addressed to Chief Executive Officer to have his name entered. ov the registery corrected, as the case may be. 3 Any person whose narne is horne on this roll and who oh;ect.s to the inclusion of his own name, or that of any other person w'hose name IS on the roll, may prefer the addressed to the Chief Executive Officer

4. Clailll,s shall bc preferred in Form Ill and objec- t tons ili Forin IV or Form IV-A appended to this notice and Iliusl be siS_rned by the claimant or obiector or by his duly authorised agent; copies of the forms will be supplied frec by the Chiet Executive Officer on application

5. Clailns and objections may be presented to the Chicl- Executive Officer at any time during office hours or sent by post but it rnust reach him within twenty days of the date ot issue of this notice

6. Clailns and objections which are not preferred in the prcver torm or are not received by the date prescribed will be rejected

7. All claim and objections received in lilne and in that mv name has not been included in the electoral roll for any other ward.or that my narne has been included in the electoral roll for Ward No . of the Cantonment under the address mentioned below, and if so, I request that the same may be excluded from the electoral roll of the said ward. Signature or thumb impression of the claimant Place . Date . I being an elector whose name is included in part ND.. countersign it. proper fortn will be heard by

FORM m of the electoral roll under Serial . support this claim and Signature of the elector Name (in full) FORM IV [See Rule 13 ...at.....,....on . ths. President [See Rule 13 CLAI M APPI ,rcAT10N FOR INCLUSION OF NAME Eile Chle.fhxecutive Officer . Cantonrnent. Sir, equest that my name be included in the electoral OBJECTION TO NCLUSION OF NAME The Chief Executive Officer Cantonrnent. Sir, I object to the inclusion of name/the name of . Serial *No. In part I-oil tor the Ward -No. Nanac On lull). Father b/.Molher' s/Husband's Name.... Parl or place of residence are- VCard .....of the [hereb},' declare that to Lhe best of nny knowledge and of the electoral roll for Ward No. . . of the Cantonment for the following reason I hercbv declare Ihal the facts mentioned above, arc true to the best of lily knowledge, and belief. Narne has been included in the electoral roll for this ward as follows N:une (in full) *Father's/Hushancl' s/Mother's nmne.....,,.... rat I a resident of Ward No.. . ...of . Cantonrnent and that I have the-en continuously residing in the Cantonment for periad of not less than six rnonths irnrnediåteLv 1st March.. Ioal lily age on the first day of March last was Serial No, . Date Signal ure/thumb impre"ion of objector . . (full postal address)... ..years and that I resident at the address given above and arn eligible for registration as an elector.] have not applied for the inclusion of in the electoral roll for any other ward of the canto I being an elector whose name is included in part Df the electoral roll under Serial No.. support this obiectlon and countersign it. Signature of lhe elector Name (in full) *Strike out Inapplicable portion. FORM IV-A [See Rule 13 OBJECTION TO PARTICULARS IN ANY ENTRY Thc Chief Executive Officer .. Cantonment submit that the entry relating to myself which for Ward No.. Cantonment. Ward No. Number on roll 2 37 of the Nature of corrections 3 appears at Scrial No. No. . corrected to read as follows : of the electoral roll as is not correct. It should be The above claims and objections will be heard (and corrections finally considered) by *Strike out inapplicable portion. Chief Executive Officer FORMVI [See Rule 22] NONINAT10N PAPER Election for the Cantonment Board , to beheld on . (To be filled by the Proposer) I hereby nominate as a candidate for election from Ward No. at the election referred to above. Date . 2. 3 4 Signature/thumb impression of elector FORM V [See Rule 15] LIST OF CLAN AND OBJECTION The following persons have put in claims to be registered as electors (or to have the registry of [heir names corrected) on the roll for Ward No. of the cantonment. 1

2. Full name proposer —. Electoral roll Number of proposer Ward No. Roll No. .... PanN0. Name of claimant 2 Address 3 3. 4

5. Name of candidate's Father/husband .... Full postal address of candidate Electoral roll No. of candidate. Ward No. Part No. Date Ron No. .... Signature of Proposer The objections regarding entries in .... .Cantonment. Name of objector and number on roll 2 have been received the roll for the Name of person objected to and number on roll 3 The following corrections have been made by the (c) Ch ief Executive Officer of his own motion in the roll (To be filled by the Candidate) I, Lhe above mentioned candidate, hereby declare that to the best of my knowledge and belief I eligible for election as a memeber of the Cantonment Board and assent to this nomination. The symbols I have chosen are in order of preference. Date Signature of candidate 38 OF INDIA : EXTRAORDINARY Further declaration to be made by a Scheduled Caste or a Scheduled Tribe candidate hereby declare that I am a rnernber of the caste/tribe which is a IScheduled CastelTribe Df the State (hour) . in relation to . (area) in Signature of candidate (To be filled by the Returning Officer) Senal No. of nomination paper . 'l'h:s normnation was delivered to me at my office at (narne) candidate/election agenl. Returning Officer Date.. ('l'o be handed over to the person delivering the notice) "l Ile notice of withdrawal of candidate by candidate at the election to the Cantonment Board ..(hour) on by the *'candidate/proposer/election agent. . (date) . Returning . from ward No.. delivered to rne, (date). *Strike off one of the alternative as necessary. [See Rule 25] LI$T OF VALIDLY NOMR•€ATED CANDIDATFS. Flection to the Cantonment Board ot childldate Returning Officer

FORMVII-B [See Rule 27(3)] NOTICE OF WITHDRAWAL OF CANDIDATURES Election to thc C'antonrnent Board . Notice is hereby given that the following candidate/ candidates at the above election withdrew his/their candidature today Name of * *father/ husband/ rnot.her Address af candidate 4 Ward for nominated 5 Name 01 candidate . l'he nornination papers will be Laken up for Note —r scrutiny at (timc) at (place) on Lhe (date) . Date Reguming ()fficer [PART 11- -SEE. 4] ('l'o be filied by the Returning ()fficer) The notice was given to me at . on . (date) by . . was (hour) on Narne of rnother/ ho_sband Address of Ward for which candidate the candidate had been nominated Returning ()fficcr Seal i n-appropriate alternat_i ve. FORM VII.A [See Rule 27 NOTICE OF WITHDRAWAL Election to the Cantonment Board . (T a be filled by the candidate.) I'he. Returning C_)fficer I lent Board election (jan20nrnent. . a candidate in atc.d at the above election do hereby 2ive notice that I [Ily candidature. Signature of cand idate FORMVII-C [See Rule 31 | LLSI' OF CONTESTING CANDIDATES to Ille (_-:antontnent Board . Sl. 3

4. Naine ot candidate Address of candidate ton] lien t Ward for which nominated 4 Symbol allotted 5 I Yate . Returning Officer 39 Naine FORM Vm [See Rule 37] Bailot paper Election to the Cantonment Board (Syrnbol) . (Name 20. Cantt.) Ward No. PS) indicates Scheduled Caste/ Tribe candidates Narne (W) (W) indicates Women candida tes (Symbol) Back of ballot paper Print here serial number FORMVIII-A [See Rules 39 (6) (a) (i)) DECLARATION BY ELECTOR Election to the Cantonment Board . .. Ward hereby declare that I am the person whose name appears as elector number . clectoral roll fol Ward No. on the . to whom FORMVM-B [See Rules 39 (6) (a) (ii)] Envelope NOTTO BE OPENED BEFORE COUNTNG (a) Election to the Cantonment Board Ward No. .... POSTAL BALLOT PAPER Serial number of ballot paper . FORMVM-C [See Rules 39 (6) (a) (iii)] Cover NOT TO BE OPENED BEFORE COUNTRNG Election Immediate Cantonmentof POSTAL BALLOT PAPER Election to the Cantonment Board Ward No. The Returning Officer, Cantonment of Ward . (Address of Returning Officer) .. Cantonment FORMVIII-D [See Rules 39 (6) (a) (iv)l FOQM OF LEITER OF r•4TMATION AND NTRUCTIONS TO ELECIOR the postal ballot paper bearing serial number . has been issued at the . ... above election and that I have not voted In the election for this Cantonment, Date Signature of elector Address . Attestation of singature The above has been signed in Iny presence by . (Elector) who is personally known to me/ has been identified to my satisfaction by . Signature of identifier, if any, SignaLure of attesting officer Name (in block capital letters) . Designation.... Address . Date .... Address . Election to Cantonment of — .... Ward. Dear Sir/Madam, I . The persons whose names are printed on the ballot paper sent herewith have been nominated as candidates for the election to the Cantonment Board of . ward , ... should you desire to vote at this election, I have request that (a) (b) (c) You will record your vote by placing a 'X' mark (clearly) on the ballot paper on or near the symbol opposite to the name of the candidate for whom you wish to vote. The mark should be so placed as to indicate clearly and beyond doubt to which candidate you are giving your vote. If the mark is so placed as to make it doubtful to which candidate you have given the vote, that vote will be invalid. You shall not given more than one vote. After you have recorded your vote on the ballot paper, place the ballot paper in the envelope marked 40 THE GAZETTE OF INDIA : EXTRAORDINARY 'A' sent herewith, close the envelope and secure it 11 FORM X —SEC. 4] by seal or otherwise. (d) You will then sign the enclosed declaration in Form VIII-A in the presence of an attesting officer who shhll attest only your signature, but not your vote which you should not record in the presence of the aliestlng officer. You must not show your ballot paper to the attesting officer nor tell him how you have voted. (e) Yqu will then place the closed envelope marked 'A' and the duly attested declaration form, in the cover Mhvked 'B' addressed to me and return the cover to by prepaid post or by messenger so as to reach [See Rule 44] LIST OF CHALLENGED VOTES No. on the electoral roll Iné before 5 P.M. on the . dav of Name Address Signature of elector if literate or thumb impres- Sion of elector if illiterate with signal ute of witness FORM X-A [See Rules 49 and SO] WSULIS SHEET 2 one only* rrhe number of the members to be elected is Cover returned by post on which the postage has nol been pre-paid will not be received by me. The officers who are empowered to attest thc 4 ELFCIION To the Cantonment Board... from Ward No.....,,. Polling Number of valid station votes cast in favour of Name ballot p4per are (l) stipendary Magistrate. or (2) any Num ber of Valid Rejected Votes Votes 5 Ward Your number on the electoral roll för.. .. You should insert this num er in the declaration Form VII[-A. Yours faithfully, Returning Officer ShP/Smt. Address . FORM [See TENDERED VOTES LIST No. on eiectorai Name Address Signature of clcctor if literate or thumb

impres- Sion of elector if illiterate with signature cf witness 4. Total votes tor polling station REMARKS Total nurnber of votes recorded at polling station Number of votes recqrded on postaE ballot papers, Total votes polled Place l)ate . FORM I See Rule 51] Returning Officer *RETURN SHOWING THE RESULTS OFTHE ELECTION FOR THE .. CANTONMENT. Ward 2 4 Narnes of candidates Number of valid votes received 3 Candidate declared tc be elected 4 dc hereby' declare that the candidates whose names arc entered in colutnn 4 have been duly elected. Returning Officer ANAND MISRA, Jt. secy. Printed the Manager, Govt. and Published by of India Press, Ring Road, Mayapun, New 10064 the Controller of Publications. Delhi-1 10054