*THE CONDUCT OF ELECTIONS RULES, 1961[1]

PART I

Preliminary

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1. Short title and commencement.—(*1*) These rules may be called the Conduct of Elections Rules, 1961.

(*2*) They shall come into force on the 25th day of April, 1961:

Provided that these rules shall not apply to or in relation to any election called but not completed before that date and the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1956, shall continue to apply to or in relation to any such election as if these rules had not been made.

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

(*a*) "Act" means the Representation of the People Act, 1951 (43 of 1951);

(*b*) "ballot box" includes any box, bag or other receptacle used for the insertion of ballot paper by voters;

[2][(*ba*) "counterfoil" means the counterfoil attached to a ballot paper printed under the provisions of these rules;]

[3]* * * * *

(*c*) "election by assembly members" means an election to the Council of States by the elected members of the Legislative Assembly of a State by the members of the electoral college of a Union territory, or an election to the Legislative Council of a State by the members of the Legislative Assembly of that State;

(*d*) "elector", in relation to an election by assembly members, means any person entitled to vote at that election;

(*e*) "electoral roll", in relation to an election by assembly members, means the list maintained under section 152 by the returning officer for that election;

(*f*) "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 constituency to which the electoral roll relates;

[4][(*g*) "Form" means a Form appended to these rules and in respect of any election in a State, includes a translation thereof in any of the languages used for official purposes of the State;

* Rules amended *vide* Notification. No. S.O. 272(E), dated the 27th February, 2004.

1. Published with the Ministry of Law Notification No. S.O. 859, dated the 15th April, 1961, *see* Gazette of India, Extraordinary, Part II, Section 3(*ii*), Page 419.

2. Ins. by Notification No. S.O. 5573, dated the 23rd December, 1971.

3. Ins. by Notification No. S.O. 3875, dated the 15th December, 1966 and omitted by Notification No. S.O. 1294(E), dated the 11th November, 2003.

4. Subs. by Notification No. S.O. 3450, dated the 9th November, 1966, for cl. (*g*).

[1][(*gg*) "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 an election by assembly members, means the place fixed under section 29 for taking the poll at that election;

(*i*) "presiding officer" includes—

(*i*) any polling officer performing any of the functions of a presiding officer under sub-section (*2*) or sub-section (*3*) of section 26; and

(*ii*) any returning officer while presiding over an election under sub-section (*2*) of section 29;

(*j*) "returning officer" includes any assistant returning officer performing any function he is authorised to perform under sub-section (*2*) of section 22;

(*k*) "section" means a section of the Act.

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

(*a*) he has placed a mark on such instrument or other paper in the presence of the returning officer or the presiding officer or such other officer as may be specified in this behalf by the Election Commission; and

(*b*) such officer on being satisfied as to his identity has attested the mark as being the mark of that person.

(*3*) Any requirement under these rules that a notification, order, declaration, notice or list issued or made by any authority shall be published in the Official Gazette shall, unless otherwise expressly provided in these rules, be construed as a requirement that it shall be published in the Gazette of India if it relates to an election to, or membership of, either House of Parliament or an electoral college, and in the Official Gazette of the State, if it relates to an election to, or membership of, the House or either House of the State Legislature.

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

PART II

General provisions

3. Public notice of intended election.—The public notice of an intended election referred to in section 31 shall be in

Form 1 and shall, subject to any directions of the Election Commission, be published in such manner as the returning officer thinks fit.

4. Nomination paper.—Every nomination paper presented under sub-section (*1*) of section 33 shall be completed in such one of the Forms 2A to 2E as may be appropriate:

Provided that a failure to complete or defect in completing, the declaration as to symbols in a nomination paper in

Form 2A or Form 2B shall not be deemed to be a defect of a substantial character within the meaning of sub-section (*4*) of section 36.

[2][**4A. Form of affidavit to be filed at the time of delivering nomination paper**.—The candidate or his proposer, as the case may be, shall, at the time of delivering to the returning officer the nomination paper under sub-section (*1*) of section 33 of the Act, also deliver to him an affidavit sworn by the candidate before a Magistrate of the first class or a Notary in

Form 26.]

1. Subs. by Notification No. S.O. 5573, dated the 23rd December, 1971, for cl.(*gg*). 2. Ins. by Notification No. S.O. 935 (E), dated the 8th September, 2002.

5. Symbols for elections in parliamentary and assembly constituencies.—(*1*) The Election Commission shall, by notification in the Gazette of India, and in the Official Gazette of each State, specify the symbols that may be chosen by candidates at elections in parliamentary or assembly constituencies and the restrictions to which their choice shall be subject.

(*2*) [1][Subject to any general or special direction issued by the Election Commission either under sub-rule (*4*) or sub-rule (*5*) of rule 10, where at any such election], more nomination papers than one are delivered by or on behalf of a candidate, the declaration as to symbols made in the nomination paper first delivered, and no other declaration as to symbols, shall be taken into consideration under rule 10 even if that nomination paper has been rejected.

6. Authentication of certificates issued by the Election Commission.—A certificate issued by the Election Commission under [2][sub-section (*2*) of section 9] or under sub-section (*3*) of section 33 shall be signed by the Secretary to the Election Commission and shall bear its official seal.

7. Notice of nominations.—The notice of nominations under section 35 shall be in such one of the Forms 3A to 3C as may be appropriate.

[3][**8. List of validly nominated candidates**.—(*1*) The list of validly nominated candidates referred to in sub-section (*8*) of section 36 shall be in

Form 4.

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

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

Form 4 and adopt that form and spelling in the list of contesting candidates.]

9. Notice of withdrawal of candidature.—(*1*) A notice of withdrawal of candidature under sub-section (*1*) of section 37 shall be in Form 5 and shall contain the particulars set out therein; and on receipt of such notice, the returning officer shall note thereon the date and time at which it was delivered.

10. Preparation of list of contesting candidates.—(*1*) The list of contesting candidates referred to in sub-section (*1*) of section 38 shall be in

Form 7A or Form 7B as may be appropriate and shall contain the particulars set out therein and shall be prepared in such language or languages as the Election Commission may direct.

[4]* * * * *

(*3*) If the list is prepared in more languages than one, the names of candidates therein shall be arranged alphabetically according to the script of such one of those languages as the Election Commission may direct.

1. Subs. by Notification No. S.O. 5573, dated the 23rd December, 1971, for certain words.

2. Subs. by Notification No. S.O. 1542, dated the 25th April, 1967, for certain words.

3. Subs. by Notification No. S.O. 3450, dated the 9th November, 1966, for rule 8.

4. Sub-rule (2) omitted by Notification No. S.O. 3662, dated the 12th October, 1964 (w.e.f. 10-11-1964).

(*4*) At an election in a parliamentary or assembly constituency, where a poll becomes necessary, the returning officer shall consider the choice of symbols expressed by the contesting candidates in their nomination papers and shall, subject to any general or special direction issued in this behalf by the Election Commission,—

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

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

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

(*6*) Every candidate or his election agent shall forthwith be informed of the symbol allotted to the candidate and be supplied with a specimen thereof by the returning officer.

[1][**11. Publication of list of contesting candidates and declaration of result in uncontested election.—**(*1*) The returning officer shall, immediately after its preparation, cause a copy of the list of contesting candidates to be affixed in some conspicuous place in his office and where the number of contesting candidates is equal to, or less than, the number of seats to be filled, he shall, immediately after such affixation, declare under sub-section (*2*) or as the case may be, sub-section (*3*) of section 53 the result of the election in such one of the Forms 21 to 21B as may be appropriate and send signed copies of the declaration to the appropriate authority, the Election Commission and the chief electoral officer.

(*2*) If a poll becomes necessary under sub-section (*1*) of section 53, the returning officer shall supply a copy of the list of contesting candidates to each such candidate or his election agent, and then shall also publish the list in the Official Gazette.]

12. Appointment of election agent.—[2][(*1*) Any appointment of an election agent under section 40 shall be made in Form 8 and the notice of such appointment shall be given by forwarding the same in duplicate to the returning officer who shall return one copy thereof to the election agent after affixing thereon his seal and signature in token of his approval of the appointment.]

(*2*) The revocation of the appointment of an election agent under sub-section (*1*) of section 42 shall be made in

Form 9.

13. Appointment of polling agents.—(*1*) The number of polling agents that may be appointed under section 46 shall be one agent and two relief agents.

(*2*) Every such appointment shall be made in Form 10 and shall be made over to the polling agent for production at the polling station or the place fixed for the poll, as the case may be.

(*3*) No polling agent shall be admitted into the polling station or the place fixed for the poll unless he has delivered to the presiding officer the instrument of his appointment under sub-rule (*2*) after duly completing and signing before the presiding officer the declaration contained therein.

14. Revocation of the appointment of a polling agent.—(*1*) The revocation of the appointment of a polling agent under sub-section (*1*) of section 48 shall be made in

Form 11 and lodged with the presiding officer.

(*2*) In the event of any such revocation the candidate or his election agent may, at any time before the poll is closed, make a fresh appointment in the manner specified in rule 13 and the provisions of that rule shall apply to every such agent.

1. Subs. by Notification No. S.O. 4542, dated the 20th December, 1968 (w.e.f. 1-1-1969) for rule 11. 2. Subs. by Notification No. S.O. 3450, dated the 9th November, 1966, for sub-rule (*1*).

15. Publication of the hours fixed for polling.—The hours fixed for polling under section 56 shall be published by notification in the Official Gazette.

16. Voting normally to be in person.—Save as hereinafter provided, all electors voting at an election shall do so in person at the polling station provided for them under section 25 or, as the case may be, at the place of polling fixed under section 29.

PART III

Postal ballot

17. Definitions.—In this Part,—

1[(*a*) "service voter" means any person specified in clause (*a*) or clause (*b*) of section 60, but does not include "classified service voter" defined in rule 27M;]

(*b*) "special voter" means any person holding an office to which the provisions of sub-section (*4*) of section 20 of the Representation of the People Act, 1950 (43 of 1950) are declared to apply or the 2[spouse] of such person, if he or she has been registered as an elector by virtue of a statement made under sub-section (*5*) of the said section;

(*c*) "voter on election duty" means any polling agent, 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 as the polling station where he is entitled to vote.

18. Persons entitled to vote by post.—The following persons shall, subject to their fulfilling the requirements hereinafter specified, be entitled to vote by post, namely:—

(*a*) at an election in a parliamentary or assembly constituency—

(*i*) special voters;

(*ii*) service voters;

(*iii*) voters on election duty; and

(*iv*) electors subjected to preventive detention;

3[(*v*) persons notified under clause (*c*) of section 60 of the Act, including absentee voters;]

(*b*) at an election in a council constituency—

(*i*) voters on election duty;

(*ii*) electors subjected to preventive detention; and

(*iii*) electors in the whole or any specified parts, of the constituency if directed by the Election Commission in this behalf under clause (*b*) of rule 68;

(*c*) at an election by a assembly members—

(*i*) electors subjected to preventive detention; and

(*ii*) all electors if directed by the Election Commission in this behalf under clause (*a*) of rule 68.

1. Subs. by Notification No. S.O. 903(E), dated the 5th August, 2003, in rule 17 for cl (*a*). 2. Subs. by Notification No. S.O. 2804(E), dated the 17th June, 2022, for the word "wife". 3. Ins. by Notification No. S.O. 3786(E), dated the 22th October, 2019.

1**[18A. Voters on election duty to cast his vote at facilitation centre.—**Notwithstanding anything in this Part, a voter on election duty shall receive his postal ballot, record his vote thereon in accordance with this Part and return the same at the facilitation centre as specified, in writing, by the returning officer.]

19. Intimation by special voters.—A special voter who wishes to vote by post at an election shall send an intimation in Form 12 to the returning officer so as to reach him at least ten days before the date of poll; and on receipt of the intimation the returning officer shall issue a postal ballot paper to him.

20. Intimation by voters on election duty.—[2][(*1*)] A voter on election duty who wishes to vote by post at an election shall send an application in Form 12 to the returning officer so as to reach him at least seven days or such shorter period as the returning officer may allow before the date of poll; and if the returning officer is satisfied that the applicant is a voter on election duty, he shall issue a postal ballot paper to him.

[3][(*2*) Where such voter, being a polling officer, presiding officer or other public servant on election duty in the constituency of which he is an elector, wishes to vote in person at an election [4][in a parliamentary or assembly constituency] and not by post, he shall send an application in

Form 12A to the returning officer so as to reach him at least four days, or such shorter period as the returning officer may allow, before the date of poll; and if the returning officer is satisfied that the applicant is such public servant and voter on election duty in the constituency, he shall—

Form 12B;

(*b*) mark 'EDC' against his name in the marked copy of the electoral roll to indicate that an election duty certificate has been issued to him; and

(*c*) ensure that he is not allowed to vote at the polling station where he would otherwise have been entitled to vote.]

21. Electors under preventive detention.—(*1*) The appropriate Government shall, within fifteen days of the calling of an election, ascertain and intimate to the returning officer the names of the electors, if any, subjected to preventive detention together with their addresses and electoral roll numbers and the particulars about their places of detention.

(*2*) Any elector subjected to preventive detention may, within fifteen days of the calling of an election, send an intimation to the returning officer that he wishes to vote by post, specifying his name, address, electoral roll number and place of detention.

(*3*) The returning officer shall issue a postal ballot paper to every elector subjected to preventive detention whose name has been intimated to him under sub-rule (*1*) or under sub-rule (*2*).

22. Form of ballot paper.—[5][(*1*) Every postal ballot paper shall have a counterfoil attached thereto, and the said ballot paper and the counterfoil shall be in such form, and the particulars therein shall be in such language or languages, as the Election Commission may direct.]

(*2*) The names of the candidates shall be arranged [6][on the postal ballot paper] in the order in which they appear in the list of contesting candidates.

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

1. Ins. by Notification No. S.O. 3778(E), dated the 23rd August, 2023.

2. Rule 20 renumbered as sub-rule (*1*) of that rule by Notification No. S.O. 3662, dated the 12th October, 1964 (w.e.f. 1-11-1964). 3. Ins., *ibid*. (w.e.f. 1-11-1964).

4. Ins. by Notification No. S.O. 3450, dated the 9th November, 1966.

5. Subs. by Notification No. S.O. 5573, dated the 23rd December, 1971, for sub-rule (*1*).

6. Ins. *ibid.,*

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

(*a*) a declaration in

Form 13A;

(*b*) a cover in Form 13B;

Form 13D:

Provided that the returning officer may, in the case of a special voter or a voter on election duty, deliver the ballot paper and forms, or cause them to be delivered, to such voter personally:

[1][Provided further that the postal ballot paper may be transmitted by the Returning Officer by such electronic means as may be specified by the Election Commission for the persons specified in sub-clause (*ii*) of clause (*a*) of rule 18;]

[1][(*1A*) Where a postal ballot paper is transmitted electronically, the provisions of this rule and rules 22, 24, and 27 shall, *mutatis mutandis*, apply].

[2][(*2*) The returning officer shall at the same time—

(*a*) record on the counterfoil of the ballot paper the electoral roll number of the electoral as entered in the marked copy of the electoral roll;

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

(*c*) ensure that that elector is not allowed to vote at a polling station.]

(*3*) Before any ballot paper is issued to an elector at an election in a local authorities' constituency or by assembly members, the serial number of the ballot paper shall be effectively concealed in such manner as the Election Commission may direct.

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

(*5*) After ballot papers have been issued to all the electors entitled to vote by post, the returning officer shall—

(*a*) at an election in a parliamentary or assembly constituency, [3][subject to the provisions of rule 27P, seal up in a packet] that part of the marked copy of the electoral roll which relates to service voters and record on the packet a brief description of its contents and the date on which it was sealed and send the other relevant parts of the marked copy to the several presiding officers [4][or marking the names of electors to whom ballot papers are issued at the polling stations without however recording therein the serial numbers of the ballot papers issued to the electors]; and

(*b*) at any other election, seal up in a packet the marked copy of the electoral roll and record on the packet a brief description of its contents and the date on which it is sealed.

[5] [(*6*) The returning officer shall also seal up in a separate packet the counterfoils of the ballot papers issued to electors entitled to vote by post and record on the packet a brief description of its contents and the date on which it was sealed.]

1. Ins. by Notification No. S.O 3263 (E), dated the 21st October, 2016.

2. Subs. by Notification No. S.O 5573, dated the 23rd December, 1971, for sub-rule (2).

3. Subs. by Notification No. 903 (E), dated the 5th August, 2003, for "Seal up in a packet". 4. Subs. by Notification No. S.O 5573, dated the 23rd December, 1971, for Certain words. 5. Ins. by Notification No. S.O 5573, dated the 23rd December, 1971.

24. Recording of Vote.—(*1*) An elector who has received a postal ballot paper and desires to vote shall record his vote on the ballot paper in accordance with the directions contained in Part I of

Form 13A in the presence of, and have the signature attested by, a stipendiary magistrate or such other officer specified below, as may be appropriate, to whom he is personally known or to whose satisfaction he has been identified—

(*a*) in the case of a service voter, such officer as may be appointed in this behalf by the Commanding Officer of the unit, ship or establishment in which the voter or her husband, as the case may be, is employed or such officer as may be appointed in this behalf by the diplomatic or consular representative of India in the country in which such voter is resident;

(*b*) in the case of a special voter, an officer not below the rank of a Deputy Secretary to Government;

(*c*) in the case of a voter on election duty, [1][any Group A or Group B officer] [2][or the presiding officer of the polling station at which he is on election duty];

(*d*) in the case of an elector under preventive detention, the Superintendent of the Jail or the Commandant of the detention camp in which the elector is under detention; and

(*e*) in any other case, such officer as may be notified in this behalf by the Election Commission.

25. Assistance to illiterate or infirm voters.—(*1*) If an elector is unable through illiteracy, blindness or other physical infirmity to record his vote on a postal ballot paper and sign the declaration, he shall take the ballot paper, together with the declaration and the covers received by him to an officer competent to attest his signature under sub-rule (*2*) of rule 24 and request the officer to record his vote and sign his declaration on his behalf.

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

Form 13A.

26. Re-issue of ballot paper.—(*1*) When a postal ballot paper and other papers sent under rule 23 are for any reason returned undelivered, the returning officer may re-issue them by post under certificate of posting or deliver them or cause them to be delivered to the elector personally on a request being made by him.

(*2*) If any elector has inadvertently dealt with the ballot paper or any of the other papers sent to him under rule 23 in such a manner that they cannot conveniently be used, a second set of the papers shall be issued to him after he has returned the spoiled papers and satisfied the returning officer of the inadvertence.

(*3*) The returning officer shall cancel the spoiled papers so returned and keep them in a separate packet after noting thereon the particulars of the election and the serial numbers of the cancelled ballot papers.

27. Return of ballot paper.—(*1*) After an elector has recorded his vote and made his declaration under rule 24 or rule 25, he shall return the ballot paper and declaration to the returning officer in accordance with the instructions communicated to him in Part II of

Form 13D so as to reach the returning officer before [3][the hour fixed for the commencement of counting of votes].

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

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

1. Subs. by Notification No. S.O. 3778 (E) dated the 23rd Auguest, 2023 for the words "any gazetted officer". 2. Ins. by Notification No. S.O. 3450, dated the 9th November, 1966.

3. Subs. by Notification No. S.O. 479A, dated the 27th January, 1971, for certain words.

[1][PART IIIA

Procedure for voting by the notified class of electors

27A. Definitions.—In this Part, unless the context otherwise requires,—

(*a*) "Assistant Returning Officer", for the notified class of electors, means the Assistant Returning Officer notified by the Election Commission for the purposes of this Part;

[2][(*aa*) 'absentee voter' means a person belonging to such class of persons as may be notified, under clause (*c*) of section 60 of the Act, and who is employed in essential services as mentioned in the said notification, and includes an elector belonging to the class of senior citizen or persons with disability [3][or the COVID 19 suspect or affected persons];

(*ab*) 'nodal officer' means an officer authorised to verify the claim of an absentee voter not being an elector belonging to the class of senior citizen or persons with disability;]

(*b*) "notified elector" means an elector who belongs to a class of persons notified by the Election Commission under clause (*c*) of section 60 of [4][the Act, other than an absentee voter].

[2][(*c*) 'person with disability' means [5][a person with benchmark disability as defined in clause (r) of section 2 of the Rights of Persons with Disabilities Act, 2016 and flagged] as person with disability in the data base for the electoral roll;

(*d*) 'poll officer' means the officer deputed to issue postal ballot to elector belonging to the class of senior citizen or persons with disability;

(*e*) 'senior citizen' for the purpose of this Part means an elector belonging to the class of absentee voters and is [6][above 80 years] of age;]

[3][(*f*) "COVID 19 suspect or affected persons" means the electors who are—

(*i*) tested as COVID 19 positive by the Government Hospital or the Hospital recognised by the Government as COVID Hospital; or

(*ii*) under home quarantine or institutional quarantine due to COVID 19, and certified by such competent authority, as may be notified by the State Government or Union territory Administration.]

27B. Special provisions for voting by the notified class of electors.—Notwithstanding anything contained in Part III, the provisions of this Part shall apply to a notified elector who wishes to vote by post at an election.

27C. Intimation by a notified elector.—A notified elector, who wishes to vote by post at an election shall send an application in Form 12C to the Assistant Returning Officer for the notified class of electors so as to reach him at least ten days before the date of the poll and on receipt of the intimation such Assistant Returning Officer shall issue a postal ballot paper to him:

Provided that an application which does not furnish complete particulars as required in Form 12C may be rejected if such Assistant Returning Officer, despite making reasonable efforts, is not in a position to ascertain the requisite information:

Form 12D, and shall contain such particulars as specified therein, and shall be duly verified by the Nodal Officer for the absentee voter, other

1. Part IIIA ins. by Notification No. S.O. 32(E), dated the 1st May, 1996 and Subs. by Notification No. S.O. 92(E), dated the 27th January, 1998. 2. Ins. by Notification No. S.O. 3786(E), dated the 22nd October, 2019.

3. Ins. by Notification No. S.O. 1964(E), dated the 19th June, 2020.

4. Subs. by Notification No. S.O. 3786(E), dated the 22nd October, 2019 for the words "the Act". 5.

Subs. by Notification No. S.O. 3778(E), dated the 23rd August, 2023 for the words "a person flagged".

6. Subs. *ibid.*, for the figures and words "above 65 years".

7. Subs. by Notification No. 3786(E), dated the 22nd October, 2019 for the second proviso.

than senior citizen or persons with disability, which shall reach the Returning Officer within five days following the date of notification of election;

Provided also that an application in Form 12C or 12D without a certificate from the authorised officer or nodal officer as required under Part II of Form 12 or 12D shall be rejected.]

27D. Form of ballot paper.—(*1*) Every postal ballot paper shall have a counterfoil attached thereto and the said ballot paper and the counterfoil shall be in such form and the particulars therein shall be in such language or languages as the Election Commission may direct.

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

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

27E. Issue of ballot paper.—(*1*) A postal ballot paper shall be sent by post under certificate of posting to the notified elector together with—

(*a*) a declaration in Form 13A;

(*b*) a cover in Form 13B;

Form 13E:

Provided that the Assistant Returning Officer of the notified class of electors may deliver, or cause to be delivered, the ballot paper and the Forms to the notified elector Personally:

1[Provided further that in the case of absentee voter, the postal ballot paper shall be issued in such manner as may be specified by the Election Commission.]

(*2*) The Assistant Returning Officer for the notified class of electors shall at the same time—

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

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

(*c*) ensure that the elector is not allowed to vote at a polling station.

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

(*4*) The Assistant Returning Officer for the notified class of electors shall ensure that ballot papers are issued to all such electors whose intimation has been received in accordance with rule 27C and who are entitled to vote by post before eight days from the date of poll in the constituency and shall on expiry of the said period of eight days keep the marked copies of the electoral rolls in sealed envelopes and record on the envelopes a brief description of its contents and the date on which it was sealed and send the sealed envelopes to the Returning Officer concerned.

(*5*) The Assistant Returning Officer for the notified class of electors shall also seal in a separate packet the counterfoils of the ballot papers issued to electors entitled to vote by post and record on the packet a brief

1. Ins. by Notification No. S.O. 3786(E), dated the 22nd October, 2019.

description of its contents and the date on which it was sealed and send the sealed packet to the Returning Officer concerned.

27F. Recording of vote.—(*1*) A notified elector who has received a postal ballot paper and desires to vote shall record his vote on the ballot paper in accordance with the instructions contained in

Form 13A in the presence of, and have the signature attested by, an officer authorised under sub-rule (*2*) of rule 27J.

[1][(*3*) In the case of an absentee voter, the recording of vote shall be made in such centre as may be specified by the Election Commission:

Provided that in the case of absentee voter in the class of senior citizen or persons with disability, the attestation of declaration in

Form 13A shall be done by the poll officer.

27G. Assistance to illiterate or infirm electors.—(*1*) If a notified elector is unable through illiteracy, blindness or other physical infirmity to record his vote on a postal ballot paper and sign the declaration, he shall take the ballot paper together with the declaration and the covers received by him to an officer authorised under sub-rule (*2*) of rule 27J and request the officer to record his vote and sign his declaration on his behalf.

(*2*) Such officer shall thereupon mark the ballot paper in accordance with the wishes of the elector in his presence, sign the declaration on his behalf and complete all the requirements to be made in this behalf.

27H. Re-issue of ballot paper.—(*1*) When a postal ballot paper and other papers sent under rule 27E are for any reason returned undelivered, the Assistant Returning Officer for the notified class of electors may re-issue them by post under certificate of posting or deliver them or cause them to be delivered to the elector personally either on a request being made by him or of his own.

(*2*) If any notified elector has inadvertently dealt with the ballot paper or any of the other papers sent to him under rule 27E in such a manner that they cannot conveniently be used, a second set of the papers shall be issued to him after he has returned the spoiled papers and satisfied the Assistant Returning Officer for the notified class of electors of the inadvertence.

(*3*) The Assistant Returning Officer for the notified class of electors shall cancel the spoiled papers so returned and keep them in a separate packet after noting thereon the particulars of the election and the serial numbers of the cancelled ballot papers.

27-I. Return of ballot paper.—(*1*) After a notified elector has recorded his vote and made his declaration under rule 27F or rule 27G, he shall return the ballot paper and the declaration to the Returning Officer concerned before the hour fixed for the commencement of counting of votes.

[1][Provided that in the case of absentee voter, postal ballot paper shall be returned to the centre provided for recording of vote under sub-rule (*3*) of rule 27F, subject to any direction that may be issued by the Election Commission in this behalf.]

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

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

27J. Officers authorised to perform certain functions under this Part.—(*1*) The officers mentioned in sub-rule (*2*) shall be the authorised officers for the purpose of—

(*a*) sub-rule (*2*) of rule 27G;

1. Ins. by Notification No. S.O. No. 3786(E) dated the 22nd October, 2019.

(*b*) issuing certificate in Part II of Form 12C.

(*2*) Any of the following officers shall be the authorised officers for the purpose of sub-rule (*1*) —

(*a*) an officer in charge of a migrant camp/area;

(*b*) an officer in charge of an office from where the migrant elector draws his salary as a migrant employee;

(*c*) an officer in charge of a treasury/bank from where the migrant elector draws his pension as a pensioner;

(*d*) any gazetted officer.

27K. Marked copy of the electoral roll.—The Returning Officer shall ensure that the marked copy of the electoral roll received by him from the Assistant Returning Officer for the notified class of electors is used during the poll in the constituency that such electors who have been supplied with a postal ballot paper do not cast the vote again.

27L. Notwithstanding anything contained in rule 54A, the Election Commission may direct, by notification in the Official Gazette, that the postal ballot papers may be mixed with the ordinary ballot papers at the time of mixing of ordinary ballot papers under rule 59A and, in that case, the Election Commission may also prescribe, by directions to the Returning Officers, the manner in which the mixing of postal ballot papers shall be done with the ordinary ballot papers in the constituency.]

[1][PART IIIB

Voting by classified service voters through proxy

27M. Definitions.—In this Part, unless the context otherwise requires,—

(*a*) "classified service voter" means any person specified in clause (*a*) of section 60, who opts to give his vote by proxy;

(*b*) "proxy" means the person appointed by a classified service voter as his proxy under rule 27N to give vote on his behalf and in his name;

(*c*) "service voter" means any person specified in clause (*a*) of section 60 and registered as an elector in the last part of the electoral roll for the constituency.

27N. Appointment of proxy by a classified service voter.—(*1*) A service voter may opt to give his vote by proxy appointed in the manner provided in sub-rules (*2*) to (*4*).

(*2*) Any service voter opting to vote by proxy may appoint any person as his proxy to give vote on his behalf and in his name at an election in a parliamentary or assembly constituency:

Provided that such proxy shall be an ordinary resident in the constituency concerned and of not less than 18 years of age and shall not be disqualified for registration as an elector in an electoral roll under section 16 of the Representation of the People Act, 1950 (43 of 1950).

Form 13F.

(*4*) Any appointment of proxy made under sub-rule (*3*) shall be deemed to be valid so long as the person making it continues to be a service voter or till the date he revokes such appointment, or dies, whichever is earlier:

Provided that any revocation of appointment shall be made in Form 13G and shall be effective from the date on which it is received by the returning officer:

1. Ins. by Notification No. S.O. 903(E), dated the 5th August, 2003.

Provided further that where he revokes such appointment, or the proxy appointed by him dies, while he remains a service voter, he may appoint another person as proxy under these rules, as a substitute proxy in

Form 13G and the substitute proxy so appointed shall be the proxy appointed by such classified service voter under sub-rule (*3*) from the date of receipt of the Form 13G by the returning officer.

27-O. Intimation of name of proxy by the classified service voter.—(*1*) The name of the proxy appointed by a classified service voter under sub-rule (*3*), or, as the case may be, under the second proviso to sub-rule (*4*), of rule 27N shall be intimated by him to the returning office as soon as may be after such appointment is made, and such intimation must reach the returning officer not later than the last date for making nominations for the earliest election in the constituency after such appointment.

(*2*) Notwithstanding anything contained in sub-rule (*1*), if any intimation under that sub-rule reaches the returning officer after the last date for making nominations in the constituency, such intimation shall not be valid for the election then in progress, but shall, subject to the provisions of sub-rule (*4*) of rule 27N, be valid for any future election in the constituency.

27P. Action by returning officer on intimation of name of proxy.—(*1*) On receipt of intimation under rule 27-O from a classified service voter in regard to his proxy, the returning officer shall mark "CSV" against the name of such voter in the last part of the electoral roll containing the names of all service voters so as to indicate that the said voter has appointed his proxy, and the returning officer shall—

(*a*) If it is an intimation received before the last date for making nominations in the constituency, ensure that no postal ballot paper is issued to such classified service voter; and

(*b*) if it is an intimation received after the said last date, ensure that a postal ballot paper is issued to such classified service voter for the election then in progress, in accordance with the provisions contained in Part III of these rules.

(*2*) The returning officer shall also prepare, and maintain up-to-date, a separate list of all classified service voters who have given intimation of their proxies under rule 27-O, and also of all such proxies with their complete addresses, in such form and such manner as the Election Commission may specify from time to time.

(*3*) As soon as may be after the last date for making nominations in the constituency, the returning officer shall, on the basis of the list maintained under sub-rule (*2*) and subject to such further direction as the Election Commission may give in this behalf, prepare or cause to be prepared polling station-wise sub-lists of all classified service voters and their proxies having regard to the residential address of each such classified service voter as given in the electoral roll.

(*4*) Each sub-list prepared under sub-rule (*3*) shall thereafter be caused to be added by the returning officer at the end to the relevant part of the electoral roll pertaining to each polling station concerned, and such relevant part of the electoral roll together with the said sub-list shall be deemed to be the copy of the electoral roll to be used as the marked copy of the electoral roll under rule 33A or, as the case may be, under rule 49F during the poll at the polling station concerned.

27Q. Recording of votes of proxy.—(*1*) A person voting as proxy for a classified service voter shall do so in person at the polling station concerned in the electoral roll of which the name of such classified service voter is added under sub-rule (*4*) of rule 27P.

(*2*) The person voting as proxy shall record the vote on behalf of the classified service voter at the said polling station, in the same manner as any other elector assigned to that polling station and the provisions of rules 34, 35 and 36 to 43 or, as the case may be, rules 49G, 49H, 49J to 49R shall apply in relation to the recording of vote by such proxy as they apply to any other elector at the polling station:

Provided that any reference to left forefinger of elector in rule 37 or, as the case may be, rule 49K shall be construed as reference to left middle finger of the person voting as a proxy under this rule.]

PART IV

Voting in Parliamentary and Assembly Constituencies

[1][CHAPTER I

VOTING BY BALLOT]

28. Definitions.—[2][In this Chapter and Chapter II], unless the context otherwise requires,—

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

(*b*) "constituency" means a parliamentary or assembly constituency; and

(*c*) "polling agent", in relation to a polling station, means a polling agent of a candidate duly appointed under section 46 for the polling station and includes a candidate and the election agent of a candidate when present at the polling station.

29. Design of ballot boxes.—Every ballot box shall be of such design as may be approved by the Election Commission.

30. Form of ballot papers.—[3][(*1*) Every ballot paper shall have a counterfoil attached thereto, and the said ballot paper and the counterfoil shall be in such form, and the particulars therein shall be in such language or languages, as the Election Commission may direct.]

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

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

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

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

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

(*2*) At each polling station, there shall be set up [4][one or more voting compartments] in which electors can record their votes screened from observation.

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

32. Admission to polling stations.—The presiding officer shall regulate the number of electors, to be admitted at any one time inside the polling station and shall exclude therefrom all persons other than—

1. Ins. by Notification No. S.O. 230(E), dated the 24th March, 1992.

2. Subs., *ibid.*, for certain words (w.e.f. 24-3-1992).

3. Subs. by Notification No. S.O. 5573, dated the 23rd December, 1971, for sub-rule (*1*). 4. Subs., *ibid.,* for certain words (w.e.f. 24-12-1971).

(*a*) polling officers;

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

(*c*) persons authorised by the Election Commission;

(*d*) candidates, their election agents and subject to the provisions of rule 13, one polling agent of each candidate;

(*e*) a child in arms accompanying an elector;

(*f*) a person accompanying a blind or infirm elector who cannot move without help; and

(*g*) such other persons as the returning officer or the presiding officer may employ under sub-rule (*2*) of rule 34 or sub-rule (*1*) of rule 35.

33. Preparation of ballot boxes for poll.—(*1*) Where a paper seal is used for securing a ballot box, the presiding officer shall affix his own signature on the paper seal and obtain thereon the signatures of such of the polling agents present as are desirous of affixing the same.

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

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

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

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

(*a*) the serial number, if any, and name of the constituency;

(*b*) the serial number and name of th

(*c*) the serial number of the ballot box (to be filled in at the end of the poll on the label outside the ballot box only); and

(*d*) the date of poll.

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

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

[1][**33A. Marked copy of electoral roll**.—Immediately before the commencement of the poll the presiding officer shall also demonstrate to the polling agents and others present that the marked copy of the electoral roll to be used during the poll does not contain—

[2][(*a*) any entry other than those made in pursuance of clause (*b*) of sub-rule (*2*) of rule 20 or clause (*b*) of sub-rule (*2*) of rule 27E; and]

[3][(*b*) any mark other than the mark made in pursuance of clause (*b*) of sub-rule (*2*) of rule 23 or clause (*b*) of sub-rule (*2*) of rule 27E.]]

1. Subs. by Notification No. S.O. 5573, dated the 23rd December, 1971, for rule 33A. 2. Subs. by Notification No. S.O. 321(E), dated the 1st May, 1996, for cl. (*a*). 3. Subs. by Notification No. S.O. 628(E), dated the 4th August, 1999, for cl. (*b*).

34. Facilities for women electors.—(*1*) Where a polling station is for both men and women electors, the presiding officer may direct that they shall be admitted into the polling station alternately in separate batches.

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

35. Identification of electors.—(*1*) The presiding officer may employ at the polling station such persons as he thinks fit to help in the identification of the electors or to assist him otherwise in taking the poll.

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

(*3*) Where the polling station is situated in a constituency, electors of which have been supplied with identity cards under the provisions of the Registration of Electors Rules, 1960, the elector shall produce his identity card before the presiding officer or the polling officer authorised by him in this behalf.

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

[1][**35A. Facilities for public servants on election duty**.—(*1*) The provisions of rule 35 shall not apply to any person who produces at the polling station an election duty certificate in

Form 12B and asks for the issue of a ballot paper to him although the polling station is different from the one where he is entitled to vote.

(*2*) On production of such certificate the presiding officer shall—

(*a*) obtain thereon the signature of the person producing it;

(*b*) have the person's name and electoral roll number as mentioned in the certificate entered at the end of the marked copy of the electoral roll; and

(*c*) issue to him a ballot paper, and permit him to vote, in the same manner as for an elector entitled to vote at that polling station.]

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

(*2*) On such deposit being made, the presiding officer shall—

(*a*) warn the person challenged of the penalty for personation;

(*b*) read the relevant entry in the electoral roll in full and ask him whether he is the person referred to in that entry;

Form 14; and

(*d*) require him to affix his signature in the said list.

(*3*) The presiding officer shall thereafter hold a summary inquiry into the challenge and may for that purpose—

(*a*) require the challenger to adduce evidence in proof of the challenge and the person challenged to adduce evidence in proof of his identity;

1. Ins. by Notification No. S.O. 3662, dated the 12th October, 1964.

(*b*) put to the person challenged any questions necessary for the purpose of establishing his identity and require him to answer them on oath; and

(*c*) administer an oath to the person challenged and any other person offering to give evidence.

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

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

37. Safeguards against personation.—(*1*) Every elector about whose identity the presiding officer or the polling officer, as the case may be, is satisfied, shall allow his left forefinger to be inspected by the presiding officer or polling officer and an indelible ink mark to be put on it.

(*2*) If any elector—

(*a*) refuses to allow his left forefinger to be inspected or marked in accordance with sub-rule (*1*) or has already such a mark on his left forefinger or does any act with a view to removing the ink mark, or

(*b*) fails or refuses to produce his identity card as required by sub-rule (*3*) of rule 35,

he shall not be supplied with any ballot paper or allowed to vote.

(*3*) Where a poll is taken simultaneously in a parliamentary constituency and an assembly constituency, an elector whose left forefinger has been marked with indelible ink or who has produced his identity card at one such election shall, notwithstanding anything contained in sub-rules (*1*) and (*2*), be supplied with a ballot paper for the other election.

(*4*) Any reference in this rule to the left forefinger of an elector shall, in the case where the elector has his left forefinger missing, be 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 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 construed as a reference to such extremity of his left or right arm as he possesses.

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

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

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

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

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

2[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.

1. Subs. by Notification No. S.O. 5573, dated the 23rd December, 1971, for rule 38. 2. Ins. by Notification No. S.O. 518(E), dated the 7th September, 1979.

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

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

[1][**39. Maintenance of secrecy of voting by electors within polling station and voting procedure**.—(*1*) Every elector to whom a ballot paper has been issued under rule 38 or under any other provision of these rules, shall maintain secrecy of voting within the polling station and for that purpose observe the voting procedure hereinafter laid down.

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

(*a*) proceed to one of the voting compartments;

(*b*) there make a mark on the ballot paper with the instrument supplied for the purpose on or near the symbol of the candidate for whom he intends to vote;

(*c*) fold the ballot paper so as to conceal his vote;

(*d*) if required, show to the presiding officer the distinguishing mark on the ballot paper;

(*e*) insert the folded ballot paper into the ballot box; and

(*f*) quit the polling station.

(*3*) Every elector shall vote without undue delay.

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

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

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

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

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

1. Subs. by Notification No. S.O. 1433, dated the 19th April, 1968, for rule 39.

[1][**40. Recording of votes of blind or infirm electors**.—(*1*) If the presiding officer is satisfied that owing to blindness or other physical infirmity an elector is unable to recognise the symbols on the ballot paper or to make a mark thereon without assistance, the presiding officer shall permit the elector to take with him a companion of not less than [2][eighteen] years of age to the voting compartment for recording the vote on the ballet paper on his behalf and in accordance with his wishes, and, if necessary, for folding the ballet paper so as to conceal the vote and inserting it into the ballot box:

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

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

Form 14A of all cases under this rule.]

41. Spoilt and returned ballot papers.—(*1*) An elector who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on returning it to the presiding officer and on satisfying him of the inadvertence, be given another ballot paper, and [3][the ballot paper so returned and the counterfoil of such ballot paper] shall be marked "Spoilt: cancelled" by the presiding officer.

(*2*) If an elector after obtaining a ballot paper decides not to use it, he shall return it to the presiding officer, and [3][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.

42. Tendered votes.—(*1*) If a person representing himself to be a particular elector applies for a ballot paper after another person has already voted as such elector, he shall, on satisfactorily answering such questions relating to his identity as the presiding officer may ask, be entitled, subject to the following provisions of this rule, to mark a ballot paper (hereinafter in these rules referred to as a "tendered ballot paper") in the 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 15.

[4][(*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.]

1. Subs. by Notification No. S.O. 3662, dated the 12th October, 1964, for rule 40. 2. Subs. by Notification No. S.O. 542(E), dated the 13th September, 1989, for "twenty-one".
3. Subs. by Notification No. S.O. 5573, dated the 23rd December, 1971, for certain words. 4. Subs., *ibid.,* for sub-rule (*3*) (w.e.f. 23-12-1971).

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

[1][Provided that where such elector is a member of a political party in an election to fill a seat or seats in the Council of States, the presiding officer shall, before placing the tendered ballot paper in the said cover, allow the authorised agent of that political party to verify as to which candidate the elector has cast his vote.

Explanation.—For the purposes of this rule, "authorised agent", in respect of a political party, means an authorised agent appointed, under sub-rule (*2*) of rule 39AA as made applicable, by clause (*ii*) of rule 70, to election, in a council constituency and, by assembly members other than by postal ballot under clause (*a*) of rule 68, by that political party.]

43. Closing of poll.—(*1*) The presiding officer shall close a polling station at the hour fixed in that behalf under section 56 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.

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

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

(*3*) Where it becomes necessary to use a second ballot box by reason of the first ballot box getting full, the first box shall be closed, sealed and secured as provided in sub-rules (*1*) and (*2*) before another ballot box is put into use.

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

(*5*) At any such polling station, as soon as practicable after the close of poll, the presiding officer shall—

(*a*) transfer all the ballot papers contained in the ballot box or boxes used at that polling station, without examining or counting them and with due regard to the secrecy of the ballot, into a cloth bag or cloth-lined cover after demonstrating to the polling agents present that the bag or cover is empty;

(*b*) allow the polling agents present to inspect each ballot box and demonstrate to them that it has been emptied;

(*c*) record on the bag or cover the name of the constituency, the name of the polling station and the date of the poll; and

(*d*) seal the bag or cover and allow any polling agent present to affix his seal thereon.

45. Account of ballot papers.— 2[(*1*)] The presiding officer shall at the close of the poll prepare a ballot paper account in

Form 16 and enclose it in a separate cover with the words "Ballot Paper Account" superscribed thereon.

1. Ins. by Notification No. S.O. 272(E), dated the 27th February, 2004.

2. Rule 45 renumbered as sub-rule (*1*) of that rule by Notification No. S.O. 3875, dated the 15th December, 1966.

[1][(*2*) The presiding officer shall furnish to every polling agent present at the close of the poll a true copy of the entries made in the ballot paper account after obtaining a receipt from the said polling agent therefor and shall also attest it as a true copy.]

46. Sealing of other packets.—(*1*) The presiding officer shall then make into separate packets—

(*a*) the marked copy of the electoral roll;

[2][(*aa*) the counterfoils of the used ballot paper;]

[3][(*b*) the ballot papers signed in full by the presiding officer under sub-rule (*1*) of rule 38 but not issued to the voters;

(*bb*) any other ballot papers not issued to the voters;

(*c*) the ballot papers cancelled for violation of voting procedure under rule 39;

(*cc*) any other cancelled ballot papers;]

Form 15;

(*e*) the list of challenged votes; and

(*f*) any other papers directed by the Election Commission to be kept in a sealed packet.

[3][(*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.]

47. Transmission of ballot boxes, etc., to the returning officer.—(*1*) The presiding officer shall then deliver or cause to be delivered to the returning officer at such place as the returning officer may direct—

(*a*) the ballot boxes or, as the case may be, the bags or covers referred to in rule 44;

(*b*) the ballot paper account;

(*c*) the sealed packets referred to in rule 46; and

(*d*) all other papers used at the poll.

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

48. Procedure on adjournment of poll.—(*1*) If the poll at any polling station is adjourned under sub-section (*1*) of section 57, the provisions of rules 44 to 47 shall, as far as practicable, apply as if the poll was closed at the hour fixed in that behalf under section 56.

(*2*) When an adjourned poll is recommenced under sub-section (*2*) of section 57, the electors who have already voted at the poll so adjourned shall not be allowed to vote again.

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

(*4*) The presiding officer shall open the sealed packet in the presence of the polling agents present and use the marked copy of the electoral roll [4][for marking the names of the electors to whom the ballot papers are issued at the adjourned poll, without however recording therein the serial number thereof].

1. Subs. by Notification No. S.O. 229(E), dated the 26th May, 1975, for sub-rule (*2*).

2. Ins. by Notification No. S.O. 5573, dated the 23rd December, 1971.

3. Subs. by Notification No. S.O. 4542, dated the 20th December, 1968, for sub-rule (*2*) (w.e.f. 1-1-1969). 4. Subs. by Notification No. S.O. 5573, dated the 23rd December, 1971, for certain words.

(*5*) The provisions of rules 28 to 47 shall apply in relation to the conduct of an adjourned poll as they apply in relation to the poll before it was so adjourned.

49. Voting by ballot at notified polling stations.—(*1*) Notwithstanding anything contained in the preceding provisions of this Part, the Election Commission may, by notification published in the Official Gazette at least 15 days before the date, or the first of the dates, of poll appointed for an election, direct that the method of voting by ballot shall be followed in that election at such polling stations as may be specified in the notification.

(*2*) Every such polling station is hereafter in these rules referred to as a "notified polling station".

(*3*) The provisions of rules 28 to 48 shall apply in relation to every notified polling station subject to the following modifications, namely:—

(*a*) in lieuof rule 30, the following rule shall apply:—

"30A. *Form of ballot paper*.—Every ballot paper shall be of such design as the Election Commission may decide.";

(*b*) in lieu of sub-rules (*2*) and (*3*) of rule 31, the following sub-rules shall apply:—

"(*2*) At each notified polling station there shall be set up one voting compartment in which the ballot boxes, one for each candidate, shall be placed for the reception of ballot papers during the poll and which shall be so designed that an elector can insert a ballot paper in any of the ballot boxes without being observed by any person outside the compartment.

(*3*) The returning officer shall provide at each notified polling station a sufficient number of ballot boxes, copies of the relevant part of the electoral roll, ballot papers and such other election materials as may be required for taking the poll.";

(*c*) in lieu of sub-rules (*5*), (*6*) and (*7*) of rule 33, the following sub-rules shall apply:—

"(*5*) The symbol allotted to each candidate under rule 10 shall be printed on lables which shall be affixed both inside and outside the ballot box and such ballot box shall thereafter be deemed to have been allotted to that candidate.

(*6*) Each ballot box shall also be marked with such other distinguishing marks as the Election Commission may direct.

(*7*) Immediately before the commencement of the poll, the presiding officer shall allow inspection of each ballot box by the polling agents present and demonstrate to them that (*a*) it is empty, (*b*) proper lables have been affixed both inside and outside the box, and (*c*) the ballot box is marked in accordance with sub-rule (*6*).

(*8*) After all the ballot boxes have been labelled, secured and sealed, they shall be placed in the voting compartment side by side the same order in which the names of the candidates to whom they have respectively been allotted appear in the list of contesting candidates.";

1[(*cc*) in lieu of rule 38, the following rule shall apply:—

"38B. *Issue of ballot papers to electors*. — (*1*) Every ballot paper shall before issue to an elector be—

1. Ins. by Notification No. S.O. 5573, dated the 23rd December, 1971.

(*a*) stamped with such distinguishing mark as the Election Commission may direct; and

(*b*) signed in full on its back by the presiding officer.

(*2*) At the time of issuing a ballot paper to an elector, the polling officer shall record the serial number thereof against the entry relating to the elector in the marked copy of the electoral roll.

(*3*) Save as provided in sub-rule (*2*), no person in the polling station shall note down the serial numbers of the ballot papers issued to particular electors;]

(*d*) in lieu of 1[sub-rule (*2*) of rule 39], the following sub-rule shall apply:—

"(*1*) On receiving the ballot paper, the elector shall forthwith go into the voting compartment and insert the ballot paper through the slit into the ballot box allotted to the candidate for whom he wishes to vote.";

2[(*e*) in lieu of sub-rule (*1*) of rule 40, the following sub-rule shall apply:—

"(*1*) If the presiding officer is satisfied that owing to blindness or other physical infirmity an elector is unable to recognise the symbols on the ballot boxes or to insert the ballot paper into a ballot box, the presiding officer shall permit the elector to take with him a companion of not less than 3[eighteen] years of age to the voting compartment for ascertaining from him the name of the candidate for whom he wishes to vote and for inserting the ballot paper into the ballot box of such candidate in accordance with the wishes of such elector:

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

Provided further that before any person is permitted to act as the companion of an elector on any day under this rule, the person shall be required to declare that he will keep secret the name of the candidate for whom the elector has voted and that he has not already acted as the companion of any other elector at any polling station on that day."];

(*f*) in lieu of rule 42, the following rules shall apply:—

‘42A. *Tendered votes*.—(*1*) If a person representing himself to be a particular elector applies for a ballot paper after another person has already voted as such elector, he shall, on satisfactorily answering such questions relating to his identity as the presiding officer may ask, be supplied with a ballot paper in

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

Form 15.

(*3*) Such person shall thereafter record on the tendered ballot paper the name of the candidate for whom he wishes to vote; but if owing to illiteracy, blindness, physical infirmity or any other reason he is unable to make such record, the presiding officer shall do so in accordance with his wishes.

(*4*) The procedure laid down in sub-rule (*3*) shall be followed with due regard to secrecy.

(*5*) Every such tendered ballot paper shall forthwith be placed in a cover specially kept for the purpose.

[4][Provided that where the person referred to in sub-rule (*3*) is a member of a political party in an election to fill a seat or seats in the Council of States, the presiding officer, notwithstanding anything contained in. sub-rule (*3*), shall, before the tendered ballot paper is placed in the said cover, allow the authorised agent of that political party to verify as to whom such person has cast his vote.

1. Subs. by Notification No. S.O. 1433, dated the 19th April, 1968.

2. Subs. by Notification No. S.O. 3662, dated the 12th October, 1964, for cl. (*e*). 3. Subs by Notification No. S.O. 542(E), dated the 13th July, 1989.

4. Ins. by Notification No. S.O. 272(E), dated the 27th February, 2004.

Explanation. —For the purposes of this rule, "authorised agent", in respect of a political party, means an authorised agent appointed, under sub-rule (*2*) of rule 39AA as made applicable, by clause (*ii*) of rule 70, to election, in a council constituency and, by assembly members other than by postal ballot under clause (*a*) of rule 68, by that political party].

42B. *Presiding officer's entry into voting compartment during poll*.—(*1*) The presiding officer may, whenever he considers it necessary to do so, enter the voting compartment during poll and take such steps as may be necessary to ensure that the ballot boxes therein are not tampered or interfered within any way.

(*2*) If the presiding officer has reason to suspect that an elector who has entered the voting compartment is tampering or otherwise interfering with any ballot box or has remained inside the voting compartment unduly long, he shall enter the voting compartment and take such steps as may be necessary to ensure the smooth and prompt progress of the poll.

(*3*) Whenever the presiding officer enters the voting compartment under this rule he shall permit the polling agents present to accompany him.

42C. *Disposal of ballot papers found wholly or partly outside ballot boxes.*— (*1*) If any ballot paper which has been issued to an elector has not been inserted by him into any ballot box but is found anywhere in or near the polling station, whether within or outside the voting compartment it shall be deemed to have been returned to the presiding officer under sub-rule (*2*) of rule 41 and dealt with accordingly.

(*2*) If a ballot paper is found partly inserted into the ballot box of a candidate, it shall be presumed that the intention of the elector was to cast that vote for that candidate and the presiding officer shall accordingly push the ballot paper into the ballot box.';

(*g*) *in lieu* of rule 44, the following rule shall apply:—

"44A. *Sealing of ballot boxes after poll.*—(*1*) As soon as practicable after the closing of the poll, the presiding officer shall close the slit of each ballot box and where the boxes do not contain any mechanical device for closing the slit, he shall seal up the slit and also allow any polling agent present to affix his seals.

(*2*) All the ballot boxes shall thereafter be sealed and secured.";

[1]* * * * *

[2][(*i*) clause (*aa*) of sub-rule (*1*) of rule 46 shall not apply; and

(*j*) *in lieu* of sub-rules (*3*) and (*4*) of rule 48, the following sub-rule shall apply:—

"(*3*) The returning officer shall provide the presiding officer of the polling station at which such adjourned poll is held with the sealed packet containing the marked copy of the electoral roll and a set of new ballot boxes.

(*4*) The presiding officer shall open the sealed packet in the presence of the polling agents present and use the marked copy of the electoral roll for recording the serial numbers of the ballot papers issued to elector at the adjourned poll."].

1. Cl. (*h*) omitted by Notification No. S.O. 518(E), dated the 7th September, 1979.

2. Subs. by Notification No. S.O. 5573, dated the 23rd December, 1971, for cls. (*i*) and (*j*).

[1][CHAPTER II

VOTING BY ELECTRONIC VOTING MACHINES

49A. Design of Electronic Voting Machines.—Every electronic voting machine (hereinafter referred to as the voting machine) shall have a control unit and a balloting unit and shall be of such designs as may be approved by the Election Commission :

[2] [Provided that a printer with a drop box of such design, as may be approved by the Election Commission, may also be attached to a voting machine for printing a paper trail of the vote, in such constituency or constituencies or parts thereof as the Election Commission may direct.]

49B. Preparation of voting machine by the returning Officer.—(*1*) The balloting unit of the voting machine shall contain such particulars and in such language or languages as the Election Commission may specify.

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

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

(*4*) Subject to the foregoing provisions of this rule, the returning officer shall—

(*a*) fix the label containing the names and symbol of the contesting candidates in the balloting unit and secure that unit with his seal and the seals of such of the contesting candidates or their election agents present as are desirous of affixing the same;

(*b*) set the number of contesting candidates and close the candidate set section in the control unit and secure it with his seal and the seals of such of the contesting candidates or their election agents present as are desirous of affixing the same;

[2][(*c*) where the printer for paper trail is used under the proviso to rule 49A, set the printer as per the number of contesting candidates set in the control unit by—

(*i*) loading in the printer the serial numbers and names of candidates and symbols allotted to them as given on the balloting units under clause (*a*);

(*ii*) loading paper in the printer; and

(*iii*) sealing the printer in such manner as may be directed by the Election Commission.]

49C. Arrangements at the polling stations.—(*1*) Outside each polling station there shall be displayed prominently—

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

(*2*) At each polling station there shall be set up one or more voting compartments in which the electors can record their votes free from observation.

(*3*) The returning officer shall provide at each polling station one voting machine and copies of relevant part of the electoral roll and such other election material as may be necessary for taking the poll.

(*4*) Without prejudice to the provisions of sub-rule (*3*), the returning officer may, with the previous approval of the Election Commission, provide one common voting machine for two or more polling stations located in the same premises.

49D. Admission to polling stations.—The presiding officer shall regulate the number of electors, to be admitted at any one time inside the polling station and shall exclude therefrom all persons other than—

(*a*) polling officers;

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

(*c*) persons authorised by the Election Commission;

(*d*) candidates, their election agents and subject to the provisions of rule 13, one polling agent of each candidate;

(*e*) a child in arms accompanying an elector;

1. Ins. by Notification No. S.O. 230(E), dated the 24th March, 1992.
2. Ins. by Notification No. S.O. 2470(E), dated the 14th August, 2013.

(*f*) a person accompanying a blind or infirm elector who cannot move without help; and

(*g*) such other person as the returning officer or the presiding officer may employ under sub-rule (*2*) of rule 49G or sub-rule (*1*) of rule 49H.

49E. Preparation of voting machine for poll.—(*1*) The control unit and balloting unit of every voting machine used at polling station [1][and the printer for paper trail where used,] shall bear a label marked with—

(*a*) the serial number, if any, and the name of the constituency;

(*b*) the serial number and name of the polling station or stations as the case may be;

(*c*) the serial number of the unit; and

(*d*) the date of poll.

(*2*) Immediately before the commencement of the poll, the presiding officer shall demonstrate to the polling agents and other persons present that [2][no vote has been already recorded in the voting machine and it bears the label referred to in sub-rule (*1*), and where the printer for paper trail is used that the drop box of the printer is empty].

(*3*) A paper seal shall be used for securing the control unit of the voting machine, and the presiding officer shall affix his own signature on the paper seal and obtain thereon the signature of such of the polling agents present as the desirous of affixing the same.

(*4*) The presiding officer shall thereafter fix the paper seal so signed in the space meant therefor in the control unit of the voting machine and shall secure and seal the same.

(*5*) The seal used for securing the control unit shall be fixed in such manner that after the unit has been sealed, it is not possible to press the "result button" without breaking the seal.

(*6*) The control unit shall be closed and secured and placed in full view of the presiding officer and the polling agents and the balloting unit placed in the voting compartment.

[1][(7) Where the printer for paper trail is used, the printer shall also be kept along with the balloting unit in the voting compartment and shall be connected to the electronic voting machine in the manner as directed by the Election Commission.]

49F. Marked copy of electoral roll.—Immediately before the commencement of the poll, the presiding officer shall also demonstrate to the polling agents and others present that the marked copy of the electoral roll to be used during the poll does not contain—

(*a*) any entry other than that made in pursuance of clause (*b*) of sub-rule (*2*) of rule 20; and

(*b*) any mark other than the mark made in pursuance of clause (*b*) of sub-rule (*2*) of rule 23.

49G. Facilities for women electors.—(*1*) Where a polling station is for both men and women electors, the presiding officer may direct that they shall be admitted into the polling station alternately in separate batches.

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

49H. Identification of electors.—(*1*) The presiding officer may employ at the polling station such persons as he thinks fit to help in the identification of the electors or to assist him otherwise in taking the poll.

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

1. Ins. by Notification No. S.O. 2470(E), dated the 14th August, 2013.
2. Subs. by *ibid*., dated the 14th August, 2013 for certain words.

(*3*) Where the polling station is situated in a constituency electors of which have been supplied with identity cards under the provisions of the Registration of Electors Rules, 1960, the elector shall produce his identity card before the presiding officer or the polling officer authorised by him in this behalf.

(*4*) In deciding the right of a person to cast his vote, the presiding officer or the polling officer, as the case may be, shall over-look the clerical or printing errors in an entry in the electoral roll if he is satisfied that such person is identical with the elector to whom such entry relates.

49-I. Facilities for public servants on election duty.—(*1*) The provisions of rule 49H shall not apply to any person who produces at the polling station an election duty certificate in

Form 12B and seeks permission to cast his vote at that polling station although it is different from the one where he is entitled to vote.

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

(*a*) obtain thereon, the signature of the person producing it;

(*b*) have the person's name and electoral roll number as mentioned in the certificate entered at the end of the marked copy of the electoral roll; and

(*c*) permit him to cast his vote in the same manner as for an elector entitled to vote at that polling station.

49J. Challenging of identity.—(*1*) Any polling agent may challenge the identity of a person claiming to be a particular elector by first depositing a sum of two rupees in cash with the presiding officer for each such challenge.

(*2*) On such deposit being made, the presiding officer shall—

(*a*) warn the person challenged of the penalty for personation;

(*b*) read the relevant entry in the electoral roll in full and ask him whether he is the person referred to in that entry;

(*c*) enter his name and address in the list of challenged votes in

Form 14; and

(*d*) require him to affix his signature in the said list.

(*3*) The presiding officer shall thereafter hold a summary inquiry into the challenge and may for that purpose—

(*a*) require the challenger to adduce evidence in proof of the challenge and the person challenged to adduce evidence of proof of his identity;

(*b*) put to the person challenged any questions necessary for the purpose of establishing his identity and require him to answer them on oath; and

(*c*) administer an oath to the person challenged and any other person offering to give evidence.

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

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

49K. Safeguards against personation.—(*1*) Every elector about whose identity the presiding officer or the polling officer, as the case may be, is satisfied, shall allow his left forefinger to be inspected by the presiding officer or polling officer and an indelible ink mark to be put on it.

(*2*) If any elector—

(*a*) refuse to allow his left forefinger to be inspected or marked in accordance with sub-rule (*1*) or has already such a mark on his left forefinger or does any act with a view to removing the ink mark, or

(*b*) fails or refuses to produce his identity card as required by sub-rule (*3*) of rule 49H he shall not be allowed to vote.

(*3*) Where a poll is taken simultaneously in a Parliamentary constituency and an assembly constituency, an elector whose left forefinger has been marked with indelible ink or who has produced his identity card at one such election, shall notwithstanding anything contained in sub-rules (*1*) and (*2*) be permitted to cast his vote for the other election.

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

49L. Procedure for voting by voting machines.—(*1*) Before permitting an elector to vote, the polling officer shall—

(*a*) record the electoral roll number of the elector as entered in the marked copy of the electoral roll in a register of voters in

Form 17A;

(*b*) obtain the signature or the thumb impression of the elector on the said register of votes; and

(*c*) mark the name of the elector in the marked copy of the electoral roll to indicate that he has been allowed to vote:

[1][(*d*) give details of the document produced by the elector in proof of his/her identification.]

Provided that no elector shall be allowed to vote unless he has his signature or thumb impression on the register of voters.

(*2*) Notwithstanding anything contained in sub-rule (2) of rule 2, it shall be necessary for any presiding officer or polling officer or any other officer to attest the thumb impression of the elector on the register of voters.

49M. Maintenance of secrecy of voting by electors within the polling station and voting procedures.— (*1*) Every elector who has been permitted to vote under rule 49L shall maintain secrecy of voting within the polling station and for that purpose observe the voting procedure hereinafter laid down.

(*2*) Immediately on being permitted to vote the elector shall proceed to the presiding officer or the polling officer incharge of the control unit of the voting machine who shall, by pressing the appropriate button on the control unit, activate the balloting unit; for recording of elector's vote.

(*3*) The elector shall thereafter forthwith—

(*a*) proceed to the voting compartment;

(*b*) record his vote by pressing the button on the balloting unit against the name and symbol of the candidate for whom he intends to vote; and

(*c*) come out of the voting compartment and leave the polling station:

[2][Provided that where printer for paper trail is used, upon casting the vote by pressing the button as referred to in clause (*b*), the elector shall be able to view through the transparent window of the printer, kept alongwith the balloting unit inside the voting compartment, the printed paper slip showing the serial number, name and the symbol of the candidate for whom he has cast his vote before such paper slip gets cut and drops in the drop box of the printer.] (*4*) Every elector shall vote without undue delay.

(*5*) No elector shall be allowed to enter the voting compartment when another elector is inside it.

1. Ins. by Notification No. S.O. 728 (E), dated the 8th May, 2007.

2. Ins. by Notification No. S.O. 2470 (E), dated the 14th August, 2013.

(*6*) If an elector who has been permitted to vote under rule 49L or rule 49P refuses after warning given by the presiding officer to observe the procedure laid down in sub-rule (*3*) of the said rules, the presiding officer or a polling officer under the direction of the presiding officer shall not allow such elector to vote.

(*7*) Where an elector is not allowed to vote under sub-rule (*6*), a remark to the effect that voting procedure has been violated shall be made against the elector's name in the register of voters in

Form 17A by the presiding officer under his signature.

[1][**49MA. Procedure in case of complaint about particulars printed on paper slip.—**(*1*) Where printer for paper trail is used, if an elector after having recorded his vote under rule 49M alleges that the paper slip generated by the printer has shown the name or symbol of a candidate other than the one he voted for, the presiding officer shall obtain a written declaration from the elector as to the allegation, after warning the elector about the consequence of making a false declaration.

(*2*) If the elector gives the written declaration referred to in sub-rule (*1*), the presiding officer shall make a second entry related to that elector in

Form 17A, and permit the elector to record a test vote in the voting machine in his presence and in the presence of the candidates or polling agents who may be present in the polling station, and observe the paper slip generated by the printer.

(*3*) If the allegation is found true, the presiding officer shall report the facts immediately to the returning officer, stop further recording of votes in that voting machine and act as per the direction that may be given by the returning officer.

(*4*) If, however, the allegation is found to be false and the paper slip so generated under sub-rule (*1*) matches with the test vote recorded by the elector under sub-rule (*2*), then, the presiding officer shall—

Form 17A mentioning the serial number and name of the candidate for whom such test vote has been recorded;

(*ii*) obtain the signature or thumb impression of that elector against such remarks; and

(*iii*) make necessary entries regarding such test vote in item 5 in Part I of Form 17C.]

49N. Recording of votes of blind or infirm electors.—(*1*) If the presiding officer is satisfied that owing to blindness or other physical infirmities an elector is unable to recognise the symbol on the balloting unit of the voting machine or unable to record his vote by pressing the appropriate button thereon without assistance the presiding officer shall permit the elector to take with him a companion of not less than eighteen years of age to the voting compartment for recording the vote on his behalf and in accordance with his wishes:

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

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

49O. Elector deciding not to vote.—If an elector, after his electoral roll number has been duly entered in the register of voters in

Form 17A and has put his signature or thumb impression thereon as required under sub-rule (*1*) of rule 49L, decided not to record his vote, a remark to this effect shall be made against the said entry in Form 17A by the presiding officer and the signature or thumb impression of the elector shall be obtained against such remark.

49P. Tendered votes.—(*1*) If a person representing himself to be a particular elector seeks to vote after another person has already voted as such elector, he shall, on satisfactorily answering such questions relating to his identity as the presiding officer may ask, be, instead of being allowed to vote through the balloting unit, supplied with a tendered ballot paper which shall be of such design, and the particulars of which shall be in such language or languages as the Election Commission may specify.

1. Ins. by Notification No. S.O. 2470(E), dated the 14th August, 2013.

(*2*) Every such elector shall before being supplied with tendered ballot paper write his name against the entry relating to him in

Form 17B.

(*3*) On receiving the ballot paper he shall forthwith—

(*a*) proceed to the voting compartment;

(*b*) record there his vote on the ballot paper by placing a cross mark `X' with the instrument or article 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*) show to the presiding officer, if required, the distinguishing mark on the ballot paper;

(*e*) give it to the presiding officer who shall place it in a cover specially kept for the purpose; and

(*f*) leave the polling station.

(*4*) If owing to blindness or physical infirmities, such elector is unable to record his vote without assistance; the presiding officer shall permit him to take with him a companion, subject to the same conditions and after following the same procedure as laid down in rule 49N for recording the vote in accordance with his wishes.

49Q. Presiding Officer's entry in the voting compartment during poll.—(*1*) The presiding officer may whenever he considers it necessary so to do, enter the voting compartment during poll and take such steps as may be necessary to ensure that the balloting unit is not tampered or interfered with in any way.

(*2*) If the presiding officer has reason to suspect that an elector who has entered the voting compartment is tampering or otherwise interfering with the balloting unit or has remained inside the voting compartment for unduly long period, he shall enter the voting compartment and take such steps as may be necessary to ensure the smooth and orderly progress of the poll.

(*3*) Whenever the presiding officer enters the voting compartment under this rule, he shall permit the polling agents present to accompany him if they so desire.

49R. Closing of poll.—(*1*) The presiding officer shall close a polling station at the hour fixed in that behalf under section 56 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.

49S. Account of votes recorded.—(*1*) The presiding officer shall at the close of the poll prepare an account of votes recorded in

Form 17C and enclose it in a separate cover with the words ‘Account of Votes Recorded’ superscribed thereon.

(*2*) The presiding officer shall furnish to every polling agent present at the close of the poll a true copy of the entries made in

Form 17C after obtaining a receipt from the said polling agent therefor and shall attest it as a true copy.

49T. Sealing of voting machine after poll.—(*1*) As soon as practicable after the closing of the poll, the presiding officer shall close the control unit to ensure that no further votes can be recorded and shall detach the balloting unit from the control unit [1][and from the printer, where printer is also used, so however, that the paper slips contained in the drop box of the printer shall remain intact].

(*2*) [2][The control unit, the balloting unit and the printer, where it is used, shall] thereafter be sealed, and secured separately in such manner as the Election Commission may direct and the seal used for securing them shall be so affixed that it will not be possible to open the units without breaking the seals.

(*3*) The polling agents present at the polling station, who desire to affix their seals, shall also be permitted to do so.

49U. Sealing of other packets.—(*1*) The presiding officer shall then make into separate packet,—

(*a*) the marked copy of the electoral roll;

1. Ins. by Notification No. S.O. 2470(E), dated the 14th August, 2013.
2. Subs, *ibid.,* for certain words.

Form 17B;

(*d*) the list of challenged votes; and

(*e*) any other papers directed by the Election Commission to be kept in a sealed packet.

(*2*) Each packet shall be sealed with the seal of the presiding officer and with the seal 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 seal thereon.

49V. Transmission of voting machines, etc., to the returning officer.—(*1*) The presiding officer shall then deliver or cause to be delivered to the returning officer at such place as the returning officer may direct,—

(*a*) the voting machine;

(*b*) the account of votes recorded in

Form 17C;

(*c*) the sealed packets referred to in rule 49U; and

(*d*) all other papers used at the poll.

(*2*) The returning officer shall make adequate arrangements for the safe transport of the voting machine, packets and other papers for their safe custody until the commencement of the counting of votes.

49W. Procedure on adjournment of poll.—(*1*) If the poll at any polling station is adjourned under sub-section (*1*) of section 57, the provision of rules 49S to 49V shall, as far as practicable, apply as if the poll was closed at the hour fixed in that behalf under section 56.

(*2*) When an adjourned poll is recommended under sub-section (*2*) of section 57, the electors who have already voted at the poll so adjourned shall not be allowed to vote again.

(*3*) The returning officer shall provide the presiding officer of the polling station at which such adjourned poll is held, with the sealed packet containing the marked copy of the electoral roll, register of voters in

Form 17A and a new voting machine.

(*4*) The presiding officer shall open the sealed packet in the presence of the polling agents present and use the marked copy of the electoral roll for marking the names of the electors who are allowed to vote at the adjourned poll.

(*5*) The provisions of rule 28 and rules 49A to 49V shall apply in relation to the conduct of an adjourned poll before it was so adjourned.

49X. Closing of voting machine in case of booth capturing.—Where the presiding officer is of opinion that booth capturing is taking place at a polling station or at a place fixed for the poll, he shall immediately close the control unit of the voting machine to ensure that no further votes can be recorded and shall detach the balloting that from the control unit.]

PART V

Counting of votes in Parliamentary and Assembly Constituencies

50. Definitions.—In this Part, unless the context otherwise requires,—

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

(*b*) "constituency" means a parliamentary or assembly constituency;

(*c*) "counting agent" means a counting agent duly appointed under section 47 and includes a candidate and the election agent of a candidate when present at the counting;

(*d*) "notified polling station" means a polling station notified under rule 49;

(*e*) "polling station" means a polling station provided under section 25 other than a notified polling station.

51. Time and place for counting of votes.—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 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, after giving notice of the same in writing to each candidate or his election agent.

52. Appointment of counting agents and revocation of such appointments.—(*1*) The number of counting agents that a candidate may appoint under section 47 shall, subject to such general or special direction as the Election Commission may issue in this behalf, not exceed sixteen at the place or each of the places, fixed for counting under rule 51.

(*2*) Every such appointment shall be made in Form 18 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 [1][not later than one hour before the time fixed] for counting under rule 51.

(*3*) No counting agent shall be admitted into the place fixed for counting unless he has delivered to the returning officer the second copy of his appointment under sub-rule (*2*) after duly completing and signing the declaration contained therein and receiving from the returning officer an authority for entry into the place fixed for counting.

Form 19 and lodged with the returning officer.

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

53. Admission to the place fixed for counting.—(*1*) The returning officer shall exclude from the place fixed for counting of votes all persons except—

(*a*) [2][such persons (to be known as counting supervisors and counting assistants)] as he may appoint to assist

him in the counting;

(*b*) persons authorised by the Election Commission;

(*c*) public servants on duty in connection with the election; and

(*d*) candidates, their election agents and counting agents.

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

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

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

54. Maintenance of secrecy of voting.—The returning officer shall, before he commences the counting, read out the provisions of section 128 to such persons as may be present.

[3][**54A. Counting of votes received by post.**—(*1*) The returning officer shall first deal with the postal ballot papers in the manner hereinafter provided.

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

1. Subs. by Notification No. S.O. 3662, dated the 12th October, 1964, for certain words.

2. Subs. by Notification No. S.O. 4542, dated the 20th December, 1968 (w.e.f. 1-1-1969), for certain words.

3. Ins. by Notification No. S.O. 3662, dated the 12th October, 1964.

(*3*) The other covers shall be opened one after another and as each cover is opened, the returning officer shall first scrutinise the declaration in

(*4*) If the said declaration is not found, or has not been duly signed and attested, or is otherwise substantially defective, or if the serial number of the ballot paper as entered in it differs from the serial number endorsed on the cover in

Form 13B, that cover shall not be opened, and after making an appropriate endorsement thereon, the returning officer shall reject the ballot paper therein contained.

Form 13C and all such covers in Form 13C shall be kept in a separate packet which shall be sealed and on which shall be recorded the name of the constituency, the date of counting and a brief description of its content.

Form 13A which he has found to be in order in a separate packet which shall be sealed before any cover in Form 13B is opened and on which shall be recorded the particulars referred to in sub-rule (*5*).

Form 13B not already dealt with under the foregoing provisions of this rule shall then be opened one after another and the returning officer shall scrutinise each ballot paper and decide the validity of the vote recorded thereon.

(*8*) A postal ballot paper shall be rejected—

[1][(*a*) if it bears any mark (other than the mark to record the vote) or writing by which the elector can be identified; or]

[2][(*aa*)] if no vote is recorded thereon; or

(*b*) if noted are given on it in favour of more 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 established; or

(*e*) if it is not returned in the cover sent along with it to the elector by the returning officer.

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

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

(*11*) The returning officer shall count all the valid votes given by postal ballot in favour of each candidates, record the total thereof in the result sheet in

Form 20 and announce the same.

(*12*) Thereafter, all the valid ballot papers and all the rejected ballot papers shall be separately bundled and kept together in a packet which shall be sealed with the seals of the returning officer and of such of the candidates, their election agent or counting agents as may desire to affix their seals thereon and on the packet so sealed shall be recorded the name of the constituency, the date of counting and a brief description of its contents.]

55. Scrutiny and opening of ballot boxes.— [3][(*1*) The returning officer may have the ballot box or boxes used at more than one polling station opened and the ballot papers found in such box or boxes counted simultaneously.]

[4]* * * * *

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1. Ins. by Notification No. S.O. 5573, dated the 23rd December, 1971.

2. Clause (*a*) re-lettered as c1ause (*aa*), *ibid* (w.e.f. 23-12-1971).

3. Subs. by Notification No. S.O. 518(E), dated the 7th September,1979, for sub-rule (*1*).

4. Sub-rule (*1A*) omitted, *ibid* (w.e.f. 7-9-1979).

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

(*3*) The returning officer shall satisfy himself that none of the ballot boxes has in fact been tampered with.

(*4*) If the returning officer is satisfied that any ballot box has in fact been tampered with, he shall not count the ballot papers contained in that box and shall follow the procedure laid down in section 58 in respect of that polling station.

56. [1][Counting of Votes].— [2][(*1*) The ballot papers taken out of each ballot box shall be arranged in convenient bundles and scrutinized.]

(*2*) The returning officer shall reject a ballot paper—

(*a*) if it bears any mark or writing by which the elector can be identified, or

[3][(*b*) if it bears no mark at all or, to indicate the vote, it bears a mark elsewhere than on or near the symbol of one of the candidates on the face of the ballot paper or, it bears a mark made otherwise than with the instrument supplied for the purpose, or]

(*c*) if votes are given on it in favour of more than one candidates, or

(*d*) if the mark indicating the vote thereon is placed in such manner as to make it doubtful to which candidate the vote has been given, or

(*e*) if it is a spurious ballot paper, or

(*f*) if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established, or

(*g*) if it bears a serial number, or is of a design, different from the serial numbers, or, as the case may be, design, of the ballot papers authorised for use at the particular polling station, or

(*h*) if it does not bear [4][both the mark and the signature] which it should have borne under the provisions of sub-rule (*1*) of rule 38:

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

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

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

[5][(*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][(*6*) Every ballot paper which is not rejected under this rule shall be counted as one valid vote:

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

[7][(*7*) After the counting of all ballot papers contained in all the ballot boxes used at a polling station has been completed,—

1. Subs. by Notification No. S.O. 3662, dated the 12th October, 1964, for the former marginal heading. 2. Subs. by Notification No. S.O. 518(E), dated the 7th September,1979, for sub-rule (*1*).

3. Subs. by Notification No. S.O. 505(*E*), dated the 18th September, 1973, for clause (*b*).

4. Subs. by Notification No. S.O. 4542, dated the 20th December, 1968 for certain words (w.e.f. 1-1-1969). 5. Subs. by Notification No. S.O. 479A, dated the 27th January, 1971, for sub-rule (*4*).

6. Ins. by Notification No. S.O. 3662, dated the 12th October, 1964, for rule 57.

7. Subs. by Notification No. S.O. 518(E), dated the 7th September, 1979, for sub-rule (*7*).

Form 20 and announce the particulars.]]

[1]* * * * *

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

(*a*) the name of the constituency;

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

(*c*) the date of counting.]

58. Counting of ballot papers transferred to bags or covers under rule 44.—The provisions of rules 55, 56 and 57 shall apply so far as may be in relation to counting of ballot papers and votes, if any, which have been transferred from ballot boxes to cloth bags or cloth-lined covers under sub-rule (*5*) of rule 44:

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

59. Counting of votes at notified polling stations.—In relation to the counting of ballot papers found in ballot boxes used at notified polling stations, [4][rules 50 to 54] and, in lieu of rules 55, 56 and 57, the following rules shall apply, namely:—

"55A. *Scrutiny and opening of ballot boxes*.—(*1*) All ballot boxes used at a notified polling station shall be opened at the same time but every ballot box shall be dealt with in such manner that its contents do not get mixed up with the contents of any other ballot box.

(*2*) Subject to the provisions of sub-rule (*1*), the returning officer may have the ballot boxes used at more notified polling stations than one opened and their contents counted simultaneously.

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

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

(*5*) If the returning officer is satisfied that any of the ballot boxes has in fact been tampered with, he shall not count the ballot papers contained in any of the ballot boxes used at the polling station at which such box was used and shall proceed as laid down in section 58 in respect of that polling station.

(*6*) After each ballot box is opened, the counting agents present shall be allowed to inspect the ballot box and satisfy themselves that it bears the proper symbol inside and has been duly marked in accordance

1. *Explanation* omitted by Notification No. S.O. 518(*E*), dated the 7th September, 1979.

2. Subs. by Notification No. S.O. 3662, dated the 12th October, 1964, for rule 57.

3. Clause (*b*) Ins. by Notification No. S.O. 518(E), dated the 7th September, 1979. Earlier it was omitted by Notification No. S.O. 5573, dated the 23rd December, 1971.

4. Subs. by Notification No. S.O. 5573, dated the 23rd December, 1971 for certain words.

with the provisions of sub-rule (*6*) of rule 33 as modified by clause (*c*) of sub-rule (*3*) of rule 49.

(*7*) If any question arises as to the candidate to whom a particular ballot box was allotted at the poll, the returning officer shall decide such question by a reference to the symbol inside the box:

Provided that—

(*a*) if there is no symbol inside the box, or

(*b*) if the symbol inside the box has been damaged or mutilated beyond recognition, or

(*c*) if the same symbol is found on two or more boxes used at the same polling station, the returning officer, shall, wherever possible, decide the question by reference to all relevant circumstances including the distinguishing marks on the ballot box, and where he does not consider it possible to decide the question, he shall immediately refer it to the Election Commission for its decision.

56A. [1][***Counting of votes***].— (*1*) The ballot papers taken out of each ballot box shall be arranged in convenient bundles and scrutinised.

(*2*) The returning officer shall reject a ballot paper—

(*a*) if it bears any mark or writing by which the elector can be identified; or

(*b*) if it is a spurious ballot paper; or

(*c*) if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established; or

(*d*) if it bears a serial number, or is of 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; or

(*e*) if it does not bear [2][both the mark and the signature] which it should have borne under the provisions of sub-rule (*1*) of rule 38:

Provided that where the returning officer is satisfied that any such defect as is mentioned in clause (*d*) or clause (*e*) has been caused by any mistake or failure on the part of a presiding officer or polling officer, the ballot paper shall not be rejected merely on the ground of such defect.

(*3*) Before rejecting any ballot paper under sub-rule (*2*), the returning officer shall allow the counting agents present a reasonable opportunity to inspect the ballot paper but shall not allow them to handle it or any other ballot paper.

(*4*) The returning officer shall record on every ballot paper which he rejects the letter 'R' and the grounds of rejection in abbreviated form either in his own hand or by means of a rubber stamp.

(*5*) All ballot papers taken out of any one ballot box and rejected under this rule shall be made into a separate bundle.

[3][(*6*) Every ballot paper which is not rejected under this rule shall be counted as one valid vote:

1. Subs. by Notification No. S.O. 3662, dated the 12th October, 1964, for the former marginal heading.

2. Subs. by Notification No. S.O. 4542, dated the 20th December, 1968 for certain words (w.e.f 1-1-1969). 3. Ins. by Notification No. S.O. 3662, dated the 12th October, 1964.

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

[1][(*7*) After the counting of all ballot papers contained in all the ballot boxes used at a polling station has been completed,—

Form 20 and announce the particulars.]

[3][57A. *Sealing of used ballot papers.*—(*1*) The valid ballot papers found in each ballot box, shall thereafter be bundled together and kept along with the bundle of rejected ballot papers, if any found in that box in a separate packet which shall be sealed with the seals of the returning officer and of such of the candidates, their election agents or counting agents as may desire to affix their seals thereon and on the packet so sealed there shall be recorded the following particulars, namely:—

(*a*) the name of the constituency,

(*b*) the particulars of the polling station where the ballot papers have been used,

(*c*) the name of the candidate to whom the ballot box was allotted, and

(*d*) the date of counting.

(*2*) The returning officer shall then place together all the packets made up under sub-rule (*1*) in respect of each candidate in a separate container which shall be sealed with the seals of the returning officer and of such of the candidates, their election agents or their counting agents as may desire to affix their seals thereon and on the container so sealed shall be recorded the following particulars, namely:—

(*a*) the name of the constituency,

(*b*) the names of the candidates, and

(*c*) the date of counting.]".

[4]**[59A.** [5]**[Counting of votes in specified constituencies**.—Where the Election Commission apprehends intimidation and victimisation of electors in any constituency and it is of the opinion that it is absolutely necessary that the ballot papers taken out of all boxes used in that constituency should be mixed before counting, it may, by notification in the Official Gazette, specify such constituency and for counting of such ballot papers, in lieu of rules 55, 56, 57 and 59, the following rules shall apply], namely:—

'55B. *Scrutiny and opening of ballot boxes*.—(*1*) The returning officer shall open, or cause to be opened, simultaneously the ballot box or boxes used at more than one polling station and shall have the total number of ballot papers found in such box or boxes counted and recorded in Part II of From 16:

1. Subs. by Notification No. S.O. 4542, dated the 20th December, 1968 in rule 59 for sub-rule (*7*) (w.e.f 1-1-1969). 2. Subs. by Notification No. S.O. 518 (E), dated the 7th September, 1979, for certain words.

3. Subs. by Notification No. S.O. 3662, dated the 12th October, 1964, for rule 57A.

4. Ins. by Notification No. S.O. 958(E), dated the 17th November, 1989, for rule 59A. 5. Subs. by Notification No. S.O. 105(E), dated the 15th February, 1993, for certain words.

Provided that discrepancy, if any, between the total number of such ballot papers recorded as aforesaid and the total number of ballot papers shown against item No. 5 of Part I shall also be recorded in Part II of

Form 16.

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

(*3*) The returning officer shall satisfy himself that none of the ballot boxes has in fact been tampered with.

(*4*) If the returning officer is satisfied that any ballot box has in fact been tampered with, he shall not count the ballot papers contained in that box and shall follow the procedure laid down in section 58 in respect of that polling station.

56B. *Counting of votes*.—(*1*) Subject to such general or special directions, if any, as may be given by the Election Commission in this behalf, the ballot papers taken out of all boxes [1][used at more than one polling station in a constituency,] shall be mixed together and then arranged in convenient bundles and scrutinised.

(*2*) The returning officer shall reject a ballot paper—

(*a*) if it bears any mark or writing by which the elector can be identified, or

(*b*) if it bears no mark at all or, to indicate the vote, it bears a mark elsewhere than on or near the symbol of one of the candidates on the face of the ballot paper or, it bears a mark made otherwise than with the instrument supplied for the purpose, or

(*c*) if votes are given on it in favour of more than one candidate, or

(*d*) if the mark indicating the vote thereon is placed in such manner as to make it doubtful to which candidate the vote has been given, or

(*e*) if it is a spurious ballot paper, or

(*f*) if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be estasblished, or

(*g*) if it bears a serial number, or is of a design, different from the serial numbers, or, as the case may be, design, of the ballot papers authorised for use at the particular polling station, or

(*h*) if it does not bear both the mark and the signature which it should have borne under the provisions of sub-rule (*1*) of rule 38:

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

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

1. Subs. by Notification No. S.O. 105(E), dated the 15th February, 1993, for certain words.

(*3*) Before rejecting any ballot paper under sub-rule (*2*), the returning officer shall allow each 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:

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

(*7*) After the counting of all ballot papers contained in all the ballot boxes used in a constituency has been completed, the returning officer shall make the entries in a result sheet in

Form 20A and announce the particulars.

Explanation.—For the purpose of this rule, the expression "constituency" shall, in relation to an election from a parliamentary constituency, mean the assembly constituency comprised therein.

57B. *Sealing of used ballot papers*.—The valid ballot papers of each candidate and the rejected ballot papers shall thereafter be bundled separately and the several bundles made up into a separate packet which shall be sealed with the seals of the returning officer and of such of the candidates, their election agents or counting agents as may desire to affix their seals thereon and on the packets so sealed shall be recorded the following particulars, namely:—

(*a*) the name of the constituency; and

(*b*) the date of counting.'.

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

61. Recommencement of counting after fresh poll.—(*1*) If a fresh poll is held under section 58, the returning officer shall, after completion of that poll, recommence the counting of votes on the date and at the time and place which have been fixed by him in that behalf and of which notice has been previously given to the candidates and their election agents.

(*2*) The provisions of rules 56 and 57 shall apply so far as may be to such further counting.

[1]* * * * *

63. Re-count of votes.— (*1*) After the completion of the counting, the returning officer shall record in the result sheet in

Form 20 the total number of votes polled by each candidate and announce the same.

2[(*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 re-count the votes either wholly or in part stating the grounds on which the demands such re-count.]

1. Rule 62 omitted by Notification No. S.O. 3662, dated the 12th October, 1964. 2. Subs., *ibid*., for sub-rule (*2*) (w.e.f. 12-10-1964).

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

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

1[(*5*) If the returning officer decides under sub-rule (*3*) to allow a re-count of the votes either wholly or in part, he shall—

(*a*) do the re-counting in accordance with 2[rule 54A,] rule 56 or rule 56A, as the case may be;

Form 20 to the extent necessary after such re-count; and

(*c*) announce the amendments so made by him.]

(*6*) After the total number of votes polled by each candidate has been announced under sub-rule (*1*) or sub-rule (*5*), the returning officer shall complete and sign the result sheet in

Form 20 and no application for a re-count shall be entertained thereafter:

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

[3][**64. Declaration of result of election and return of election.**—The returning officer shall, subject to the provisions of section 65 if and so far as they apply to any particular case, then—

(*a*) declare in Form 21C or Form 21D, as may be appropriate, the candidate to whom the largest number of valid votes have been given, to be elected under section 66 and send signed copies thereof to the appropriate authority, the Election Commission and the chief electoral officer; and

Form 21E, and send signed copies thereof to the Election Commission and the chief electoral officer.]

65. Counting at two or more places.—If ballot papers are counted at more places than one, the provisions of [4][rules 53, 54 and 55 to 60] shall apply to the counting at each such place, but the provisions of [5][rules 54A, 63 and 64] shall apply only to the counting at the last of such places.

66. Grant of certificate of election to returned candidate.—As soon as may be after a candidate has been declared by the returning officer under the provisions of section 53, or section 66, to be elected, the returning officer shall grant to such candidate a certificate of election in

Form 22 and obtain from the candidate an acknowledgment of its receipt duly signed by him and immediately send the acknowledgment by registered post to the Secretary of the House of the People or, as the case may be, the Secretary of the Legislative Assembly.

6[**66A. Counting of votes where electronic voting machines have been used**.—In relation to the counting of votes cast at a polling station, where voting machine has been used,—

(*i*) the provisions of rules 50 to 54 and in lieu of rules 55, 56 and 57, the following rules shall respectively apply, namely:—

1. Subs. by Notification No. S.O. 3662, dated 12thOctober, 1964, for sub-rule (*5*).

2. Ins. by Notification No. S.O. 3450, dated the 9th November, 1966.

3. Subs. by Notification No. S.O. 4542, dated the 20th December, 1968 for rule 64 (w.e.f 1-1-1969).

4. Subs. by Notification No. S.O. 3450, dated the 9th November, 1966, for "rules 53 to 60". 5. Subs., *ibid*., for "rules 62 to 64" (w.e.f. 9-11-1966).

6. Ins. by Notification No. S.O. 230(E), dated the 24th March, 1992.

'55C. *Scrutiny and inspection of voting machines*.—(*1*) The returning officer may have the control units of the voting machines used at more than one polling station taken up for scrutiny and inspection and votes recorded in such units counted simultaneously.

(*2*) Before the votes recorded in any control unit of voting machine are counted under sub-rule (*1*), the candidate or his election agent or his counting agent present at the counting table shall be allowed to inspect the paper seal and such other vital seals as might have been affixed on the unit and to satisfy themselves that the seals are intact.

(*3*) The returning officer shall satisfy himself that none of the voting machines has in fact been tampered with.

(*4*) If the returning officer is satisfied that any voting machine has in fact been tampered with, he shall not count the votes recorded in that machine and shall follow the procedure laid down in section 58, or section 58A or section 64A, as may be applicable in respect of the polling station or stations where that machine was used.

56C. *Counting of votes*.—(*1*) After the returning officer is satisfied that a voting machine has in fact not been tampered with, he shall have the votes recorded therein counted by pressing the appropriate button marked "Result" provided in the control unit whereby the total votes polled and votes polled by each candidate shall be displayed in respect of each such candidate on the display panel provided for the purpose in the unit.

(*2*) As the votes polled by each candidate are displayed on the control unit, the returning officer shall have,—

Form 17C, shall be subtracted from the number of votes recorded for such candidate as displayed on the control unit;]

(*b*) Part II of Form 17C completed in other respects and signed by the counting supervisor and also by the candidates or their election agents or their counting agents present; and

(*c*) corresponding entries made in a result sheet in Form 20 and the particulars so entered in the result sheet announced.

[2][56D.Scrutiny of paper trail.—(*1*) Where printer for paper trail is used, after the entries made in the result sheet are announced, any candidate, or in his absence, his election agent or any of his counting agents may apply in writing to the returning officer to count the printed paper slips in the drop box of the printer in respect of any polling station or polling stations.

(*2*) On such application being made, the returning officer shall, subject to such general or special guidelines, as may be issued by the Election Commission, decide the matter and may allow the application in whole or in part or may reject in whole, if it appears to him to be frivolous or unreasonable.

(*3*) Every decision of the returning officer under sub-rule (*2*) shall be in writing and shall contain the reasons therefor.

(*4*) If the returning officer decides under sub-rule (*2*) to allow counting of the paper slips either wholly or in part or parts, he shall—

(*a*) do the counting in the manner as may be directed by the Election Commission;

(*b*) if there is discrepancy between the votes displayed on the control unit and the counting of the

Form 20 as per the paper slips count;

(*c*) announce the amendments so made by him; and

(*d*) complete and sign the result sheet.]

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1. Ins. by Notification No. S.O. 2470(E), dated the 14th August, 2013.
2. Ins., *ibid* dated the 14th August, 2013.

57C. *Sealing of voting machines*.—(*1*) After the result of voting recorded in a control unit has been ascertained candidate-wise and entered in Part II of

Form 17C and Form 20 under rule 56C, the returning officer shall reseal the unit with his seal and the seals of such of the candidates or their election agents present who may desire to affix the seals thereon so however that the result of voting recorded in the unit is not obliterated and the unit retains the memory of such result [1][and where printer for paper trail is used, the returning officer shall seal the paper slips in such manner, as may be directed by the Election Commission].

(*2*) The control unit [1][and the paper slips] so sealed shall be kept in specially prepared boxes on which the returning officer shall record the following particulars, namely:—

(*a*) the name of the constituency;

(*b*) the particulars of polling station or stations where the control unit has been used;

(*c*) serial number of the control unit [1][and printer wherever used];

(*d*) date of poll; and

(*e*) date of counting.';

(*ii*) the provisions of rules 60 to 66 shall, so far as may be, apply in relation to voting by voting machines and any reference in those rules to,—

(*a*) ballot paper shall be construed as including a reference to such voting machine;

(*b*) any rule shall be construed as a reference to the corresponding rule in Chapter II of Part IV or, as the case may be, to rule 55C or 56C or 57C].

PART VI

Voting at elections by assembly members and in council constituencies

[2]**[67. Definition**.—Unless the context otherwise requires, in this Part—

(*a*) and in rule 84, "authorised agent", in respect of a political party, means an authorised agent appointed, under sub-rule (2) of rule 39AA as made applicable, by clause (ii) of rule 70, to election, in a council constituency and, by assembly members other than by postal ballot under clause (a) of rule 68, by that political party;

(*b*) "election" means an election by assembly members or an election in a council constituency.]

68. Notification as to postal ballot.—The Election Commission may, by notification published in the Official Gazette at any time before the last date for the withdrawal of candidatures at an election, direct that the method of voting by postal ballot shall be followed:—

(*a*) at that election, if it is an election by assembly members; or

(*b*) in the whole or any specified parts of the constituency, if it is an election in a council constituency.

[3]**[69. Notice to electors at election by assembly members**.—At an election by assembly members where a poll becomes necessary, the returning officer for such election shall, as soon as may be after the last date for the withdrawal of candidatures, send to each elector a notice informing him of the date, time and place fixed for polling.]

1. Ins. by Notification No. S.O. 2470(E), dated the 14th August, 2013.

2. Subs. by Notification No. S.O. 272(E), dated the 27th February, 2004 for rule 67. 3. Subs. by Notification No. S.O. 3662, dated the 12th October, 1964, for rule 69.

70. Rules for conduct of poll.—The provisions of [1][rules 28 to 35 and 36 to 48] shall apply—

(*a*) to every election by assembly members in respect of which no direction has been issued under clause (*a*) of rule 68, and

(*b*) to every election in a council constituency unless voting by postal ballot has been directed in the whole of that constituency under clause (*b*) of rule 68,

subject to the following modifications, namely:—

(*i*) clause (*a*) of sub-rule (*l*) of rule 31 shall not apply to an election by assembly members;

(*ii*) [2][in lieu of rules 37 to 40], the following rules shall apply:—

"37A. *Method of voting*.—(*1*) Every elector has only one vote at an election irrespective of the number of seats to be filled.

3[(*1A*) The provisions of sub-rules (*1*), (*2*) and (*4*) of rule 37 shall apply in relation to electors in the graduates' constituencies and teachers' constituencies as they apply in relation to electors in the Parliamentary constituencies and Assembly constituencies.]

(*2*) An elector in giving his vote—

(*a*) shall place on his ballot paper the figure 1 in the Space opposite the name of the candidate for whom he wishes to vote in the first instance; and

(*b*) may, in addition, place on his ballot paper the figure 2 or the figures 2 and 3, or the figures 2, 3 and 4 and so on, in the space opposite the names of the other candidates in the order of his preference.

4[*Explanation*.—The figures referred to in clauses (*a*) and (*b*) of this sub-rule may be marked in the international form of Indian numerals or in the Roman form or in the form used in any Indian language but shall not be indicated in words.]

5[38A. *Issue of ballot papers to electors*.—(*1*) Every ballot paper, before it is issued to an elector, and the counterfoil attached thereto shall be stamped on the back with such distinguishing mark as the Election Commission may direct, and every ballot paper, before it is issued, shall be signed in full on its back by the presiding officer.

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

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

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

6[(*c*) mark the name of the elector in the marked copy of the electoral roll to indicate that a ballot paper has been issued to him,—

(*i*) and record in the marked copy of the electoral roll, the serial number of the ballot paper issued to that elector, in the case of an election to fill a seat or seats in the Council of States;

(*ii*) without recording therein the serial number of the ballot paper issued to that elector, in the case of an election to fill a seat or seats in the Legislative Council of a State:";

6[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.]

1. Subs. by Notification No. S.O. 3450, dated the 9th November, 1966, for "rules 28 to 48". 2. Subs. by Notification No. S.O. 1520, dated the 25th April, 1968, for certain words. 3. Ins. by Notification No. S.O. 335(E), dated the 23rd April, 1990.

4. Ins. by Notification No. S.O. 3875, dated the 15th December, 1966.

5. Subs. by Notification No. S.O. 5573, dated the 23rd December, 1971, for rule 38A. 6. Subs. by Notification No. S.O. 272(E), dated the 27th February, 2004, in rule 70 for proviso.

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

(*4*) 1[Subject to rule 39AA, no person] in the polling station shall note down the serial numbers of the ballot papers issued to particular electors.

1[(*5*) Before any ballot paper is delivered to an elector at an election to fill a seat or seats in the Legislative Council of a State by assembly members or in a local authorities' constituency, the serial number of the ballot papers shall be effectively concealed in such manner as the Election Commission may direct.]

2[39A. *Maintenance of secrecy of voting by electors within polling station and voting procedure*.—(*1*) Every elector, to whom a ballot paper has been issued under rule 38A or under any other provision of these rules, shall maintain secrecy of voting within the polling station and for that purpose observe the voting procedure hereinafter laid down.

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

(*a*) proceed to one of the voting compartments;

(*b*) record his vote in accordance with sub-rule (*2*) of rule 37A with the article supplied for the purpose;

(*c*) fold the ballot paper so as to conceal his vote;

[3][(*d*) if required, show to the presiding officer, the distinguishing mark on the ballot paper;]

[4][(*e*)] insert the folded paper into the ballot box; and

[4][(*f*)] quit the polling station.

(*3*) Every elector shall vote without undue delay.

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

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

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

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

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

[5][39AA. Information regarding casting of votes.— (*1*) Notwithstanding anything contained in rule 39A, the presiding officer shall, between the period when an elector being a member of a political

1. Subs. by Notification No. S.O.272(E), dated the 27th February, 2004, for certain words in rule 70 of 38A. 2. Subs. by Notification No. S.O.286(E), dated the 8th May, 1974, for rule 39A.

3. Ins. by Notification No. S.O. 340(E), dated the 4th June, 1986.

4. Clauses (*d*) and (*e*) re-lettered as clauses (*e*) and (*f*), respectively, *ibid* (w.e.f. 4-6-1986). 5. Ins. by Notification No. S.O. 272(E), dated the 27th February, 2004.

party records his vote on a ballot paper and before such elector inserts that ballot paper into the ballot box, allow the authorised agent of that political party to verify as to whom such elector has cast his vote:

Provided that if such elector refuses to show his marked ballot paper to the authorised agent of his political party, the ballot paper issued to him shall be taken back by the presiding officer or a polling officer under the direction of the presiding officer and the ballot paper so taken back shall then be further dealt with in the manner specified in sub-rules (6) to (8) of rule 39A as if such ballot paper had been taken back under sub-rule (5) of that rule.

(*2*) Every political party, whose member as an elector casts a vote at a polling station, shall, for the purposes of sub-rule (1), appoint, in

Form 22A, two authorised agents.

(*3*) An authorised agent appointed under sub-rule (2) shall be present throughout the polling hours at the polling station and the other shall relieve him when he goes out of the polling station or *vice versa*.]

[1][40A. *Recording of votes of illiterate, blind or infirm electors*.— (*1*) If an elector is unable to read the ballot paper or to record his vote thereon in accordance with rule 37A by reason of illiteracy, blindness or other infirmity, the presiding officer shall, on being satisfied about such illiteracy, blindness or infirmity, permit the elector to take with him a companion of not less than [2][eighteen] years of age who is able to read the ballot paper and record the vote thereon on behalf of, and in accordance with the wishes of, the elector and, if necessary, to fold the ballot paper so as to conceal the vote and insert it into the ballot box:

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

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

[3][Provided also that at an election by assembly members no such companion shall be an elector at that election.]

Form 14A of all the cases under this rule.

(*3*) The presiding officer shall, when he is so requested by the companion of an elector, explain to him the instructions for the recording of votes.]";

(*iii*) in lieu of rule 44, the following rule shall apply:—

"44B. *Sealing of ballot box after poll*.—As soon as practicable after the close of the poll, the [4][presiding officer] shall, in the presence of any polling agents who may be present, close the slit for insertion of ballot papers of each ballot box or where the box does not contain any mechanical device for closing the slit, seal up the slit and secure the ballot box:

Provided that it shall not be necessary to seal the slit or secure the ballot box if the counting of votes is to begin immediately after the close of the poll.";

[5][(*iv*) in rule 46, in sub-rule (*1*), in lieu of clauses (*b*) and (*c*), the following clauses shall apply:—

"(*b*) the ballot papers signed in full by the presiding officer under sub-rule (*1*) of rule 38A but not issued to the voters;

(*c*) the ballot papers cancelled for violation of voting procedure under rule 39A."].

1. Ins. by Notification No. S.O. 1520, dated the 25th April, 1968.

2. Subs. by Notification No. S.O. 542 (E), dated the 13th July, 1989 in rule 70 (40 A) for "twenty-one". 3. Added by Notification No. S.O. 5573, dated the 23rd December, 1971.

4. Subs. by Notification No. S.O. 2912, dated the 21st August, 1964 in rule 70 (44B) for the.

5. Subs. by Notification No. S.O. 286(E), dated the 8th May, 1974, for cl. (*iv*).

PART VII

Counting of votes at Elections by Assembly Members or in Council Constituencies

71. Definitions.—In this Part,—

(*1*) "continuing candidate" means any candidate not elected and not excluded from the poll at any given time;

(*2*) "count" means—

(*a*) all the operations involved in the counting of the first preferences recorded for candidates; or

(*b*) all the operations involved in the transfer of the surplus of an elected candidate; or

(*c*) all the operations involved, in the transfer of the total value of votes of an excluded candidate;

(*3*) "exhausted paper" means a ballot paper on which no further preference is recorded for a continuing candidate, provided that a paper shall also be deemed to have become exhausted whenever—

(*a*) the names of two or more candidates, whether continuing or not, are marked with the same figure and are next in order of preference; or

(*b*) the name of the candidate next in order of preference, whether continuing or not, is marked by a figure not following consecutively after some other figure on the ballot paper or by two or more figures;

(*4*) "first preference" means the figure 1 set opposite the name of a candidate; "second preference" means the figure 2 set opposite the name of a candidate; "third preference" means the figure 3 set opposite the name of a candidate, and so on;

(*5*) "original vote", in relation to any candidate, means a vote derived from a ballot paper on which a first preference is recorded, for such candidate;

(*6*) "surplus" means the number by which the value of the votes, original and transferred, of any candidate exceeds the quota;

(*7*) "transferred vote", in relation to any candidate, means a vote the value or the part of the value of which is credited to such candidate and which is derived from a ballot paper on which a second or a subsequent preference is recorded for such candidate; and

(*8*) "unexhausted paper" means a ballot paper on which a further preference is recorded for a continuing candidate.

72. Application of certain rules.—The provisions of rules 51 to 54 shall apply to the counting of votes at any election by assembly members or in a council constituency as they apply to the counting of votes at an election in a parliamentary or assembly constituency.

73. Scrutiny and opening of ballot boxes and the packets of postal ballot papers.—(*1*) The returning officer shall—

1[(*a*) first deal with the covers containing the postal ballot papers, if any, in the manner provided in sub-rules (*2*) to (*7*) of rule 54A;

(*b*) then open the ballot boxes, take out from each box and count the ballot papers contained therein, and record their number in a statement;]

(*c*) scrutinise the ballot papers taken out of the ballot boxes as well as the postal ballot papers taken out from the covers; and

1. Subs. by Notification No. S.O. 3662, dated the 12th October, 1964, for clauses (*a*) and (*b*).

(*d*) separate the ballot papers which he deems valid from those which he rejects endorsing on each of the latter the word "Rejected" and the ground of rejection.

(*2*) 1[Subject to rule 38A as made applicable, by clause (*ii*) of rule 70, to election, in a council constituency and, by assembly members other than by postal ballot under clause (*a*) of rule 68, a ballot paper shall] be invalid on which—

(*a*) the figure 1 is not marked; or

(*b*) the figure 1 is set opposite the name of more than one candidate or is so placed as to render it doubtful to which candidate it is intended to apply; or

(*c*) the figure 1 and some other figures are set opposite the name of the same candidate; or

(*d*) there is any mark or writing by which the elector can be identified; 2[or]

3[(*e*) there is any figure marked otherwise than with the article supplied for the purpose:

Provided that this clause shall not apply to a postal ballot paper:

Provided further that where the returning officer is satisfied that any such defect as is mentioned in this clause has been caused by any mistake or failure on the part of a presiding officer or polling officer, the ballot paper shall not be rejected, merely on the ground of such defect.]

4[*Explanation*.—The figures referred to in clauses (*a*), (*b*) and (*c*) of this sub-rule may be marked in the international form of Indian numerals or in the Roman form or in the form used in any Indian language, but shall not be indicated in words.]

74. Arrangement of valid ballot papers in parcels.—After rejecting the ballot papers which are invalid, the returning officer shall—

(*a*) arrange the remaining ballot papers in parcels according to the first preference recorded for each candidate;

(*b*) count and record the number of papers in each parcel and the total number; and

(*c*) credit to each candidate the value of the papers in his parcel.

75. Counting of votes where only one seat is to be filled.—(*1*) At any election where only one seat is to be filled, every valid ballot paper shall be deemed to be of the value of 1 at each count, and the quota sufficient to secure the return of a candidate at the election shall be determined as follows:—

(*a*) add the values credited to all the candidates under clause (*c*) of rule 74;

(*b*) divide the total by 2; and

(*c*) add 1 to the quotient ignoring the remainder, if any, and the resulting number is the quota.

(*2*) If, at the end of the first or any subsequent count, the total value of the ballot papers credited to any candidate is equal to, or greater than, the quota or there is only one continuing candidate, that candidate shall be declared elected.

1. Subs. by Notification No. S.O. 272(E), dated the 27th February, 2004 in rule 70 (38A). 2. Ins. by Notification No. S.O. 286(E), dated the 8th May, 1974.

3. Subs. by Notification No. S.O. 795(E), dated the 14th December, 1976, for clause (*e*). 4. Ins. by Notification No. S.O. 3662, dated the 12th October, 1964.

(*3*) If, at the end of any count, no candidate can be declared elected, the returning officer shall—

(*a*) exclude from the poll the candidate who up to that stage has been credited with the lowest value;

(*b*) examine all the ballot papers in his parcels and sub-parcels, arrange the unexhausted papers in sub-parcels according to the next available preferences recorded thereon for the continuing candidates, count the number of papers in each such sub-parcel and credit it to the candidate for whom such preference is recorded, transfer the sub-parcel to that candidate, and make a separate sub-parcel of all the exhausted papers; and

(*c*) see whether any of the continuing candidates has, after such transfer and credit, secured the quota.

(*4*) If, when a candidate has to be excluded under clause (*a*) of sub-rule (*3*), two or more candidates have been credited with the same value and stand lowest on the poll, the candidate for whom the lowest number of original votes are recorded shall be excluded, and if this number also is the same in the case of two or more candidates, the returning officer shall decide by lot which of them shall be excluded.

Counting of votes when more than one seat is to be filled

76. Ascertainment of quota.—At any election where more than one seat is to be filled, every valid ballot paper shall be deemed to be of the value of 100, and the quota sufficient to secure the return of a candidate at the election shall be determined as follows:—

(*a*) add the values credited to all the candidates under clause (*c*) of rule 74;

(*b*) divide the total by a number which exceeds by 1 the number of vacancies to be filled; and

(*c*) add 1 to the quotient ignoring the remainder, if any, and the resulting number is the quota.

77. General instruction.—In carrying out the provisions of rules 78 to 82, the returning officer shall disregard all fractions and ignore all preferences recorded for candidates already elected or excluded from the poll.

78. Candidates with quota elected.—If at the end of any count or at the end of the transfer of any parcel or sub-parcel of an excluded candidate the value of ballot papers credited to a candidate is equal to, or greater than the quota, that candidate shall be declared elected.

79. Transfer of surplus.—(*1*) If at the end of any count the value of the ballot papers credited to a candidate is greater than the quota, the surplus shall be transferred, in accordance with the provisions of this rule, to the continuing candidates indicated on the ballot papers of that candidate as being next in order of the elector's preference.

(*2*) If more than one candidate have a surplus, the largest surplus shall be dealt with first and the others in order of magnitude:

Provided that every surplus arising on the first count shall be dealt with before those arising on the second count and so on.

(*3*) Where there are more surpluses than one to distribute and two or more surpluses are equal, regard shall be had to the original votes of each candidate and the candidate for whom most original votes are recorded shall have his surplus first distributed; and if the values of their original votes are equal, the returning officer shall decide by lot which candidate shall have his surplus first distributed.

(*4*) (*a*) If the surplus of any candidate to be transferred arises from original votes only, the returning officer shall examine all the papers in the parcel belonging to that candidate, divide the unexhausted papers into sub-parcels according to the next preferences recorded thereon and make a separate sub-parcel of the exhausted papers.

(*b*) He shall ascertain the value of the papers in each sub-parcel and of all the unexhausted papers.

(*c*) If the value of the unexhausted papers is equal to or less than the surplus, he shall transfer all the unexhausted papers at the value at which they were received by the candidate whose surplus is being transferred.

(*d*) If the value of the unexhausted papers is greater than the surplus, he shall transfer the sub-parcels of unexhausted papers and the value at which each paper shall be transferred shall be ascertained by dividing the surplus by the total number of unexhausted papers.

(*5*) If the surplus of any candidate to be transferred arises from transferred as well as original votes, the returning officer shall re-examine all the papers in the sub-parcel last transferred to the candidate, divide the unexhausted papers into sub-parcels according to the next preferences recorded thereon, and then deal with the sub-parcels in the same manner as is provided in the case of sub-parcels referred to in sub-rule (*4*).

(*6*) The papers transferred to each candidate shall be added in the form of a sub-parcel to the papers already belonging to such candidate.

(*7*) All papers in the parcel or sub-parcel of an elected candidate not transferred under this rule shall be set apart as finally dealt with.

80. Exclusion of candidates lowest on the poll.—(*1*) If after all surpluses have been transferred as hereinbefore provided, the number of candidates elected is less than the required number, the returning officer shall exclude from the poll the candidate lowest on the poll and shall distribute his unexhausted papers among the continuing candidates according to the next preferences recorded thereon; and any exhausted papers shall be set apart as finally dealt with.

(*2*) The papers containing original votes of an excluded candidate shall first be transferred, the transfer value of each paper being one hundred.

(*3*) The papers containing transferred votes of an excluded candidate shall then be transferred in the order of the transfers in which, and at the value at which, he obtained them.

(*4*) Each of such transfers shall be deemed to be a separate transfer but not a separate count.

(*5*) If, as a result of the transfer of papers, the value of votes obtained by candidate is equal to or greater than the quota, the count then proceeding shall be completed but no further papers shall be transferred to him.

(*6*) The process directed by this rule shall be repeated on the successive exclusions one after another of the candidates lowest on the poll until such vacancy is filled either by the election of a candidate with the quota or as hereinafter provided.

(*7*) If at any time it becomes necessary to exclude a candidate and two or more candidates have the same value of votes and are the lowest on the poll, regard shall be had to the original votes of each candidate and the candidate for whom fewest original votes are recorded shall be excluded; and if the values of their original votes are equal the candidates with the smallest value at the earliest count at which these candidates had unequal values shall be excluded.

(*8*) If two or more candidates are lowest on the poll and each has the same value of votes at all counts the returning officer shall decide by lot which candidate shall be excluded.

81. Filling the last vacancies.—(*1*) When at the end of any count the number of continuing candidates is reduced to the number of vacancies remaining unfilled, the continuing candidates shall be declared elected.

(*2*) When at the end of any count only one vacancy remains unfilled and the value of the papers of some one candidate exceeds the total value of the papers of all the other continuing candidates together with any surplus not transferred, that candidate shall be declared elected.

(*3*) When at the end of any count only one vacancy remains unfilled and there are only two continuing candidates and each of them has the same value of votes and no surplus remains capable of transfer, the returning officer shall decide by lot which of them shall be excluded; and after excluding him in the manner aforesaid, declare the other candidate to be elected.

82. Provision for re-counts.—(*1*) Any candidate or, in his absence, his election agent or counting agent may, at any time during the counting of the votes either before the commencement or after the completion of any transfer of votes (whether surplus or otherwise) request the returning officer to re-examine and re-count the papers of all or any candidates (not being papers set aside at any previous transfer as finally dealt with), and the returning officer shall forthwith re-examine and re-count the same accordingly.

(*2*) The returning officer may in his discretion re-count the votes either once or more than once in any case in which he is not satisfied as to the accuracy of any previous count:

Provided that nothing in this sub-rule shall make it obligatory on the returning officer to re-count the same votes more than once.

83. Illustration of the procedure as to the counting of votes under rules 76 to 81.—An illustration of the procedure as to the counting of votes in accordance with the provisions of [1][rules 76 to 81] is given in the Schedule to these rules.

[2]**[84. Declaration of result and return by returning officers**.—(*1*) Upon the completion of counting, the returning officer shall, subject to the provisions of sub-rule (*3*) of rule 81,—

Form 23 or Form 23A as may be appropriate, and send signed copies thereof to the appropriate authority, the Election Commission and the chief electoral officer;

Form 23B and after reporting the result of the election under section 67, send signed copies of the said Form to the Election Commission and the chief electoral officer; and

(*c*) permit any candidate or his election agent or counting agent to take a copy of, or extract from, such return in Form 23B.]

[1][(*2*) The returning officer shall thereafter—

(*a*) place the valid ballot papers in one packet and the rejected ballot papers in another;

(*b*) seal with the seals of the returning officer and of such of the candidates, their election agents or counting agents as may desire to affix their seals, each of the packets referred to in clause (*a*) and the packet containing the declarations by electors and attestations of their signatures; and

(*c*) record on each of the sealed packets the descriptions of its contents and the date of election.]

[3][Provided that where such counting relates to an election to fill a seat or seats in the Council of States, the returning officer shall, before sealing the packets under clause (*b*), allow the authorised agent of a political party to verify as to whom the electors being members of that political party have cast their votes.]

1. Subs. by Notification No. S.O. 3662, dated the 12th October, 1964, for certain words and sub-rule (*2*) respectively. 2. Subs. by Notification No. S.O. 4542, dated the 20th December, 1968, for rule 84 (w.e.f. 1-1-1969).
3. Ins. by Notification No. S.O. 272(E), dated the 27th February, 2004.

[1]* * * * *

85. Grant of certificate of election to returned candidate.—As soon as may be after a candidate has been declared to be elected the returning officer shall grant to such candidate a certificate of election in

Form 24 and obtain from the candidate an acknowledgment of its receipt duly signed by him and immediately send the acknowledgment by registered post to the Secretary of the Council of States or, as the case may be, the Secretary of the Legislative Council.

[2][PART VIIA

Contributions report, equitable sharing of time on electronic media and material to be supplied to recognised political parties

85A. Definitions.—In this Part, unless the context otherwise requires,—

(*a*) "cable television network" and "cable operator" have the meanings respectively assigned to them in clause (*b) of Explanation* to section 39A;

(*b*) "electronic media" has the meaning assigned to it in clause (*a*) of *Explanation* to section 39A;

(*c*) "political party" has the meaning assigned to it in clause (*f*) of sub-section (*1*) of section 2;

(*d*) "recognised political party" has the meaning assigned to it in the Election Symbols (Reservation and Allotment) Order, 1968.

85B. Form of contributions report.—The report for a financial year under sub-section (*1*) of section 29C shall be submitted in

form 24A by the treasurer of a political party or any other person authorised by the political party in this behalf, before the due date for furnishing a return of its income of that financial year under section 139 of the Income-tax Act, 1961 (43 of 1961), to the Election Commission.

85C. Allocation of equitable sharing of time on electronic media.—(*1*) The Election Commission shall, for the purposes of allocating equitable sharing of time on the cable television network and other electronic media under sub-section (*1*) of section 39A, categories the cable television networks and electronic media into the two separate categories that is to say one category which is owned or controlled or financed wholly or substantially by funds provided to them by the Central Government and the other which is not owned of controlled or financed wholly or substantially by funds provided to them by the Central Government.

(*2*) For allocating equitable sharing of time on the cable television network and other electronic media owned or controlled or financed wholly or substantially by funds provided to them by the Central Government referred to in sub-rule (*1*), the Election Commission shall determine, in consultation with the Ministry of the Government of India dealing with the concerned subject, the maximum time period available on such cable television network and other electronic media and allocate such time period proportionately among the recognised political parties contesting the election on the basis of their past performances for the purposes of displaying or propagating any election matter or to address public in connection with the election under sub-section (*1*)of section 39A.

(*3*) For the purposes of this rule, "past performance of a recognised political party" shall be calculated,—

(*i*) in relation to the election to fill a seat or seats in the House of the People, on the basis of the percentage of votes cast in the last preceding general election in favour of that recognised political party with reference to the total votes cast in that general election, to fill the seats in that House;

(*ii*) in relation to the election to fill a seat or seats in the Legislative Assembly of a State (except the State of Jammu and Kashmir), on the basis of the percentage of the votes cast in the last preceding general election in favour of that recognised political party with reference to the total votes cast in that general election, to fill the seats in that Assembly.

1. Sub-rule (*3*) omitted by Notification No. S.O. 4542, dated the 10th December, 1968 (w.e.f. 1-1-1969). 2. Ins. by Notification No. S.O. 1283(E), dated the 10th November, 2003.

85D. Supply of material by the Government.—The Central Government shall, at the time of any general election to be held for the purposes of constituting the house of the People or the Legislative Assembly of a State provide to the Election Commission such number of copies of electoral roll, as finally published under the representation of the People Act, 1950 (43 of 1950), as the Election Commission may require for supplying the same free of cost to the candidate of recognised political parties through such officers as may be specified by the Election Commission and such officer shall act in accordance with such general or special directions as may be issued by the Election Commission in this behalf.'.

PART VIII
Election Expenses

86. Particulars of account of election expenses.—(*1*) The account of election expenses to be kept by a candidate or his election agent under section 77 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;

(*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 items of expenditure for which vouchers have not been obtained under sub-rule (*2*).

87. Notice by 1[district election officer] for inspection of accounts.—The 1[district election officer] shall, within two days from the date on which the account of election expenses has been lodged by a candidate under section 78, 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

1. Subs. by Notification No. S.O. 3875, dated the 15th December, 1966, for "returning officer".

(*c*) the time and place at which such account can be inspected.

88. Inspection of account and the obtaining of copies thereof.—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.

89. Report by the 1[district election officer] as to the lodging of the account of election expenses and the decision of the Election Commission thereon.— (*1*) As soon as may be after the expiration of the time specified in section 78 for the lodging of the accounts of election expenses at any election, the 1[district 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 the Act and these rules.

(*2*) Where the 1[district 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 Act and these 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 1[district election officer] shall publish a copy thereof 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 the Act and these rules.

2[(*5*) Where the Election Commission decides that a contesting candidate has failed to lodge his account of election expenses within the time and in the manner required by the Act and these rules it shall by notice in writing call upon the candidate to show cause why he should not be disqualified under section 10A 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 respect of the matter a representation in writing to the Election Commission, and shall at the same time send to district 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 election officer shall, within five days of 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 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 under section 10A for a period of three years from the date of the order, and cause the order to be published in the Official Gazette.]

1. Subs. by Notification No. S.O.3875, dated 15th December, 1966, for "returning officer". 2. Subs., *ibid*., for sub-rules (*5*) to (*9*).

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Conduct of Elections Rules,
1961 (Statutory Rules and Order)

[1][**90. Maximum election expenses**.—The total of the expenditure of which account is to be kept under section 77 and which is incurred or authorized in connection with an election in a State or Union territory mentioned in column 1 of the Table below shall not exceed—

(*a*) in any one parliamentary constituency of that State or Union territory, the amount specified in the corresponding column 2 of the said Table; and

(*b*) in any one assembly constituency, if any, of the State or Union territory, the amount specified in the corresponding column 3 of the said Table—

1. Subs. by Notification No. S.O. 767(E), dated the 29th November, 1979, for rule 90.

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Conduct of Elections Rules,
1961 (Statutory Rules and Order)

[1][TABLE

Sl. No.	Name of State or Union territory	Maximum limit of election expenses in any one Parliamentary constituency	Assembly constituency
1	2	3	4

I. STATES	Rs.	Rs.

1. Subs. by Notification No. S.O. 72(*E*), dated the 6th January, 2022.

PART IX

Miscellaneous

91. Resignation of seats in case of election to more seats than one in a House.—(*1*) The time within which a person may resign all but one of the seats in either House of Parliament or in the House or either House of the Legislature of a State, to which he has been elected shall be—

(*a*) fourteen days from the date of his election under section 67A; or

(*b*) where the dates of his election are different in respect of different seats, fourteen days from the last of those dates.

(*2*) Such resignation shall be addressed—

(*a*) to the Speaker or the Chairman of the House concerned; or

(*b*) whether the office of the Speaker or Chairman is for the time being vacant or is, or is deemed to be, in abeyance, to the Deputy Speaker or the Deputy Chairman of the House concerned; or

(*c*) where the post of the Deputy Speaker or Deputy Chairman is also for the time being vacant or is, deemed to be, in abeyance, to the Election Commission.

(*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 House concerned.

92. Custody of ballot boxes and papers relating to election.—(*1*) All ballot boxes used at an election shall be kept in such custody as the chief electoral officer may direct.

[1][(*1A*) All voting machines used at an election shall be kept in the custody of the concerned district election officer.]

[2][(*2*) The district 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;

[3][(*cc*) the printed paper slips sealed under the provisions of rule 57C;]

(*d*) the packets of the marked copy of the electoral roll or, as the case may be, the list maintained under sub-section (*1*) or sub-section (*2*) of section 152;

Form-17A;]

(*e*) the packets of the declarations by electors and the attestation of their signatures; and

(*f*) all other papers relating to the election:

Provided that in the case of an election in an assembly constituency or a parliamentary constituency or a council constituency which extends over more districts that one, the said papers shall be kept in the custody of such one of the district election officers having jurisdiction over the constituency as the Election Commission may direct:

Provided further that in the case of an election by assembly members the said papers shall be kept in the custody of the returning officer.]

1. Ins. by Notification No. S.O. 230 (E), dated the 24th March, 1992.

2. Subs. by Notification No. S.O. 5573, dated the 23rd December, 1971, for sub-rule (*2*). 3. Ins. by Notification No. S.O. 2470(E), dated the 14th August, 2013.

1**[93. Production and inspection of election papers**.— (*1*) While in the custody of the district election officer or, 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;

2[(*cc*) the printed paper slips sealed under the provisions of rule 57C;]

(*d*) the packets of the marked copy of the electoral roll or, as the case may be, the list maintained under sub-section (*1*) or sub-section (*2*) of section 152; and

form 17-A;]

(*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.

3[*1A*) The control units sealed under the provisions of rule 57C and kept in the custody of the district election officer shall not be opened and shall not be inspected by, or produced before, any person or authority except under the orders of a competent court.]

(*2*) Subject to such conditions and to the payment of such fee as the Election Commission may direct,—

(*a*) all other papers relating to the election shall be open to public inspection; and

(*b*) copies thereof shall on application be furnished.

(*3*) copies of the returns by the returning officer forwarded under rule 64, or as the case may be, under clause (*b*) of sub-rule (*1*) of rule 84 shall be furnished by the returning officer, district election officer, chief electoral officer or the Election Commission on payment of a fee of two rupees for each copy.]

94. Disposal of election papers.—Subject to any direction to the contrary given by the Election Commission or by a competent court or tribunal—

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

3[(*aa*) the voting machines kept in the custody of the district election officer under sub-rule (*1A*) of rule 92 shall be retained intact for such period as the Election Commission may direct and shall not be used at any subsequent election without the previous approval of the Election Commission;]

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

4[Provided that packets containing the counterfoils of used ballot papers 2[and the printed paper slips, if any,] shall not be destroyed except with the previous approval of the Election Commission;]

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

1. Subs. by Notification No. S.O. 5573, dated the 23rd December, 1971, for rule 93. 2. Ins. by Notification No. S.O. 2470(E), dated the 14th August, 2013.

3. Ins. by Notification No. S.O. 230(E), dated the 24th March, 1992 (w.e.f. 17-7-1992). 4. Added by Notification No. S.O. 5573, dated the 23rd December, 1971.

[1][**94A. Form of affidavit to be filed with election petition.**—The affidavit referred to in the proviso to sub-section (*1*) of section 83 shall be sworn before a magistrate of the first class or a notary or a commissioner of oaths and shall be in

Form 25.]

[2][**95. Power of the Election Commission to issue directions**.—Subject to the other provisions of these rules, the Election Commission may issue such directions as it may consider necessary to facilitate the proper use and operation of the voting machines.]

96. List of Members of State Assemblies and electoral colleges.—(*1*) The returning officer for an election by the members of the Legislative Assembly of a State, to fill a seat or seats in the Council of States or in the Legislative Council of a State, shall maintain a list of members of that Assembly with their addresses corrected up-to-date in such form as the Election Commission may direct.

Explanation.—In this sub-rule any reference to the members of the Legislative Assembly of a State shall, in relation to an election to the Council of States, be construed as a reference to the elected members of that Legislative Assembly.

(*2*) The returning officer for an election by the members of the electoral college of a Union territory to fill a seat or seats in the Council of States shall maintain a list of members of that electoral college with their addresses corrected up-to-date in such form as the Election Commission may direct.

97. Number of votes sufficient to secure the return of a candidate in relation to return of forfeiture of deposits in certain cases.—For the purpose of the proviso to sub-section (*4*) of section 158—

(*a*) a candidate who is not elected shall be deemed to get,—

(*i*) if he is a continuing candidate, the votes obtained by him at the end of the final count, and

(*ii*) if he is a candidate excluded from the poll, the votes obtained by him at the end of the count immediately preceding his exclusion;

(*b*) the quota referred to in rule 75 or rule 76 shall be deemed to be the number of votes sufficient to secure the return of a candidate.

98. Manner of serving the order of requisition of premises, vehicles, etc.—An order of requisition under section 160 shall be served—

(*a*) where the 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 to 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, or

(*iii*) if the 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 gain.

99. Time for application for reference to arbitration under section 161.—The time within which any person interested who is aggrieved by the amount of compensation determined under sub-section (*1*) of section 168 or within which the owner of a vehicle, vessel or animal who is aggrieved by the amount of compensation determined under sub-section (*2*) of that section may make an application for referring the manner to arbitration shall be fourteen days from the date of determination of the amount of such compensation or where the amount of such compensation has been determined in the absence of the person interested or, as the case may be, the owner, fourteen days from the date on which the intimation of such determination is sent to that person or owner.

1. Ins. by Notification No. S.O. 597, dated the 27th February, 1962.

2. Ins. by Notification No. S.O. 230(E), dated the 24th March, 1992, and corrected by S.O. 530(E), dated the 17th July, 1992.

[1][**FORM 1**

(*See* rule 3)

NOTICE OF ELECTION

Notice is hereby given that:—

(*1*) an election is to be held of a member to the House of the People/.....Legislative Assembly/.....Legislative Council in the.....constituency;

OR

(*1*) an election is to be held of a member(s) to the Council of States/.....legislative Council/.....by the elected members of the..... Legislative Assembly;

(*2*) nomination papers may be delivered by a candidate or by any of his proposers to the Returning Officer or to ..... Assistant Returning Officer, at..... between 11 A.M. and 3 P.M. on any day (other than public holiday) not later than the .....;

(*3*) forms of nomination paper may be obtained at the place and time aforesaid;

(*4*) the nomination papers will be taken up for scrutiny at .....on.....at..... .....;

(*5*) notice of withdrawal of candidature may be delivered either by a candidate or by any of his proposers or by 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.....;

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

…… Place..... Returning Officer.] Date.....

Form 1.

Conduct of Elections Rules, 1961

(Statutory Rules and Order)

[1][FORM 2A

(*See* rule 4)

NOMINATION PAPER

Election to the House of the People

Recent stamp size (2cm X 2.5cm) photograph in white/off white background with full face view to be attached.

STRIKE OFF PART I OR PART II BELOW WHICHEVER IS NOT APPLICABLE

PART I

(To be used by candidate set up by recognised political party)

I nominate as a candidate for election to the House of the People from the ..... Parliamentary constituency.

Candidate's name ..... Father's/mother's/husband's name ..... His postal address .....His name is entered at S. No.....in Part No..... of the electoral roll for..... *(Assembly constituency comprised within)..... Parliamentary Constituency.

My name is ..... and it is entered at S.No..... in Part No. ..... of the electoral roll for .....*(Assembly constituency comprised within) ..... Parliamentary constituency.

Date ..... Signature of Proposer

PART II

(To be used by candidate NOT set up by recognised political party)

We hereby nominate as candidate for election to the House of the People from the..... Parliamentary Constituency.

Candidate's name ..... Father's/mother's/husband's name ..... His postal address.....His name is entered at S.No.....in Part No.....of the electoral roll for ..... *(Assembly constituency comprised within) .....Parliamentary constituency.

We declare that we are electors of the above Parliamentary Constituency and our names are entered in the electoral roll for that Parliamentary Constituency as indicated below and we append our signatures below in token of subscribing to this nomination:—

Particulars of the proposers and their signatures

Sl. No.	Name of component Assembly Constituency	**Elector Roll No. of Proposer**		Full Name	Signature	Date
		Part No. of Electoral Roll	S. No. in that part			
1	2	3	4	5	6	7
1.						
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
10.						

N.B.- There should be ten electors of the constituency as proposers.

1. Subs. by Notification No. S.O. 2969(E), dated 16th September, 2016, for FORM 2A (w.e.f. 16-9-2016).

PART III

I, the candidate mentioned in Part I/Part II (Strike out which is not applicable) assent to this nomination and hereby declare that—

(*a*) ***I am a citizen of India and have not acquired the citizenship of any foreign State or country;***

(*b*) I have completed.....years of age;

[STRIKE OUT c(i) or c(ii) BELOW WHICHEVER IS NOT APPLICABLE]

(*c*) (*i*) I am set up at this election by the.....party, which is a recognised National Party/State Party in this State and that the symbol reserved for the above party be allotted to me.

OR

(*c*) (*ii*) I am set up at this election by the .....party, which is a registered-unrecognised political party/that I am contesting this election as an independent candidate (Strike out which is not applicable) and that the symbols I have chosen, in order of preference, are:—

(*i*)……..... (*ii*)……. (*iii*)…….....

(*d*) my name and my father's/mother's/husband's name have been correctly spelt out above in..... (name of the language);

(*e*) to the best of my knowledge and belief, I am qualified and not also disqualified for being chosen to fill the seat in the House of the People.

*I further declare that I am a member of the.....**Caste/tribe which is a scheduled **caste/tribe of the State of.....in relation to.....(area) in that State.

I also declare that I have not been, and shall not be nominated as a candidate at the present general election/the bye-elections being held simultaneously, to the House of the People from more than two Parliamentary Constituencies.

Date..... Signature of Candidate _____

[7]Score out the words "assembly constituency comprised within" in the case of Jammu and Kashmir, Andaman and Nicobar Islands, Chandigarh, Dadra and Nagar Haveli, Daman and Diu and Lakshadweep.

*Score out this paragraph, if not applicable.

**Score out the words not applicable.

N.B.—A "recognised political party" means a political party recognised by the Election Commission under the Election Symbols (Reservation and Allotment) Order, 1968 in the State concerned.

PART IIIA

(To be filled by the candidate)

[1][Whether the candidate—

(*i*) has been convicted—

(*a*) of any offence(*s*) under sub-section (*1*); or

(*b*) for contravention of any law specified in sub-section (*2*) of section 8 of the Representation of the People Act, 1951 (43 of 1951); or

Yes/No

(*ii*) has been convicted for any other offence(*s*) for which he has been sentenced to imprisonment for two years or more.

If the answer is "Yes", the candidate shall furnish the following information:

(*i*) Case/First information report No./Nos. ……..

(*ii*) Police station(s)……District(s)……State(s)……..

1. Existing paragraph numbered as sub-paragraph (*1*) by Notification No S.O 1133 (E), dated the 7th April, 2017

(*iii*) Section(s) of the concerned Act(s) and brief description of the offence(s) for which he has been convicted

……..

(*iv*) Date(s) of conviction(s)……

(*v*) Court(s) which convicted the candidate……..

(*vi*) Punishment(s) imposed [indicate period of imprisonment(s) and/or quantam of fine(s)]……..

(*vii*) Date(s) of release from prison……

(*viii*) Was/were any appeal(s)/revision(s) filed against above conviction(s)……..Yes/No

(*ix*) Date and particulars of appeal(s)/application(s) for revision filed…….

(*x*) Name of the court(s) before which the appeal(s)/application(s) for revision filed……..

(*xi*) Whether the said appeal(s)/application(s) for revision has/have been disposed of or is/are pending…….

(*xii*) If the said appeal(s)/application(s) for revision has/have been disposed of—

(*a*) Date(s) of disposal……

(*b*) Nature of order(s) passed…….]

[1](*2*) Whether the candidate is holding any office of profit under the Government of India or State Government?……..(Yes/No)

–If Yes, details of the office held……

(*3*) Whether the candidate has been declared insolvent by any Court?.....(Yes/No)

–If Yes, has he been discharged from insolvency……

(*4*) Whether the candidate is under allegiance or adherence to any foreign country?.....(Yes/No)

–If Yes, give details……..

(*5*) Whether the candidate has been disqualified under section 8A of the said Act by an order of the President?……(Yes/No)

–If Yes, the period for which disqualified……..

(*6*) Whether the candidate was dismissed for corruption or for disloyalty while holding office under the Government of India or the Government of any State?.....(Yes/No)

–If Yes, the date of such dismissal…….

(*7*) Whether the candidate has any subsisting contract(s) with the Government either in individual capacity or by trust or partnership in which the candidate has a share for supply of any goods to that Government or for execution of works undertaken by that Government?.....(Yes/No)

–If Yes, with which Government and details of subsisting contract(s)……

(*8*) Whether the candidate is a managing agent, or manager or Secretary of any company or Corporation (other than a co-operative society) in the capital of which the Central/ Government or State Government has not less than twenty-five percent share?……(Yes/no)

–If Yes, with which Government and the details thereof……..

(*9*) Whether the candidate has been disqualified by the Commission under section 10A of the said Act ……..(Yes/No)

–If yes, the date of disqualification……”]

Place:

Date: (Signature of the candidate)

---

1. Existing paragraph numbered as sub-paragraph (*1*) by Notification No S.O 1133 (E), dated the 7th April, 2017

PART IV

(To be filled by the Returning Officer) Serial No. of nomination paper .....

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

……

Date....…..... Returning Officer

PART V

Decision of Returning Officer Accepting or Rejecting the Nomination Paper

I have examined this nomination paper in accordance with section 36 of the Representation of the People Act, 1951(43 of 1951) and decide as follows:—

……
……
……

……..

Date..... Returning Officer …… (Perforation)……

PART VI

Receipt for Nomination Paper and Notice of Scrutiny

(To be handed over to the person presenting the Nomination Paper) Serial No. of nomination paper.....

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

…… Date..... Returning Officer

*Score out the word not applicable.

FORM 2B

(*See* rule 4)

NOMINATION

PAPER

Election to the Legislative Assembly of.....(*State*)

Recent stamp size (2cm X 2.5cm) photograph in white/off white background with full face

STRIKE OFF PART I OR PART II BELOW WHICHEVER IS NOT APPLICABLE

PART I

(To be used by candidate set up by recognised political party)

I nominate as a candidate for election to the Legislative Assembly from the.....…….....Assembly Constituency.

Candidate's name ..... Father's/mother's/husband's name .... ……. …….. His postal address ..... His name is entered at Sl. No.....……in Part No.....of the electoral roll for .....Assembly constituency.

My name is .....……and it is entered at Sl. No. .....in Part No.....of the electoral roll for the.....Assembly constituency.

Date ..... Signature of the Proposer

PART II

We hereby nominate as candidate for election to the Legislative Assembly from the.....Assembly Constituency.

Candidate's name.....Father's/mother's/husband's name.....His postal address.....… His name is entered at Sl. No.....in Part No.....of the electoral roll for.....Assembly constituency.

We declare that we are electors of this Assembly constituency and our names are entered in the electoral roll for this Assembly constituency as indicated below and we append our signatures below in token of subscribing to this nomination:-

Particulars of the proposers and their signatures

Sl. No.	Elector Roll No. of Proposer		Full Name	Signature	Date
	Part No. of Electoral Roll	S. No. in that part			
1	2	3	4	5	6
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					

N.B.- There should be ten electors of the constituency as proposers.

Conduct of Elections Rules, 1961

(Statutory Rules and Order)

PART III

I, the candidate mentioned in Part I/Part II (Strike out which is not applicable) assent to this nomination and hereby declare that—

(*a*) ***I am a citizen of India and have not acquired the citizenship of any foreign State;***

(*b*) I have completed.....years of age;

[STRIKE OUT c(i ER IS NOT APPLICABLE]

(*c*) (*i*) I am set up at this election by the .....party, which is recognised National Party/State Party in this State and that the symbol reserved for the above party be allotted to me.

OR

(*ii*) I am set up at this election by the.....party, which is a registered unrecognised political party/that I am contesting this election as an independent candidate (Strike out which is not applicable) and that the symbols I have chosen, in order of preference, are: —

(i)..... (ii)..... (iii).....

(*d*) my name and my father's/mother's/husband's name have been correctly spelt out above in..... (name of the language); and

(e) to the best of my knowledge and belief, I am qualified and not also disqualified for being chosen to fill the seat in the Legislative Assembly of this State.

* I further declare that I am a member of the.....**Caste/tribe which is a scheduled **caste/tribe of the State of.....in relation to.....(area) in that State.

I also declare that I have not been, and shall not be nominated as a candidate at the present general election/the bye-elections being held simultaneously, to the Legislative Assembly ..... of (State) from more than two Assembly constituencies.

Date..... Signature of Candidate

---

* Score out this paragraph, if not applicable.

** Score out the words not applicable.

N.B.—A "recognised political party" means a political party recognised by the Election Commission under the Election Symbols (Reservation and Allotment) Order, 1968 in the State concerned.

PART III A

(To be filled by the candidate)

(*1*).[1][Whether the candidate—

(*i*) has been convicted—

(*a*) of any offence(*s*) under sub-section (*1*); or

(*b*) for contravention of any law specified in sub-section (*2*) of section 8 of the Representation of the People Act, 1951(43 of 1951); or

(*ii*) has been convicted for any other offence(s) for which he has been sentenced to imprisonment for two years or more.

Yes/No

If the answer is "Yes", the candidate shall furnish the following information:

(*i*) Case/First information report No./Nos. ……..

(*ii*) Police station(s)……District(s)……State(s)……..

(*iii*) Section(s) of the concerned Act(s) and brief description of the offence(s) for which he has been convicted

……

(*iv*) Date(s) of conviction(s)……

(*v*) Court(s) which convicted the candidate……..

(*vi*) Punishment(s) imposed [indicate period of imprisonment(s) and/or quantam of fine(s)]…….

(*vii*) Date(s) of release from prison……

(*viii*) Was/were any appeal(s)/revision(s) filed against above conviction(s)……..Yes/No

(*ix*) Date and particulars of the appeal(s)/application(s) for revision filed……

(*x*) Name of the court(s) before which the appeal(s)/application(s) for revision filed…….

(*xi*) Whether the said appeal(s)/application(s) for revision has/have been disposed of or is/are pending……

(*xii*) If the said appeal(s)/application(s) for revision has/have been disposed of—

(*a*) Date(s) of disposal……

(*b*) Nature of order(s) passed…….

1. Existing paragraph numbered as sub-paragraph (*1*) by Notification No S.O 1133 (E), dated the 7th April, 2017, (w.e.f. 4-7-2017).

[1](*2*) Whether the candidate is holding any office of profit under the Government of India or State Government?……..(Yes/No)

–If Yes, details of the office held……

(*3*) Whether the candidate has been declared insolvent by any Court?.....(Yes/No)

–If Yes, has he been discharged from insolvency……

(*4*) Whether the candidate is under allegiance or adherence to any foreign country?.....(Yes/No)

–If Yes, give details……..

(*5*) Whether the candidate has been disqualified under section 8A of the said Act by an order of the President?……(Yes/No)

–If Yes, the period for which disqualified……..

(*6*) Whether the candidate was dismissed for corruption or for disloyalty while holding office under the Government of India or the Government of any State?.....(Yes/No)

–If Yes, the date of such dismissal……..

(*7*) Whether the candidate has any subsisting contract(s) with the Government either in individual capacity or by trust or partnership in which the candidate has a share for supply of any goods to that Government or for execution of works undertaken by that Government?.....(Yes/No)

–If Yes, with which Government and details of subsisting contract(s)……

(*8*) Whether the candidate is a managing agent, or manager or Secretary of any company or Corporation (other than a cooperative society) in the capital of which the Central/ Government or State Government has not less than twenty-five percent share?……(Yes/no)

–If Yes, with which Government and the details thereof……..

(*9*) Whether the candidate has been disqualified by the Commission under section 10A of the said Act ……..(Yes/No)

–If yes, the date of disqualification……]

Place:…… ……. Date:……..

Signature of the candidate

PART IV

(To be filled by the Returning Officer)

Serial No. of nomination paper .....

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

Date..... Returning Officer

__ *Score out the word not applicable.

PART V

Decision of Returning Officer Accepting or Rejecting the Nomination Paper

I have examined this nomination paper in accordance with section 36 of the Representation of the People Act, 1951 and decide as follows: —

……
……
…….

……..…….

Date..... …. Returning

Officer ……(Perforation).....

PART VI

Receipt for Nomination Paper and Notice of Scrutiny

(To be handed over to the person presenting the Nomination Paper) Serial No. of nomination paper.....

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

……..

Date..... Returning Officer

---

*Score out the word not applicable.

1. Existing paragraph numbered as sub-paragraph (*1*) by Notification No S.O 1133 (E), dated the 7th April, 2017

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Conduct of Elections Rules,

1961 (Statutory Rules and Order)

FORM 2C

(*See* rule 4)

NOMINATION

PAPER

Election to the Council of States

PART I

Recent stamp size (2cm X 2.5cm) photograph in white/off white background with full face view.

We hereby nominate as a candidate for election to the Council of States:

Candidate's Name..... [father's/mother's/husband's name] .....His postal address.....

His name is entered at S.No.....in Part No.....of the electoral roll for the .....assembly/*Parliamentary constituency.

We declare that we are elected members of the Legislative Assembly of..... electoral college for.....

and our names are entered as indicated below in the list maintained under section 152 and we append our signatures below in token of subscribing to his nomination:

Particulars of the proposers and their signatures

Sl.No.	Sl.No. as entered in the list maintained under section 152	Full Name	Signature	Date
1	2	3	4	5
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
***10.*				

* For Jammu and Kashmir only.

**There should be ten per cent. of the elected members of the Legislative Assembly or ten per cent. of the members of the electoral college or ten members concerned, whichever is less, as proposers.

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

(*a*) I am a citizen of India and have not acquired the citizenship of any foreign State;

(*b*) I have completed .....years of age;

(*c*) I am set up at this election by the .....party;

(*d*) my name and my [father's/mother's/husband's name] have been correctly spelt out above in..... (name of

the language); and

(*e*) to the best of my knowledge and belief, I am qualified and not also disqualified for being chosen to fill the seat

in the Council of States.

I also declare that I have not been, and shall not be, nominated as a candidate at the present biennial

election/bye- elections being held simultaneously, to the Council of States for more than two seats.

…..……..

Date..... Signature of the candidate

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PART II

(To be filled by the candidate)

(*1*) [1][Whether the candidate—

(*i*) has been convicted—

(*a*) of any offence(s) under sub-section (1); or

(*b*) for contravention of any law specified in sub-section (2), of section 8 of the Representation of the People Act, 1951 (43 of 1951); or

(*ii*) has been convicted for any other offence(s) for which he has been sentenced to imprisonment for two years or more.

Yes/ No If the answer is "Yes", the candidate shall furnish the following information:

(*i*) Case/First information report No./Nos. ……..

(*ii*) Police station(s)……District(s)……State(s)……..

(*iii*) Section(s) of the concerned Act(s) and brief description of the offence(s) for which he has been convicted …….

(*iv*) Date(s) of conviction(s)……

(*v*) Court(s) which convicted the candidate…….

(*vi*) Punishment(s) imposed [indicate period of imprisonment(s) and/or quantam of fine(s)]…….

(*vii*) Date(s) of release from prison……

(*viii*) Was/were any appeal(s)/revision(s) filed against above conviction(s)……..Yes/No

(*ix*) Date and particulars of appeal(s)/application(s) for revision filed…….

(*x*) Name of the court(s) before which the appeal(s)/application(s) for revision filed……..

(*xi*) Whether the said appeal(s)/application(s) for revision has/have been disposed of or is/are pending……..

(*xii*) If the said appeal(s)/application(s) for revision has/have been disposed of—

(*a*) Date(s) of disposal……

(*b*) Nature of order(s) passed…….]

[2][(*2*) Whether the candidate is holding any office of profit under the Government of India or State Government?……..(Yes/No)

–If Yes, details of the office held……

(*3*) Whether the candidate has been declared insolvent by any Court?.....(Yes/No)

–If Yes, has he been discharged from insolvency……

(*4*) Whether the candidate is under allegiance or adherence to any foreign country?.....(Yes/No)

–If Yes, give details……..

(*5*) Whether the candidate has been disqualified under section 8A of the said Act by an order of the President?……(Yes/No)

–If Yes, the period for which disqualified……..

(*6*) Whether the candidate was dismissed for corruption or for disloyalty while holding office under the Government of India or the Government of any State?.....(Yes/No)

–If Yes, the date of such dismissal……..

(*7*) Whether the candidate has any subsisting contract(s) with the Government either in individual capacity or by trust or partnership in which the candidate has a share for supply of any goods to that Government or for execution of works undertaken by that Government?.....(Yes/No)

–If Yes, with which Government and details of subsisting contract(s)……

1. Existing paragraph numbered as sub-paragraph (*1*) by Notification No S.O 1133 (E), dated the 7th April, 2017 2. Ins. by *ibid* (w.e.f. 7-4-2017).

(*8*) Whether the candidate is a managing agent, or manager or Secretary of any company or Corporation (other than a co-operative society) in the capital of which the Central/ Government or State Government has not less than twenty-five percent share?……(Yes/no)

–If Yes, with which Government and the details thereof……..

(*9*) Whether the candidate has been disqualified by the Commission under section 10A of the said Act ……..(Yes/No)

–If yes, the date of disqualification……]

Place: …….. ……. Date:

…….. Signature of the candidate

PART III

(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 candidates/proposer.....(Name).

……..

Date..... Returning Officer

__ NOTE.—Wherever alternative is provided score out the word(s) not applicable.

PART IV

Decision of Returning Officer accepting or rejecting the Nomination Paper

I have examined this nomination paper in accordance with section 36 of the Representation of the People Act,

1951(43 of 1951) and, decide as follows:—

……
……
……

……

Date..... …….. Returning Officer

……..……Perforation..... ……

PART V

Receipt of 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 the Council of States by the elected members of the Legislative

Assembly of..... ……(State)/Members of the Electoral College of....……(State)/was delivered to me at my office at……..(hour) on...……..(date) by the candidate/proposer....…….(Name). All nomination papers will

be taken up for scrutiny at.....(hour) on .....…….(date) at...…….(place).

…….

Date....……..

Returning Officer(s)

1961 (Statutory Rules and Order)

FORM 2D

(*See* rule 4)

NOMINATION PAPERS

Election to the Legislative Council of.....(State) by the Members of the Legislative Assembly.

Recent stamp size (2cm X 2.5cm) photograph in white/off white background with full face view.

PART I

We hereby nominate as a candidate for the above election:

Candidate's name..... father's/ mother's/ husband's name.....……His postal address..... ..... His name is enterd at S.No.....in Part No.....of the electoral roll for the .....assembly constituency.

We declare that we are members of Legislative Assembly of.....and our names are entered as indicated below in the list maintained under section 152 and we append our signatures below in token of subscribing to his nomination.

Particulars of the proposers and their signatures

Sl.No.	Sl.No. as entered in the list maintained under section 152	Full Name	Signature	Date
1	2	3	4	5
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
*10.				

*There should be ten per cent. of the members of the Legislative Assembly or ten members concerned, whichever is less, as proposers.

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

(*a*) ***I am a citizen of India and have not acquired the citizenship of any foreign*** *State;*

(*b*) I have completed.....years of age;

(*c*) I am set up at this election by the .....party;

(*d*) my name and my [father's/mother's /husband's name] have been correctly spelt out above in.....(name of the language); and

(*e*) to the best of my knowledge and belief, I am qualified and not also disqualified for being chosen to fill the seat in the Legislative Council of....(State) by the members of the Legislative Assembly.

…… Date..... Signature of the candidate

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Conduct of Elections Rules, 1961 (Statutory Rules and Order)

PART II

(To be filled by the candidate) (*1*) [1][Whether the candidate—

(*i*) has been convicted—

(*a*) of any offence(s) under sub-section (1); or

(*b*) for contravention of any law specified in sub-section (*2*), of

section 8 of the Representation of the People Act, 1951 (43 of 1951); or

(*ii*) has been convicted for any other offence(s) for which he has been

sentenced to imprisonment for two years or more.

Yes/No If the answer is "Yes", the candidate shall furnish the following information:

(*i*) Case/First information report No./Nos. ……..

(*ii*) Police station(s)……District(s)……State(s)……..

(*iii*) Section(s) of the concerned Act(s) and brief description of the offence(s) for which he has been convicted……..

(*iv*) Date(s) of conviction(s)……

(*v*) Court(s) which convicted the candidate……

(*vi*) Punishment(s) imposed [indicate period of imprisonment(s) and/or quantam of fine(s)]…….

(*vii*) Date(s) of release from prison……

(*viii*) Was/were any appeal(s)/revision(s) filed against above conviction(s)……..Yes/No

(*ix*) Date and particulars of appeal(s)/application(s) for revision filed……

(*x*) Name of the court(s) before which the appeal(s)/application(s) for revision filed……

(*xi*) Whether the said appeal(s)/application(s) for revision has/have been disposed of or is/are pending…….

(*xii*) If the said appeal(s)/application(s) for revision has/have been disposed of—

(*a*) Date(s) of disposal……..

(*b*) Nature of order(s) passed…….]

2[(*2*) Whether the candidate is holding any office of profit under the Government of India or State Government?……..(Yes/No)

–If Yes, details of the office held……

(*3*) Whether the candidate has been declared insolvent by any Court?.....(Yes/No)

–If Yes, has he been discharged from insolvency……

(*4*) Whether the candidate is under allegiance or adherence to any foreign country?.....(Yes/No)

–If Yes, give details……..

(*5*) Whether the candidate has been disqualified under section 8A of the said Act by an order of the President?……(Yes/No)

–If Yes, the period for which disqualified……..

(*6*) Whether the candidate was dismissed for corruption or for disloyalty while holding office under the Government of India or the Government of any State?.....(Yes/No)

–If Yes, the date of such dismissal……..

(*7*) Whether the candidate has any subsisting contract(s) with the Government either in individual capacity or by trust or partnership in which the candidate has a share for supply of any goods to that Government or for execution of works undertaken by that Government?.....(Yes/No)

–If Yes, with which Government and details of subsisting contract(s)……

1. Existing paragraph numbered as sub-paragraph (*1*) by Notification No S.O 1133 (E), dated the 7th April, 2017 2. Ins. by *ibid.* (w.e.f. 7-4-2017).

(8) Whether the candidate is a managing agent, or manager or Secretary of any company or Corporation (other than a cooperative society) in the capital of which the Central/ Government or State Government has not less than twenty-five percent share?……(Yes/no)

–If Yes, with which Government and the details thereof……..

(9) Whether the candidate has been disqualified by the Commission under section 10A of the said Act ……..(Yes/No)

–If yes, the date of disqualification……]

Place: …… …….. Date:

…… Signature of the candidate

—

PART III

(*To be filled by the Returning Officer*) Serial No. of Nomination Paper.....

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

Date..... ……

Returning Officer

PART IV

Decision of Returning Officer accepting or rejecting the Nomination Paper

I have examined this nomination paper in accordance with section 36 of the Representation of the People Act, 1951, and decide as follows:—

……

……

Dated..... …….

Returning Officer …….. (perforation) …….....

PART V

Receipt for Nomination Paper and Notice of Scrutiny

(To be handed over to the person presenting the nomination paper)

Serial No. nomination paper.....

The nomination paper of.....a candidate for election to the Legislative Council of.....(State) by the Members of Legislative Assembly was delivered to me at my office at.....(hour) on.....(date) by the candidate/proposer.....(Name). All nomination papers will be taken up for scrutiny at .....(hour) on.....(date) at.....(place).

…… Date..... Returning Officer

Note:—

wherever alternative is provided score out the word(s) not applicable.

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Conduct of Elections Rules, 1961 (Statutory Rules and Order)

FORM 2E

(*See* rule 4)

NOMINATION PAPER

Election to the Legislative Council of ……..(State) from a Council constituency…….

Recent stamp size (2cm X 2.5cm) photograph in white/off white background with full face

PART I

We hereby nominate as a candidate for election to the Legislative Council of……..(State) from the constituency. Candidate's name…….(Father's/Mother's/Husband's name)……..His Postal address…….His name is entered at Sl. No…….in Part No. ……..of the electoral roll for ……..Assembly Constituency.

We declare that we are electorals and our name entered in the electoral roll for……..(Council) constituency as indicated below and we append our signatures below in token

of subscribing to this nomination: —

Particulars of the proposers and their signatures

Sl.No.	Electoral Roll No. of Proposer		Full Name	Signature	Date
	Part No. of Electoral Roll	Sl.No. in that Part			
1	2	3	4	5	6
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
*10.					

*There should be ten per cent. of the electors of the constituency or ten such electors whichever is less, as proposers.

I, the above-mentioned candidate, assent to this a nomination and hereby declare that—

(*a*) *I am a citizen of India and have not acquired the citizenship of any foreign State;*

(*b*) I have completed …….years of age;

(*c*) I am set up at this election by the ……..party;

(*d*) my name and my (father's/mother's/husband's name) has been correctly spelt out above in ……

(E) to the best of my knowledge and belief, I am qualified and not also disqualified for being chosen to fill the seat in the Legislative Council of……(State) from……. ……Council constituency.

I also declare that I have not been and shall not be, nominated as a candidate at the present biennial election/bye-elections being held simultaneously, to the Legislative Council of …….(State) from more than two Council constituencies in the State.

Date…….. ……..

Signature of the Candidate

___ *Score out the words not applicable

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Conduct of Elections Rules,
1961 (Statutory Rules and Order)

PART II

(To be filled by the candidate)

[1][Whether the candidate—

(*i*) has been convicted—

(*a*) of any offence(s) under sub-section (1); or

(*b*) for contravention of any law specified in sub-section (*2*),

of section 8 of the Representation of the People Act, 1951 (43 of 1951); or

(*ii*) has been convicted for any other offence(s) for which he has been sentenced to imprisonment for two years or more.

Yes/No If the answer is "Yes", the candidate shall furnish the following information:

(*i*) Case/First information report No./Nos. ……..

(*ii*) Police station(s)……District(s)……State(s)……..

(*iii*) section(s) of the concerned Act(s) and brief description of the offence(s) for which he has been convicted ……..

(*iv*) date(s) of conviction(s)…… (*v*) Court(s) which convicted the candidate……..

(*vi*) Punishment(s) imposed [indicate period of imprisonment(s) and/or quantam of fine(s)]…….

(*vii*) Date(s) of release from prison……

(*viii*) Was/were any appeal(s)/revision(s) filed against above conviction(s)……..Yes/No (*ix*) Date and particulars of appeal(s)/application(s) for revision filed…….

(*x*) Name of the court(s) before which the appeal(s)/application(s) for revision filed……..

(xi) Whether the said appeal(s)/application(s) for revision has/have been disposed of or is/are pending…….

(*xii*) If the said appeal(s)/application(s) for revision has/have been disposed of— (*a*) Date(s) of disposal……..

(*b*) Nature of order(s) passed…….

[2][(*2*) Whether the candidate is holding any office of profit under the Government of India or State Government?……..(Yes/No)

–If Yes, details of the office held……

(*3*) Whether the candidate has been declared insolvent by any Court?.....(Yes/No)

–If Yes, has he been discharged from insolvency……

(*4*) Whether the candidate is under allegiance or adherence to any foreign country?.....(Yes/No) –If Yes, give details……..

(*5*) Whether the candidate has been disqualified under section 8A of the said Act by an order of the President?……(Yes/No)

–If Yes, the period for which disqualified……..

(*6*) Whether the candidate was dismissed for corruption or for disloyalty while holding office under the Government of India or the Government of any State?.....(Yes/No)

–If Yes, the date of such dismissal……..

(*7*) Whether the candidate has any subsisting contract(s) with the Government either in individual capacity or by trust or partnership in which the candidate has a share for supply of any goods to that Government or for execution of works undertaken by that Government?.....(Yes/No)

–If Yes, with which Government and details of subsisting contract(s)……

(*8*) Whether the candidate is a managing agent, or manager or Secretary of any company or Corporation (other than a co-operative society) in the capital of which the Central Government or State Government has not less than twenty-five percent share?……(Yes/no)

–If Yes, with which Government and the details thereof……..

(9) Whether the candidate has been disqualified by the Commission under section 10A of the said Act ……..(Yes/No)

–If yes, the date of disqualification……]

Place: ……. …… Date: ……

Signature of the

candidate

1. Existing paragraph numbered as sub-paragraph (1) by Notification No S.O 1133 (E), dated the 7th April, 2017 2. Ins. by ibid.

PART III

(To be filled by the Returning Officer) Serial No. of Nomination Paper .....

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

Date..... …….

Returning Officer

PART IV

Decision of Returning Officer accepting or rejecting the Nomination Paper

I have examined this nomination paper in accordance with section 36 of the Representation of the People Act, 1951 and decide as follows:—

……

……

Date.....

……. Returning Officer

PART V

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 the Legislative Council of..... (State) from the.....Graduates'/(Teachers'/Local Authorities') constituency was delivered to me at my office at .....(hour) on.....(date) by the candidate/proposer..... (Name). All nomination papers will be taken up for scrutiny at ..... (hour) on .....(date) at .....(Place).

Date..... ……..

Returning Officer Note:—wherever alternative is provided score out the word(s) not applicable.

FORM 2F

(*See* rule 4)

NOMINATION PAPER

Election to the Legislative Assembly of Sikkim from a Constituency reserved for Sikkimese of Bhutia-Lepcha origin

Recent stamp size (2cm X 2.5cm) photograph in white/off white background with full face view to be

PART I

(To be used by candidate set up recognised political party)

I nominate as a candidate for election to the Legislative Assembly of Sikkim from the ....……..... Assembly Constituency.

Candidate's name…… Father's/mother's/husband's Name……

his postal address.....……..…… his name is entered at S. No…….....in Part number …….....of the electoral roll for the .....Assembly Constituency.

My name is.....…….....and it is entered at S. No.....in Part No.....of the electoral roll for the..... Assembly Constituency.

……..

Date_____ Signature of proposer

_____

___

PART II

(To be used by candidate not set up recognized political party)

We hereby nominate as candidate for election to the Legislative Assembly of Sikkim from the_____ Assembly Constituency.

Candidate's name……..Father's/mother's husband's name …… his postal address ……..…… His name is entered at S. No…….....in Part number …….....of the electoral roll for the .....Assembly Constituency.

We declare that we are electors of this Assembly Constituency and our names are entered in the electoral roll for this Assembly Constituency as indicated below and we append our signatures below in token of subscribing to this nomination:—

Particulars of the proposers and their signatures

Sl.no.	Elector Roll No. of Proposer		Full Name	Signature	Date
	Part No. of Electoral Roll of the Constituency	S. No. in that part			
1	2	3	4	5	6
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					

N.B.- There should be ten electors of the constituency as proposers as required under the proviso to sub-section (*1*) of Section 33 of the Representation of the People Act, 1951.

PART III

I, the candidate mentioned in Part I*/Part II* assent to this nomination and hereby declare that— (*a*) ***I am a citizen of India and have not acquired the citizenship of any foreign State.***

(*b*) I have completed.....years of age;

(*c*) (*i*)* I am set up at this election by the .....party, which is recognised National Party*/State Party* in this State and that the symbol reserved for the above party be allotted to me.

(*c*) (*ii*)* I am set up at this election by the …….party, which is a registered/unrecognised political party*/that I am contesting this election as an independent candidate* and that the symbols that I have chosen, in order of preference, are:—

(*1*) …….. (*2*) …….. (*3*) ……

(*d*) my name and my Father's/mother's/husband's name have been correctly spelt out above in_____(name of the language).

(*e*) to the best of my knowledge and belief, I am qualified and not also disqualified for being chosen to fill the seat in the Legislative Assembly of this State.

I further declare that I am a Sikkimese of Bhutia/Lepcha origin.

…… Date

…… Signature of Candidate

*Strike out which is not applicable.

__ N.B.—A 'recognised political party' means a political party recognised by the Election Commission under the Election Symbols (Reservation and Allotment) Order, 1968 in the State of Sikim.

—

PART IV

(To be filled by the candidate) [1][Whether the candidate—

(*i*) has been convicted—

(*a*) of any offence(s) under sub-section (1); or

(*b*) for contravention of any law specified in sub-section (2), of section 8 of the Representation of the People Act, 1951 (43 of 1951); or Yes/No

(*ii*) has been convicted for any other offence(s) for which he has been sentenced to imprisonment for two years or more.

If the answer is "Yes", the candidate shall furnish the following information:

(*i*) Case/First information report No./Nos……..

(*ii*) Police Station(s)…….District(s)…….State(s)…….

(*iii*) Section(s) of the concerned Act(s) and brief description of the offence(s) for which he has been convicted……

(*iv*) Date(s) of conviction(s)……

(*v*) Court(s) which convicted the candidate……

(*vi*) Punishment(s) imposed [indicate period of imprisonment(s) and/or quantum of fine(s)]……..

(*vii*) Date(s) of release from prison……

1. Existing paragraph numbered as sub-paragraph (1) by Notification No S.O 1133 (E), dated the 7th April, 2017.

(*viii*) Was/were any appeal(s)/revision(s) filed against above conviction(s)……Yes/No.

(*ix*) Date and particulars of appeal(s)/application(s) for revision filed…….

(*x*) Name of the court(s) before which the appeal(s)/application(s) for revision filed……

(*xi*) Whether the said appeal(s)/application(s) for revision has/have been disposed of or is/are pending……

(*xii*) If the said appeal(s)/application(s) for revision has/have been disposed of—

(*a*) Date(s) of disposal……

(*b*) Nature of order(s) passed……

……..……..

Place:…….. Signature of the
Candidate Date: ……..

PART V

(To be filled by the Returning Officer)

Serial number of nomination paper……..……..……..…

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

……..…..

… Date.…….. Returning Officer

*Strike out which is not applicable.

PART VI

Decision of Returning Officer accepting or rejecting the nomination paper

I have scrutinised this nomination paper in accordance with the provisions of section 36 of the Representation of the People Act, 1951 and decide as follows:—

……
……

…….

Date …… Returning Officer

—

PART VII

Receipt for Nomination Paper and Notice of Scrutiny

(To be handed over to the person presenting the nomination paper)

Serial No. of nomination paper.....……

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

…….

Date…… Returning Officer

_ *Strike out which is not applicable].

[1][**FORM 2G**

(*See* rule 4)

NOMINATION PAPER

Election to the Legislative Assembly of Sikkim from a general Constituency or a constituency Reserved for

Scheduled Caste

PART I

(To be used by candidate set up by recognised political party)

Recent stamp size (2cm X 2.5cm) photograph in white/off white backgroun

I nominate as a candidate for election to the Legislative Assembly of Sikkim from the ....…….....Assembly Constituency.

Candidate's name…… Father's/mother's/husband's name…… his postal address..... his name is entered at S. No…….....in Part number …….....of the electoral roll for the .....Assembly Constituency.

My name is.....…….....and it is entered at S.No.....in Part No.....of the electoral roll for the..... Assembly Constituency.

Date_____ Signature of proposer

___

PART II

(To be used by candidate not set up recognized political party)

We hereby nominate as candidate for election to the Legislative Assembly of Sikkim from the.....Assembly Constituency.

Candidate's name.....Father's/mother's husband's name.....

His postal Address.....……

his name is entered at S. No…….....in Part number …….....of the electoral roll for the .....Assembly Constituency.

We declare that we are electors of this Assembly Constituency and our names are entered in the electoral roll for this Assembly Constituency as indicated below and we append our signatures below in token of subscribing to this nomination:—

Particulars of the proposers and their signatures

Sl.no.	Elector Roll No. of Proposer		Full Name	Signature	Date
	Part No. of Electoral Roll of the Constituency	S.No. in that part			
1	2	3	4	5	6
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					

____ N.B.— There should be ten electors of the constituency as proposers as required under the proviso to sub-section (*1*) of section 33 of the Representation of the People Act, 1951.

1. Ins. by S.O. 2969(E), dated 16th September, 2016 (w.e.f. 16-9-2016).

PART III

I, the candidate mentioned in Part I*/Part II*, assent to this nomination and hereby declare that— (*a*) *I am a citizen of India and have not acquired the citizenship of any foreign State.*

(*b*) I have completed.....years of age;

(*c*) (*i*) * I am set up at this election by the .....party; which is recognised National Party/*State Party* in this State and that the symbol reserved for the above party be allotted to me.

(*c*) (*ii*)* I am set up at this election by the .....party, which is a registered- unrecognised political party*/that I am contesting this election as an independent candidate* and that the symbols I have chosen, in order of preference, are:—

(*1*) ..... (*2*) ..... (*3*) .....

(*d*) my name and my father's/mother's/husband's name have been correctly spelt out above in ..... (name of the language); and

(*e*) to the best of my knowledge and belief, I am qualified and not also disqualified for being chosen to fill the seat in the Legislative Assembly of this State.

*I further declare that I am a Member of the caste which is a Scheduled Caste of the State of Sikkim

……..

Date ……. Signature of Candidate *Strike out which is not applicable.]

N.B.—A 'recognised political party' means a political party recognised Election Commission under the Election Symbols (Reservation and Allotment) Order, 1968 in the State of Sikkim.

PART IV

(To be filled by the candidate)

1[Whether the candidate—

(*i*) has been convicted—

(*a*) of any offence(s) under sub-section (*1*); or

(*b*) for contravention of any law specified in sub-section (*2*), of section 8 of the Representation of the People Act, 1951 (43 of 1951); or

(*ii*) has been convicted for any other offence(s) for which he has been sentenced to imprisonment for two years or more.

Yes/No If the answer is "Yes", the candidate shall furnish the following information:

(*i*) Case/First information report No./Nos. ……..

(*ii*) Police Station(s)……District(s)…….State(s)…….

(*iii*) Section(s) of the concerned Act(s) and brief description of the offence(s) for which he has been convicted……

(*iv*) Date(s) of conviction(s)…….

(*v*) Court(s) which convicted the candidate…….

(*vi*) Punishment(s) imposed [indicate period of imprisonment(s) and/or quantum of fine(s)]…….

(*vii*) Date(s) of release from prison……

(*viii*) Was/were any appeal(s)/revision(s) filed against above conviction(s)……Yes/No.

(*ix*) Date and particulars of appeal(s)/application(s) for revision filed…….

(*x*) Name of the court(s) before which the appeal(s)/application(s) for revision filed……

(*xi*) Whether the said appeal(s)/application(s) for revision has/have been disposed of or is/are pending…… (*xii*) If the said appeal(s)/application(s) for revision has/have been disposed of—

(*a*) Date(s) of disposal……..

(*b*) Nature of order(s) passed……

……

…..

Place:……. Signature of the Candidate Date: ……

1. Existing paragraph numbered as sub-paragraph (*1*) by Notification No S.O 1133 (E), dated the 7th April, 2017.

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Conduct of Elections Rules,
1961 (Statutory Rules and Order)

PART V

(To be filled by the Returning Officer)

Serial number of nomination paper……
This nomination was delivered to me at my Office at…….(hour) on…….(date) by the *candidate/*proposer……..

…… Date ……. Returning Officer

*Strike out which is not applicable.

PART VI

Decision of Returning Officer accepting or rejecting the Nomination Paper

I have scrutinised this nomination paper in accordance with the provisions of section 36 of the Representation of the People Act, 1951 and decide as follows:—

……

Date …….. Returning Officer

PART VII

Receipt for nomination paper and notice of scrutiny

(To be handed over to the person presenting the nomination paper)

Serial No. of nomination paper.....……
The nomination paper of.....a candidate for election from the.....Assembly Constituency was delivered to me at my Office at..... (hour) on.....(date) by the *candidate/*proposer. All nomination papers will be taken up for scrutiny at_____(hour) on_____(date) at_____(place).

…….

Date …….. Returning Officer

*Strike out which is not applicable.]

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Conduct of Elections Rules,
1961 (Statutory Rules and Order)

[1][**FORM 2H**

(*See* rule 4)

NOMINATION PAPER

Election to the Legislative Assembly of Sikkim from Sangha Constituency

PART I*

(To be used by candidate set up by recognised political party)

Recent stamp size (2cm X 2.5cm) photograph in white/off white background with full face

I nominate as a candidate for election to the Legislative Assembly of Sikkim from the Sangha Constituency.

Candidate's name…… Father's/mother's/husband's name…… his postal address.....his name is entered at S. No.....in part number.....of the electoral roll for the .....Assembly Constituency.

My name is……..and it is entered at S. No. .....in Part No. ..... of the electoral roll for the.....Sangha Constituency.

……..

Date …….. Signature of proposer

PART II*

(To be used by the candidate not set up by the recognized political party)

We hereby nominate as candidate for election to the Legislative Assembly of Sikkim from the …… Sangha Constituency.

Candidate's name ……. Father's/mother's/husband's name …….. his postal address ..…..…… is name is entered at S. No. .....in part number.....of the electoral roll for the..... Sangha Constituency.

We declare that we are electors of this Assembly Constituency and our names are entered in the electoral roll for this Assembly Constituency as indicated below and we append our signatures below in token of subscribing to this nomination:—

Particulars of the proposers and their signatures

Sl.no.	Elector Roll No. of Proposer		Full Name	Signature	Date
	Part No. of Electoral Roll of the Constituency	S.No. in that part			
1	2	3	4	5	6
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					

N.B.—There should be ten electors of constituency as proposers as required under the proviso to sub-section (*1*) of section 33 of the Representation of the People Act, 1951.

*Strike out the part which is not applicable.

1. Ins. by S.O. 2969(E), dated 16th September, 2016 (w.e.f. 16-9-2016).

PART III

I, the candidate mentioned in Part I*/Part II* assent to this nomination and hereby declare that— (*a*) *I am a citizen of India and have not acquired the citizenship of any foreign State.*

(*b*) I have completed.....years of age;

(*c*) (*i*) * I am set up at this election by the .....party, which is recognised National Party/*State Party* in this State and that the symbol reserved for the above party be allotted to me.

(*c*) (*ii*)* I am set up at this election by the.....party, which is a registered-unrecognised political party*/that I am contesting this election as an independent candidate* and that the symbols I have chosen, in order of preference, are:—

(*1*) ..... (*2*)…..... (*3*) …….....;

(*d*) my name and my father's/mother's/husband's name have been correctly spelt out above in..... (name of the language); and

(*e*) to the best of my knowledge and belief, I am qualified and not also disqualified for being chosen to fill the seat in the Legislative Assembly of this State.

I further declare that I am a member of the …….....caste which is a Scheduled Caste of the State of Sikkim.

…….

Date …… Signature of Candidate

N.B.—A 'recognised political party' means a political party recognised by the Election Commission under the Election Symbols (Reservation and Allotme Sikim.

PART IV

(To be filled by the candidate) Whether the candidate—

(*i*) has been convicted—

(*a*) of any offence(s) under sub-section (*1*); or

(*b*) for contravention of any law specified in sub-section (*2*),

of section 8 of the Representation of the People Act, 1951 (43 of 1951); or

(*ii*) has been convicted for any other offence(s) for which he has been sentenced to imprisonment for two years or more.

Yes/No.

If the answer is "Yes", the candidate shall furnish the following information:

(*i*) Case/First information report No./Nos. ……

(*ii*) Police Station(s)… …….District(s)…….State(s)……

(iii) Section(s) of the concerned Act(s) and brief description of the offence(s) for which he has been convicted……

(iv) Date(s) of conviction(s)……

(*v*) Court(s) which convicted the candidate……

(*vi*) Punishment(s) imposed [indicate period of imprisonment(s) and/or quantum of fine(s)]… ……

(*vii*) Date(s) of release from prison……

(*viii*) Was/were any appeal(s)/revision(s) filed against above conviction(s)……Yes/No.

(*ix*) Date and particulars of appeal(s)/application(s) for revision filed……

(*x*) Name of the court(s) before which the appeal(s)/application(s) for revision filed……

(*xi*) Whether the said appeal(s)/application(s) for revision has/have been disposed of or is/are pending……

(*xii*) If the said appeal(s)/application(s) for revision has/have been disposed of—

(*a*) Date(s) of disposal……..

(*b*) Nature of order(s) passed……

……

…

Place: ……

Date: ……

Signature of the Candidate

PART V

(To be filled by the Returning Officer)

Serial number of nomination paper……

This nomination was delivered to me at my Office at……(hour) on……(date) by the *candidate/ *proposer……

…….

Date …….. Returning Officer *Strike out which is not applicable.

PART VI

Decision of Returning Officer accepting or rejecting the nomination paper

I have scrutinised this nomination paper in accordance with the provisions of section 36 of the Representation of the People Act, 1951 and decide as follows:—

……

Date …… Returning Officer

PART VII

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

Serial No. of nomination paper.....……

The nomination paper of.....a candidate for election from the Sangha Constituency was delivered to me at my office at.....(hour) on.....(date) by the *candidate/*proposer.

All nomination papers will be taken up for scrutiny at.....…… (hour) on.....…… (date) at.....…… (place).

……

Date …… Returning Officer

*Score out which is not applicable.

[1][**FORM 3A**

(*See* rule 7)

NOTICE OF NOMINATIONS

Election to the *House of the People/Legislative Assembly from the ..... constituency.

Notice is hereby given that the following nominations in respect of the above election have been received up to 3 P.M. today:—

Sl. No. of Nomination paper	Name of candidate	Name of Father/mother/husband	Age of candidate	Address
1	2	3	4	5

Party affiliation	Particulars of castes, or tribes for candidates belonging to scheduled castes or scheduled tribes	Electoral roll of number of candidate	Names of proposers	Electoral roll No. of proposers
6	7	8	9	10

Place:……. …… Date:…….. Returning Officer]

__ *Strike off the inappropriate alternative.

Form 3A.

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Conduct of Elections Rules,

1961 (Statutory Rules and Order)

[1][**FORM**

3B

(*See* rule 7)

NOTICE OF NOMINATION

…….. Election to the Council of States/Legislative Council by …… the elected members of the Legislative Assembly/Electoral College of.

Notice is hereby given that the following nominations in respect of the above election have been received up to 3 P.M. today: —

Serial Number nomination paper	Name of candidate	Name of [2][father/mother husband] of	Age	Address	Party Affiliation of candidate	Date
1	2	3	4	5	6	

Electoral roll number of candidate	Names of proposers	Serial numbers of proposers in the list maintained under section 152
7	8	9

Place…….

Date …….

……

. Returning Officer.

Note:—Wherever alternative is provided score out the word(s) not applicable.

1. Subs. by Notification No. S.O. 364(E), dated the 18th May, 1989, for Forms 3B and 3C. 2. Subs. by Notification No. S.O.124(E), dated the 24th February, 1993, for certain words.

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Conduct of Elections Rules,

1961 (Statutory Rules and Order)

FORM
3C
(*See* rule
7)

NOTICE OF NOMINATION

Election to the Legislative Council of ……(State) from the……..constituency.

Notice is hereby given that the following nominations in respect of the above election have been received up to 3 P.M. today: —

Serial Number nomination paper	Name of candidate	Name of [1][father/mother/husband] of	Age	Address	Party Affiliation of candidate	Date
1	2	3	4	5	6	

Electoral roll numbers of candidate in assembly constituency	Names of proposers	Electrol roll numbers of proposers in the council constituency
7	8	9

Place…… …… Date…… Returning Officer]

Note:—Wherever alternative is provided score out the word(s) not applicable.

1. Subs. by Notification No. S.O.124(E), dated the 24th February, 1993, for certain words.

[1]**[FORM**
4
(*See* rule
8)

LIST OF VALIDLY NOMINATED CANDIDATES

*Election to the** .....

Sl.	Name of candidate	Name of **Father/mother/husband	Address of candidates	@Party affiliation No.
1	2	3	4	5

(*i*) Candidates of recognised National and State Political Parties.

(*ii*) Candidates of registered political parties (other than recognised National and State Political Parties).

(*iii*) Other candidates.

_

Place.....

Date .....

.....

Returning Officer]

—

*Appropriate particulars of the election to be inserted here.

**Strike off the inappropriate alternative.

@ Applicable in the case of candidates mentioned under categories (i) and (ii) above.

N.B.—Under Col. 1 above, the serial numbers of candidates of all the three categories shall be given consecutively and not separately for each category.

___ 1. Subs. by Notification No. S.O. 558(E), dated the 9th August, 1996, for

Form 4.

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Conduct of Elections Rules,

1961 (Statutory Rules and Order)

FORM 5

[*See* rule 9(*1*)]

NOTICE OF WITHDRAWAL OF CANDIDATURE

*Election to the** .....

The Returning Officer,

I,....., a [1][candidate validly nominated] at the above election do hereby give notice that I withdraw my candidature.

Place

.....

Date

.....

Signature of [1][validly nominated candidate]

This notice was delivered to me at my office at .....(hour) on.....

(date) by.....(name), the+.....

Date..... .....

Returning Officer.

Receipt for Notice of Withdrawal

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

The notice of withdrawal of candidature by .....a [1][validly nominated candidate] at the election to the*.....was delivered to me by the+.....at my office at.....(hour) on ..... (date).

.....

Returning Officer.

__ *Here insert one of the following alternatives as may be appropriate:—

(*1*) House of the People from the ..... constituency.

(*2*) Legislative Assembly from the.....constituency.

(*3*) Council of States by the elected members of the Legislative Assembly of.....(State).

(*4*) Council of States by the members of the electoral college of..... (Union territory).

(*5*) Legislative Council by the members of the Legislative Assembly.

(*6*) Legislative Council from the..... constituency.

+Here insert one of the following alternatives as may be appropriate:—

(*1*) Candidate.

(*2*) Candidate's proposer who has been authorised in writing by the candidate to deliver it.

(*3*) Candidate's election agent who has been authorized in writing by the candidate to deliver it.

---

1. Subs. by Notification No. S.O. 565(E), dated the 4th August, 1984 for certain words.

FORM 6

[*See* rule 9(*2*)]

NOTICE OF WITHDRAWAL OF CANDIDATURES

Election to the .....*

Notice is hereby given that the following [1][validly nominated +candidate]/candidates at the above election withdraw +his candidature/their candidatures today.

Name of [1][validly nominated candidate]	Address of [1][validly nominated candidate]	Remarks
1.		
2.		
3.		
etc.		

Date..... .....

Returning Officer.

*Appropriate particulars of the election to be inserted here.

+Strike off the inappropriate alternative.

1. Subs. by Notification No. S.O. 565(E), dated the 4th August, 1984 for certain words.

[1][**FORM 7A**

[*See* rule 10(*1*)]

LIST OF CONTESTING CANDIDATES

Election to the House of the People/Legislative Assembly from the ..... constituency.

Sl. No.	Name of candidate	Address of candidate	*Party affiliation	Symbol allotted
1	2	3	4	5

(*i*) Candidates of recognised National and State Political Parties.

(*ii*) Candidates of registered political parties (other than recognised National and State Political Parties).

(*iii*) Other candidates.

Place .....

Date .....

…….

Returning Officer

__ *Applicable in the case of candidates mentioned under categories (i) and (ii) above.

N.B.—Under Col. 1 above, the serial numbers of candidates of all the three categories shall be given consecutively and not separately for each category.]

Form 7A.

[1][**FORM 7B**

[*See* rule 10(*1*)]

LIST OF CONTESTING CANDIDATES

*Election to the**.....

Sl. No	Name of candidate	Address of candidate	**Party affiliation
1	2	3	4

__ (*i*) Candidates of recognised National and State Political Parties.

(*ii*) Candidates of registered political parties (other than recognised National and State Political Parties).

(*iii*) Other candidates.

__ Place.....

Date..... ……

Returning Officer

__ *Here insert one of the following alternatives as may be appropriate:—

(1) Council of States by the elected members of the Legislative Assembly of.....(State).

(2) Council of States by the members of the electoral college.....(Union territory).

(3) Legislative Council of.....(State), by the members of the Legislative Assembly.

(4) Legislative Council of.....(State), from the.....constituency.

**Applicable in the case of candidates mentioned under categories (*i*) and (*ii*) above.

N.B.—Under Col. 1 above, the serial numbers of candidates of all the three categories shall be given consecutively and not separately for each category.]

Form 7B.

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Conduct of Elections Rules,

1961 (Statutory Rules and Order)

FORM 8

[*See* rule 12(*1*)]

APPOINTMENT OF ELECTION AGENT

(To be filled by the Returning Officer)

*Election to the**

.....

To

The Returning Officer,

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

Place.....

Signature of candidate.

Date.....

__ I accept the above appointment.

Place.....

Date.....

Signature of election agent

1[Approved. Signature and Seal of the Returning officer]

__ *Here insert one of the following alternatives as may be appropriate:—

(1) House of the People from the.....constituency.

(2) Legislative Assembly from the.....constituency.

(3) Council of States by the elected members of the Legislative Assembly of.....(State). (4) Council of States by the members of the electoral college of.....(Union territory). (5) Legislative Council by the members of the Legislative Assembly.

(6) Legislative Council from the .....constituency.

1. Ins.by Notification No. S.O. 565(E), dated the 4th August, 1984.

FORM 9

[*See* rule 12(*2*)]

REVOCATION OF APPOINTMENT OF ELECTION AGENT

*Election to the** .....

To

The Returning Officer,

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

Place.....

...

Date

.....

Signature of candidate

__ *Here insert one of the following alternatives as may be appropriate:—

(*1*) House of the People from the..... constituency.

(*2*) Legislative Assembly from the..... constituency.

(*3*) Council of States by the elected members of the Legislative Assembly of ..... (State).

(*4*) Council of States by the members of the electoral college of..... (Union territory). (*5*) Legislative Council by the members of the Legislative Assembly.

(*6*) Legislative Council from the ..... constituency.

FORM 10

[*See* rule 13(*2*)]

*APPOINTMENT OF ELECTION AGENT

*Election to the*** .....

I, ... † a candidate/the election agent of .....who is a candidate at the above election do hereby 1[appoint.....(Name and address)].....as a polling agent to attend† polling station No..... at/place fixed for the poll..... at.....

Place .....

Date.....

Signature of †candidate/election agent

I agree to act as such polling agent.

Place.....

Date .....

Signature of polling agent

Declaration of polling agent to be signed before Presiding Officer

I hereby declare that at the above election I will not do anything forbidden by section 128†† of the Representation of the People Act, 1951, which† I have read/has been read over to me.

Date .....

Signature of polling agent

Signed before me.

Date.....

Presiding Officer

__ *To be handed over to the polling agent for production at the polling station or at the place fixed for the poll.

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

(*1*) House of the People from the .....constituency.

(*2*) Legislative Assembly from the.....constituency.

(*3*) Council of States by the elected members of the Legislative Assembly of .....(State).

(*4*) Council of States by the members of the electoral college of..... (Union territory). (*5*) Legislative Council by the members of the Legislative Assembly.

(*6*) Legislative Council from the .....constituency.

†Strike off the inappropriate alternative.

††Section 128 of the Representation of the People Act, 1951:—

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

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

1. Subs. by Notification No. S.O. 565(E), dated the 4th August, 1984.

FORM 11

[*See* rule 14(1)]

REVOCATION OF APPOINTMENT OF POLLING AGENT

*Election to the** .....

To

The Presiding Officer,

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

Place .....

Date .....

Signature of person revoking.

__ *Here insert one of the following alternatives as may be appropriate:—

(*1*) House of the People from the..... constituency.

(*2*) Legislative Assembly from the..... constituency.

(*3*) Council of States by the elected members of the Legislative Assembly of .....(State). (*4*) Council of States by the elected members of the electoral college of..... (Union territory). (*5*) Legislative Council by the members of the Legislative Assembly.

(*6*) Legislative Council from the..... constituency.

N.B.-Omit the words marked [ ] as necessary.

__ [1][**FORM 12**

(*See* rules 19 and 20)

LETTER OFINTIMATION TO RETURNING OFFICER

To

The Returning Officer for
Assembly/Parliamentary
constituency.

Sir,

I intend to cast my vote by post at the ensuing election to the Legislative Assembly/House of the People from the .....Assembly/Parliamentary constituency.

My name is entered at S.No.....in Part No..... of the electoral role for ..... assembly constituency comprised within.....Parliamentary constituency.

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

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

Place .....
Date .....

Yours faithfully,
.....]

---

1. Subs. by Notification No. S.O. 3662, dated 12th October, 1964, for Form 12.

[1][**FORM 12A**

[*See* rule 20(*2*)]

APPLICAT IFICATE

To
The Returning Officer,

.....Assembly/Parliamentary constituency.

Sir,

I intend to cast my vote in person at the ensuing election to the Legislative Assembly/House of the People from the .....constituency.

I have been posted on election duty within the constituency at ..... (No. and name of the polling station) but my name is entered at Serial No..... Part No. ..... of the electoral rolls for..... assembly constituency comprised within..... Parliamentary constituency.

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

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

Place ..... Yours faithfully, Date ....]

—

FORM 12B

[*See* rules 20(*2*) and 35A]

ELECTION DUTY CERTIFICATE

Certified that.....is an elector in the.....Assembly/Parliamentary constituency, his electoral roll number being .....that by reason of his being on election duty he is unable to vote at the polling station where he is entitled to vote and that he is therefore hereby authorised to vote at any polling station [2][in the said constituency where] he may be on duty on the date of poll.

Place..... Signature..... Date .....

SEAL Returning Officer

Form 12A. 2. Ins., *ibid.*

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Conduct of Elections Rules,

1961 (Statutory Rules and Order)

[1][**FORM 12C**

[*See* rule 27(C)]

PART I

Letter of intimation to Assistant Returning Officer for notified class of electors

To

The Assistant Returning Officer,
(for the notified class of electors)

Sir,

..... Parliamentary/Assembly constituency

..... (designation & address of ARO)

I,.....son/daughter/wife of.....resident of....of.....village/Mohalla....of Town/city/tehsil…….District.....of.....(State) belong to the class of notified electors and wish to cast my vote by post at the election to the House of the People/Legislative Assembly from the……..Parliamentary/Assembly constituency.

My complete present postal address is as under:—

House/dwelling unit/tent number.....

Camp/mohalla/village.....

…..

ward/town/tehsil.....……

…

district.....……

…

State.....PIN CODE.....….

My name is entered at serial number……in Part No.....of the electrol roll for.....Parliamentary/Assembly constituency.

*I am registered as a migrant with.....(designation of officer) Government of.....under registration no.....as a head/member of the family of self/Shri/Shrimati..... .

*I am not registered as a migrant.

*I am the head of my family is serving as a Government employee as (designation).....in the office of..... (full address).

*I am/the head of my family is a pensioner and drawing pension under account No.....from Government Treasury/Branch of Bank, located at.....(full address).

Yours faithfully, PART II

Certificate by the officer incharge of the migrant camp/office/area or by head of the office where the applicant is serving as a migrant employee or by a treasury officer/bank manager from where the migrant is drawing his pension as a pensioner or by any Gazetted Officer.

It is hereby certified that the particulars given by the applicant in Part I are correct as per our record/to the best of my knowledge and understanding.

.....(full signature of the attesting Officer)

.....(Name)

.....(address)

.....(rubber stamp).

* Strike off whichever is not applicable and tick the relevant statement.

Note.—Notified elector means the elector who belongs to the class of persons notified by the Election Commission under clause (c) of section 60 of the Representation of the People Act, 1951. (A copy of the notification issued by the Election Commission of India is enclosed in this regard)].

1. Subs. by Notification No. S.O. 628(E), dated 4th August, 1999.

[1]**[FORM 12D**

[*See* rule 27 (C)]

PART I

Letter of intimation to Assistant Returning Officer
(for absentee voters)

To
The Assistant Returning Officer,
(for the notified class of electors)
……..Parliamentary/Assembly constituency
……..(designation and address of ARO)
Sir,
I,……son/daughter/wife of…….resident
of……village/mohalla……..
Town/city/tehsil……..District……(State) belong to the class of absentee voter and wish to cast my vote by post at the election to the House of the People/Legislative Assembly from the ……Parliamentary/Assembly constituency.
My complete present postal address is as under:—
House/dwelling unit/tent
number……..
Camp/mohalla/tent number ……..
Ward/town/tehsil……..
District……..
State…….PIN CODE……
Mobile Phone No. (if available)……
My name is entered at serial number……in Part No……..of the electoral roll for ……Parliamentary/Assembly constituency.
I am working as……..(designation of the office held)
in…… (Name and full address of organization).

I will be on duty in the above-mentioned office on the day of poll for the above-mentioned election.
*On account of my official duties on the date of poll, I will not be in a position to be present in the polling station assigned to me on the day of poll.
OR
*I am ……..years of age/am a person with disability, and am not in a position to go to the polling station to cast vote.

It is requested that postal ballot paper may be issued to me as absentee voter for the above election.

Yours faithfully,
……
…

1. Ins. by Notification No. S.O. 3786(E), dated the 22nd October, 2019.

(Full name and signature)

PART II

(for absentee voter other than senior citizen or persons with disability)
Certificate by the nodal officer appointed by the Organisation concerned.

It is hereby certified that the particulars given by the applicant in Part I are correct, and it is further certified that the applicant will be on official duty on the day of poll, and he/she will not be in a position to be present in the polling station on the day of poll.

……..
(full signature of the attesting Officer)
……(Name)
……(address)
……..(rubber stamp)
 Strike off whichever is not applicable and tick the relevant statement.

Note—This Application must reach RO within 5 days following the date of notification of election.]

FORM 13A

[*See* rule 23(*1*)(*a*)]

DECLARATION BY ELECTOR

Election to the.....*

(This side is to be used only when the elector signs the declaration himself)

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

Date.....

Signature of elector.

Address.....

...

_____

Attestation of signature

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

Signature of Attesting Officer.

Signature of identifier, if any..... Designation.....

Address.....

Address..... Date.....

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

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

Signature of Attesting Officer on behalf of elector.

Date..... Address of Elector.....

CERTIFICATE

I hereby certify that—

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

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

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

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

Signature of Attesting Officer…….

Signature of identifier, if any..... Designation.....

Address..... Address.....

Date.....

__ *Here insert one of the following alternatives as may be appropriate:—

(1) House of the People from the..... constituency.

(2) Legislative Assembly from the..... constituency.

(3) Council of States by the elected members of the Legislative Assembly of .....(State). (4) Council of States by the members of the electoral college of..... (Union territory). (5) Legislative Council by the members of the Legislative Assembly.

(6) Legislative Council from the..... constituency.

**Strike off the inappropriate alternative.

FORM 13B

[*See* rule 23(*1*)(B)]

1[*Cover A*]

COVER NOT TO BE OPENED BEFORE COUNTING ELECTION 'A'
to the* .....

POSTAL BALLOT PAPER

Serial number of ballot paper

*Appropriate particulars of the election to be inserted here.

__ FORM 13C

[See rule 23(*1*)(*c*)]

1[Cover B]

(*To be used at an election to the House of People for the Legislative Assembly of a State*)

COVER `B'

["Every officer under whose care or through whom a postal ballot paper is sent shall ensure its delivery to the addressee without delay—Rule 23(4) of the conduct of Elections Rules, 1961"]

2[***SERVICE UNPAID]

ELECTION-IMMEDIATE

POSTAL BALLOT PAPER

For* ..... Constituency

(NOT TO BE OPENED BEFORE COUNTING)

To

The Returning Officer

Signature** …….....
of sender .....……

*Returning Officer to insert here the name of the appropriate Parliamentary/Assembly Constituency.

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

2[***Strike off in the case of an elector who is employed under the Government of India in a post outside India.]

1. Subs. by Notification No. S.O. 565(E), dated the 4th August, 1984, for the heading. 2. Subs. by Notification No. S.O. 2362 (E), dated the 3rd July, 1970, for certain words.

FORM 13C

[*See* rule 23(*1*)(*c*)]

1[*Cover* B]

(TO BE USED AT AN ELECTION TO THE COUNCIL OF STATES OR TO THE LEGISLATIVE COUNCIL OF A STATE)

COVER 'B"	NOT TO BE OPENED BEFORE COUNTING
ELECTION—IMMEDIATE	*….....
_____	
POSTAL BALLOT PAPER	
The Returning Officer	……
**……	
……..……..	

*Insert here Council of States or name of the Legislative Council or the appropriate Electoral College.

**Full postal address of the Returning Officer to be inserted here.

1. Subs. by Notification No. S.O. 565(E), dated the 4th August, 1984.

1[**FORM 13D**

[*See* rule 23(*1*)(*d*)]

INSTRUCTIONS FOR GUIDANCE OF ELECTORS

(To be used at an election to the House of the People or to the Legislative Assembly of a State)

Election to the*.....from the.....……

The persons whose names are printed on the ballot paper sent herewith are candidates at the above election. Record your vote by placing clearly a mark opposite the name of the candidate to whom you wish to give your 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 your vote, your vote will be invalid.

The number of members to be elected is one. Please remember that you have only one vote. Accordingly you should not vote for more than one candidate. If you do so, your ballot paper will be rejected.

Do not put your signature or write any word or mark any mark, sign or writing whatsoever on the ballot paper other than the mark required to record your vote.

After you have recorded your vote on the ballot paper, place the ballot paper in the smaller cover marked 'A' sent herewith. Close the cover and secure it by seal or otherwise.

Form 13A also sent herewith in the presence of a stipendiary magistrate and obtain the attestation of your signature by such stipendiary magistrate.

(2) If you are a member of the armed forces of the Union or of an armed police force of a State but is serving outside that State, the attestation may be obtained by such officer as may be appointed in this behalf by the Commanding Officer of the Unit, ship or establishment in which you or your husband, as the case may be, are employed.

(3) If you are employed under the Government of India in a post outside India the attestation may be obtained by such officer as may be appointed in this behalf by the diplomatic or consular representative of India in the country in which you are resident.

(4) If you hold an office like the office of the (i) President, (ii) Vice-President, (iii) Governors of States, (iv) Cabinet Ministers of the Union or of any State, (v) The Deputy Chairman and Members of the Planning Commission, (vi) The Ministers of State of the Union or of any State, (vii) Deputy Minister of the Union of any State, (viii) The Speaker of the House of the People or of any State Legislative Assembly, (ix) The Chairman of any State Legislative Council, (x) Lieutenant Governors of Union territories, (xi) The Deputy Speaker of the House of the People or of any State Legislative Assembly, (xii) The Deputy Chairman of the Council of States or of any State Legislative Council, (xiii) Parliamentary Secretaries of the Union or of any State, the attestation may be obtained by an officer not below the rank of a Deputy Secretary to the Government of the Union or the State, as the case may be.

(5) If you are on an election duty, attestation may be obtained by [2][any Group A or Group B officer] or by the Presiding Officer of the polling station in which you are on election duty [3][A voter on election duty who opts for postal ballot shall receive his postal ballot, record his vote thereon and return the same at the facilitation centre as specified, in writing, by the returning officer.]

(6) If you are under preventive detention, the attestation may be obtained by the Superintendent of the jail or the Commandant of the detention camp in which you are under detention.

In all the above cases you may take the declaration to the authorised officer and sign it in his presence after he has satisfied himself about your identity. The officer will attest your signature and return the declaration to you. You must not show your ballot paper to the attesting officer nor tell him how you have voted.

If you are unable to mark the ballot paper and sign the declaration yourself in the manner indicated above by reason of illiteracy, blindness or other infirmity, you are entitled to have your vote marked and declaration signed on your behalf by any of the authorised officer mentioned above. Such an officer will, at your request mark the ballot paper in your presence and in accordance with your wishes. He will also complete the necessary certificate in this behalf.

Form 13A as also the smaller cover marked 'A' containing the ballot paper in the larger cover marked 'B'. After closing the larger cover, send it to the returning officer by post or by messenger. You have to give full signature in the space provided on thecover marked ‘B’.

Form 13D.

2. Subs. by Notification No. S.O. 3778(E), dated the 23rd August, 2023 for the words “any gazetted officer” in paragraph 5. 3. Ins. by Notification No. S.O. 3778(E), dated the 23rd August, 2023.

No postage stamp need be affixed by you, if the cover is posted in India. If, however, you are an elector employed under the Government of India in a post outside India, you should return the cover to the returning officer concerned direct by air mail service after the requisite postage stamp is duly affixed thereon by the office in which you are serving except where it is sent by diplomatic bag.

You must ensure that the cover reaches the Returning Officer before** .....**on.....

Please note that :—

(i) if you fail to get your declaration attested or certified in the manner indicated above, your ballot paper will be rejected; and

(ii) if the cover reaches the returning officer after**.....on the**..... .....your vote will not be counted.

* Appropriate particulars of the election, to be inserted here.

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

FORM 13D

[*See* rule 23(*1*) (*d*)]

INSTRUCTIONS FOR GUIDANCE OF

ELECTORS

(To be used at an election to the Council of States or to the Legislative Council of a State)

Election to the Council of States .....Legislative Council.

The persons whose names are printed on the ballot paper sent herewith are candidates at the above election. Record your vote by placing the figure 1 in the space opposite the name of the candidate to whom you want to vote. Place the figure 1 opposite the name of one candidate only *(although there are more members than one to be elected). You may indicate your relative preference for the other candidates by placing in the spaces opposite their names the figures 2, 3, 4, etc., in order of such preference. Do not place more than one figure opposite the name of any candidate and do not place the same figure opposite the names of more candidates than one.

The number of members to be elected is …….....

After you have recorded your vote on the ballot paper, place the ballot paper in the smaller cover marked `A' sent herewith. Close the cover and secure it by seal or otherwise.

Form 13A also sent herewith in the presence of an officer competent to attest your signature. If you are under preventive detention the attestation of your signature on the declaration in Form 13A shall be obtained by the Superintendent of the jail or the Commandant of the detention camp in which you are under such detention. If you are not under preventive detention, the attestation may be obtained by a stipendiary magistrate to whom you are personally known or to whose satisfaction you have been identified, or in the case of an election to a Council Constituency by any of the following categories of officers who have been notified in this behalf by the Election Commission, namely:—

.....
...

.....
...

Take the declaration to any such officer and sign it in his presence after he has been satisfied about your identity. The officer will attest your signature and return the declaration to you. You must not show your ballot paper to the attesting officer nor tell him how you have voted.

If you are unable to mark the ballot paper and sign the declaration yourself in the manner indicated above by reason of illiteracy, blindness or other infirmity, you are entitled to have your vote marked and the declaration signed on your behalf by an officer competent to attest your signature. Such an officer will, at your request, mark the ballot paper in your presence and in accordance with your wishes. He will also complete the necessary certificate in this behalf.

Form 13A as also the smaller cover marked `A' containing the ballot paper in the larger cover marked `B'. After closing the larger cover, send it to the Returning Officer by registered post or by messenger.

Conduct of Elections Rules, 1961

(Statutory Rules and Order)

You must ensure that the cover reaches the returning officer before**.....on the.....….....**.

Please note that—

(i) If you fail to get your declaration attested or certified in the manner indicated above your ballot paper will be rejected; and

(ii) if the cover reaches the returning officer after** .....on the.....**your vote will not

be counted.

Any ballot paper on which the figure 1 is not marked or on which the figure 1 is set opposite the name of more

than one candidate, or is so placed as to render it doubtful to which candidate it is intended to apply, or on which the figure 1 and some other figures are set opposite the name of the same candidate or on which the same figure is set

opposite the name of more candidates than one or on which the signature of the elector is not duly attested or the number of which does not agree with the number of the ballot paper entered on the cover in which it is placed, will

be rejected.]

* To be deleted when only one member is to be elected.

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

[1][**FORM 13E**

(*See* rule 27F)

INSTRUCTIONS FOR GUIDANCE OF NOTIFIED CLASS OF ELECTORS

(*To be used at an election to the House of the People/State Legislative Assembly*)

Election to the House of the People/Legislative Assembly of..... .from the..... .

The persons whose names are printed on the ballot paper sent herewith are candidates at the above election. Record your vote by placing clearly a mark opposite the name of the candidate to whom you wish to give your 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 your vote, your vote will be invalid.

The number of members to be elected is one. Accordingly, you should not vote for more than one candidate, if you do so, your ballot paper will be rejected.

Do not put your signature or write any word or mark any mark, sign or writing whatsoever on the ballot paper other than the mark required to record your vote.

After you have recorded your vote on the ballot paper, place the ballot paper in the smaller cover marked A sent herewith. Close the cover and secure it by seal or otherwise.

Form 13A which is sent herewith in the presence of the officer (as defined in Rule 27J) of the Conduct of Elections Rules, 1961 and obtain the attestation of your signature by such authorised officer. Extracts of Rule 27J of the Conduct of Elections Rules, 1961 are enclosed herewith.

If you are unable to mark the ballot paper and sign the declaration yourself in the manner indicated above by reason of illiteracy, blindness or other infirmity, you are entitled to have your vote marked and declaration signed on your behalf by any of the authorised officers as mentioned above. Such an Officer will, at your request mark the ballot paper in your presence and in accordance with your wishes. He will also complete the necessary certificate in this behalf.

Form 13A as also the smaller cover marked A containing the ballot paper in the larger cover marked B. After closing the larger cover, send it to the Returning Officer by post or by messenger. You have to give your full signature in the space provided on the cover marked B. No postage stamp need be affixed by you if the cover is posted in India. If, however, you are an elector employed under the Government of India on a post outside India, you should return the cover to the Returning Officer concerned direct by air mail service after the requisite postage stamp is fully affixed thereon by the office in which you are serving except where it is sent by diplomatic bag. You must ensure that the cover reaches the Returning Officer before.....(hour) on.....(date).

Please note that:—

(i) if you fail to get your declaration attested or certified in the manner indicated above, your ballot paper will be rejected; and

(ii) if the cover reaches the Returning Officer after…….(hour) on ……(date) your vote will not be counted.]

1. Form 13E, which was ins. by Notification No. S.O. 321(E), dated the 1st May, 1996, subs. by Notification No. S.O. 628(E), dated 4th August, 1999, for Form 13E.

[1][**FORM 13F**

[*See* rule 27N(*3*)]

Serial No……..

Appointment of proxy by classified service voter to give vote.

I…….(name of the classified service voter) aged about…….s/o, d/o, w/o …….r/o……presently working as…….and posted at……am entitled to appoint proxy under sub-rule (*2*) of rule 27N of the Conduct of Election Rules, 1961. I hereby appoint……(name of the proxy) aged about……..s/o, d/o, w/o……..r/o……as my proxy to give vote on my behalf and in my name in……Assembly constituency and/or……Parliamentary constituency of the State/Union territory of……..in which I am entitled to give vote under the Representation of the People Act, 1951 (43 of 1951) and the rules made thereunder.

……

(Signature of proxy)

Serial number of his name
and part no. of electoral roll of the concerned constituency……

……..…… (Signature of classified service voter)

Serial number of his name in the last part of electoral roll of the concerned constituency…… Service Identity Card No…… Name of the Force to which he belongs……..

Note: (1) The person to be appointed as proxy shall be an ordinary resident in the constituency concerned and of not less than eighteen years of age and shall not be a person disqualified for registration as an elector in an electoral roll under section 16 of the Representation of the People Act, 1950 (43 of 1950).

(2) The signature of the classified service voter and the proxy shall be made before a First Class Magistrate or Notary or the Commanding Officer of the Unit concerned who shall verify the signatures under his hand and seal. In case of First Class Magistrate or Notary verifying the signature, he shall personally check the service identity card of the classified service voter to authenticate veracity of the classified service voter.

(3) Score out the word (s) which are not applicable.

Receipt of Form 13F for the appointment of proxy by classified service voter

(To be handed over to the person depositing the said form)

Serial No……..

Received Form 13F of Shri/Smt./Kum…….

Date…….

……

….. Returning Officer

1. Ins. by Notification No. S.O. 903(*E*), dated the 5th August, 2003.

FORM 13G

[*See* rule 27N(*4*)]

Serial No……..

Revocation of appointment of proxy or revocation of appointment of proxy and appointment of substitute proxy by classified service voter to give vote

I…….(name of the classified service voter) aged about…….s/o, d/o, w/o ……r/o……presently working as…….and posted at……had appointed……(name of the proxy) aged about……..s/o, d/o, w/o……..r/o……as my proxy to give vote on my behalf and in my name in……Assembly constituency and/or……Parliamentary constituency of the State/Union territory of……..

2. I hereby revoke the appointment of my said proxy and do not wish to appoint any substitute proxy.

OR

Whereas such proxy has died/I hereby revoke appointment of the said proxy and being entitled to appoint substitute proxy under sub-rule (*4*) of rule 27N of the Conduct of Election Rules, 1961, hereby appoint…… (name of the substitute proxy) aged about……..s/o, d/o, w/o……r/o…….as substitute proxy who shall hereafter give vote on my behalf and in my name in…….Assembly constituency and/or……..Parliamentary constituency……..of the State/Union territory of……..in which I am entitled to give vote under the Representation of the People Act, 1951 (43 of 1951) and the rules made thereunder.

…….
(Signature of proxy)
Serial number of his name
and part no. of electoral roll of the concerned constituency……

……..…… (Signature of classified service voter) Serial number of his name in the last part of electoral roll of the concerned constituency……
Service Identity Card No…….
Name of the Force to which he belongs……..

Note: (1) The person to be appointed as proxy shall be an ordinary resident in the constituency concerned and of not less than eighteen years of age and shall not be a person disqualified for registration as an elector in an electoral roll under section 16 of the Representation of the People Act, 1950 (43 of 1950).

(2) The signature of the classified service voter and the proxy shall be made before a First Class Magistrate or Notary or the Commanding Officer of the Unit concerned who shall verify the signatures under his hand and seal. In case of First Class Magistrate or Notary verifying the signature, he shall personally check the service identity card of the classified service voter to authenticate veracity of the classified service voter.

(3) Score out the word (s) which are not applicable.

Receipt of Form 13G for revocation of appointment of proxy or revocation of appointment of proxy and appointment of substitute proxy by classified service voter to give vote.

(To be handed over to the person depositing the said form) Serial No……..

Received Form 13G of Shri/Smt./Kum…….
Date…….

……..
Signature and Seal
Returning Officer.]

FORM 14

[*See* rule 36(*2*)(*c*)]

LIST OF CHALLENGED VOTES

Election to the.....from the.....constituency.*

[1][Polling Station Number and Name of Polling Station…….....in…….....Assembly constituency/Name of place of poll .....]

Serial number of entry challenged	Name of electoral	Part of roll	Elector's name in that part	Signature or thumb impression of the person
1	2	3	4	5
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				

Address of the person challenged refund of deposit	Name of identifier, if any	Name of challenger	Order of Presiding Officer	Signature of challenger on receiving
6	7	8	9	10

…… Date....……..... Signature of Presiding Officer.

*Appropriate particulars of the election to be inserted here.

1. Subs. by Notification No. S.O. 565(E), dated the 4th August, 1984 for certain words.

[1][**FORM 14A**

[*See* rules 40(*2*) and 40A(*2*)]

LIST OF ILLITERATE†, BLIND AND INFIRM VOTERS

Election to the* ..... from the.....constituency*/by the elected members**/members of the Legislative Assembly of .....(State).

[2][Number and Name of Polling Station.....in.....Assembly constituency/Name of place of poll.....]

Part No. & Sl. No.	Full name of elector	Full name	Address of companion	Signature of companion

of elector

_____

__

_____

__ Date……..

Signature of Presiding Officer.]

†The word "illiterate" not applicable in the case of election from Assembly/Parliamentary constituency. *Appropriate particulars of the election to be inserted here.

** Strike off whichever is inapplicable.]

Form 14A. 2. Subs. by Notification No. S.O. 563(E), dated the 4th August, 1984, for certain words.

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Conduct of Elections Rules, 1961

(Statutory Rules and Order)

FORM 15

[*See* rule 42(*2*)]

LISTOF TENDERED VOTES

Election in the*.……..…..from the....…….....constituency. 1[Number and Name of Polling Station……...in……....Assembly Constituency/ Name of place of poll.....]

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

__ Date..... Signature of Presiding Officer. *Appropriate particulars of the election to be inserted here.

1. Subs. by Notification No. S.O. 565(E), dated the 4th August, 1984, for certain words.

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Conduct of Elections Rules, 1961

(Statutory Rules and Order)

1[**FORM 16**

[*See* rules 45, 56(*7*) and 56A(*7*)]

PART I.—*Ballot Paper Account*

Election to the.....……...from the.……....……..constituency.

Name of Assembly Segment.....…….. (in the case of election from a Parliamentary constituency)

No. and Name of Polling Station.....……

	Serial Nos. From	Serial Nos. To	Total No.
1. Ballot papers received			
2. Ballot papers unused (*i.e.* not issued to voters)—			
(a) With the signature of Presiding Officer ……			
(b) Without the signature of Presiding Officer ……			
*Total : (a+b) …….			
3. *Ballot papers used at the Polling Station (1—2=3)			
4. *Ballot papers used at the polling station but NOT INSERTED INTO THE BALLOT BOX:			

(*a*) Ballot papers cancelled for violation of voting procedure under rule 39 ....

(*b*) Ballot papers cancelled for other reasons.

(*c*) Ballot papers used as tendered ballot papers …….

*Total: (a+b+c)

…… 5. *Ballot papers to be found in the ballot box (3—4=5)

*(Serial numbers need not be given)

Date .....

Signature of the Presiding Officer]

1. Ins. by Notification No. S.O. 470A, dated the 27th January, 1971 and subs. by Notification No. S.O. 518(E), dated the 7th September, 1979 for

Form 16.

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Conduct of Elections Rules,
1961 (Statutory Rules and Order)

PART II.—*Result of Counting*

I.	Name of candidate	Number of valid votes cast.
1.		
2.		
3.		
4.		
5.		
etc.		
II.	Rejected Ballot Papers	
III.	TOTAL	

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

Place..... Signature of the Counting Supervisor Date.....

Place..... Signature of the returning Officer Date.....

—

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Conduct of Elections Rules,
1961 (Statutory Rules and Order)

[1][**FORM 16A**

[*See* rules 45 and 55B(*1*)]

(*To be used in constituencies specified under rule* 59A)

Election to the.....……from the…….....constituency. Name of Assembly Segment.....….. (in the case of election from a Parliamentary constituency) No. and Name of Polling Station .....……..…….

	Serial Nos. From	Total No. To
1. Ballot papers received		
2. Ballot papers unused (*i.e.* not issued to voters)—		
(a) With the signature of Presiding Officer		
(b) Without the signature of Presiding Officer		
*Total : (a+b)		
3. *Ballot papers used at the Polling Statio		

_____
_____

4. *Ballot papers used at the polling station but NOT INSERTED INTO THE BALLOT BOX :

(a) Ballot papers cancelled for violation of voting procedure under rule 39

(b) Ballot papers cancelled for other reason. (c) Ballot papers used as tendered ballot papers

_____
_____
_____

*Total : (a+b+c) 5. *Ballot papers to be found in the ballot box (3—4=5)

*(Serial numbers need not be given)

Date.....

PART II—Result of Initial counting

1. Total number of ballot papers found in the ballot box(es) used at the polling station……..... 2. Discrepancy, if any, between the total number as shown against item 1 in this Part and the total number of ballot papers to be found in the ballot box(es) shown in item 5 of Part I.....……..

Date..... Signature of Counting Supervisor

Signature of the Returning Officer]

1. Original Form 16, which was renumbered as Form 16A by Notification No. S.O. 479 A, dated the 27th January, 1971, omitted by Notification No, 518(E), dated the 7th September, 1979 and again ins. by Notification No. S.O. 958(E), dated the 17th November, 1989.

FORM 17

[*See* rule 49(*3*)(*f*)]

Tendered Ballot Paper

Election to the*.....…….from the…….....constituency. …….....Serial number of Ballot paper….....…….. Polling Station .....…… Name of Elector…….....…….. Serial number of elector …….....…….... in Part number.....of the electoral roll.

Address of elector……..... Name of candidate in whose favour vote is tendered.....……..

Date .....

*Appropriate particulars of the election to be inserted here.

[1][**FORM 17A**

(*See* rule 49L)

Register of Voters

Election to the House of the People/Legislative Assembly of the State/Union territory ..... from ..... Constituency No. and Name of Polling Station.....…. Part No. of Electoral Roll.....

Sl. No	Sl. No. of elector in the electoral roll	Details of the document produced by the elector in proof of his/her identification	Signature/Thumb impression of elector	Remarks
(1)	(2)	(3)	(4)	(5)
1. 2. 3. 4.				

etc.

Signature of the Presiding Officer]

Form 17A

Conduct of Elections Rules, 1961

(Statutory Rules and Order)

[1][**FORM 17B**

(*See* rule 49P)

List of Tendered Votes

Election to the House of the People/Legislative Assembly of the State/Union territory.....from.....Constituency.

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

Part No. of Electoral Roll.....

Sl. No.	Name of elector	Sl.No. of elector in electoral roll	Sl. No. in Reg- ister of voters (Form 17A) of persons who has already voted in place of elector	Signature/ Thumb impression of elector
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				

Date..... Signature of the Presiding Officer]

[2][**FORM 17C**

[*See* rules 49S and 56C(*2*)]

PART I.—ACCOUNT OF VOTES RECORDED

Election to House of the People/Legislative Assembly of the State/Union territory..... from .....Constituency.

Number and Name of Polling Station : ……..……..……

Identification Number of voting machine used at the Polling Station : control unit ……
balloting unit ……..……
Printer (if used) ……..

1. Total number of electors assigned to the Polling Station

Form 17A)

3. Number of voters deciding not to record votes under rule 49-O
4. Number of voters not allowed to vote under rule 49M
5. Test votes recorded under rule 49MA (*d*) required to be deducted—

(a) total number of test votes to be deducted : Total No. …… Sl. No.(s) of elector(s) in Form 17A ……

(b) candidates(s) for whom test vote(s) cast :

Sl. No.	Name of candidate	No. of votes
……..	…….	…….
……..	…….	…….

1. Ins. by Notification No. S.O. 230(E), dated the 24th March, 1992.

Form 17C.

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Conduct of Elections Rules, 1961 (Statutory Rules and Order)

6. Total number of votes recorded as per voting machine : ……..

7. Whether the total number of votes as shown against item 6 tallies with the total number of voters as shown against item 2 minus numbers of voters deciding not to record votes as against item 3 minus number of voters as against item 4 (i.e. 2-3-4) or any discrepancy noticed: ……...

8. Number of voters to whom tendered ballot papers were issued under rule 49P: ……...

9. Number of tendered ballot papers.

Sl. No. | (*a*) Total received | From for use | To (*b*) issued to electors | (*c*) not used and returned

10. Account of papers seals

……
Signature of polling agents.

1. Paper seals supplied for use: Total No. ……
Sl. No. from ……. to …….. 1. _____.

2. Paper seals used: Total No. …… 2. _____.
Sl. No.s. ……. ……..
3. _____.

3. Unused paper seals returned to Returning officer: Total No. ……
Sl. No.s. ……. …….. 4. _____.

4. Damaged paper seal, if any: Total No. …… 5. _____.
Sl. No.s. ……. ……..
6. _____.

_____

Date.....
Place.....

……
Signature of Presiding Officer

Polling Station No ….....]

PART II.—RESULT OF COUNTING

Sl. No. of candidate	Name of candidate	Number of votes as displayed on control unit	Number of test votes to be deducted as per item 5 of Part I	Number of valid votes. (3 – 4).
(1)	(2)	(3)	(4)	(5)
1 .				
2 .				

3
.

4
.

5
.

6
.

Total

Whether the total number of votes shown above tallies with the total number of votes shown against item 6 of Part I or any discrepancy noticed between the two totals.

Place.....

Date.....

……
Signature of Counting Supervisor
Full signature

Name of candidate/election agent/counting agent

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

Place .....
Date.....

……
Signature of Returning Officer

FORM 18

[*See* rule 52(*2*)]

Appointment of Counting Agents

Election to the.....from the.....….....constituency.

To

The Returning Officer,

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

Name of the Counting agent

1.
2.
3.
etc.

We agree to act as such counting agents

1.
2.
3.
etc.

Place.....
Date.....

Address of the counting agent

Signature of *candidate/election agent

……

Signature of counting agents

DECLARATION OF COUNTING AGENTS

(*To be signed before the Returning Officer*)

We hereby declare that at the above election we will not do anything forbidden by section 128$ of the Representation of the People Act, 1951, which *we have read/has been read over to us.

1
2
3
etc.

Date.....

……

Signature of counting agents.

Signed before me.

……

Date..... Returning Officer.

__ *Strike off the inappropriate alternative.

$Section 128 of the Representation of the People Act, 1951:—

"128. *Maintenance of secrecy of voting*.—(1) Every Officer, clerk, agent or other persons 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-section (1) shall be punishable with imprisonment for a term which may extend to three months or with fine or with both."

FORM 19

[*See* rule 52(*4*)]

Revocation of Appointment of counting Agents

*Election of the**.....

To

The Returning Officer,

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

Place.....

Date..... Signature of person revoking.

__ *Here insert one of the following alternatives as may be appropriate:—
(1) House of the People from the.....constituency.

(2) Legislative Assembly from the.....constituency.
(3) Council of States by the elected members of the Legislative Assembly of.....(State). (4) Council of States by the members of the electoral college of..... (Union territory). (5) Legislative Council by the members of the Legislative Assembly.
(6) Legislative Council from the.....constituency.

N.B.—Omit the Words [ ] as necessary.

Conduct of Elections Rules, 1961
(Statutory Rules and Order)

[1][**FORM 20**

[*See* rule 56(7)]

Final Result Sheet

(*To be used for recording the result of voting at polling stations other than notified polling stations*)

Election to the.....from the.....constituency.

PART I

(*To be used both for Parliamentary and Assembly elections*)

Name of the Assembly segment (in the case of election from a Parliamentary constituency)..... Total No. of electors in Assembly constituency/segment.....

Serial No. of Polling Station	No. of valid votes cast in favour of A B C	Total of No. of rejected votes	Total No. of tendered valid Votes votes
(1)			
(2)			
(3)			
etc.			

Total No. of votes recorded at Polling Stations.

No. of votes recorded on postal ballot papers.

(To be filled in the case of election from an Assembly constituency.)

Total votes polled.

Place.....
Date.....

Returning Officer.

PART II

(*To be used for a Parliamentary election only*)

Name of Assembly segment	No. of valid votes cast in favour of A	B	C	Total of valid Votes	No. of rejected votes	Total No. of tendered votes
(*1*)						
(*2*)						
(*3*)						
etc.						
Total						
No. of votes recorded on postal ballot papers.						
GRAND TOTAL						

Place.....
Date.....

Returning Officer]

Form 20.

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Conduct of Elections Rules,

1961 (Statutory Rules and Order)

FORM 20

(*See* rule 59)

Final Result Sheet

(To be used for recording the result of voting at notified polling stations)

Election to the*.....from the.....constituency.

Polling Station	Number of the ballot papers found in the ballot box of Station								Total for polling votes	Number of tendered
S.No. Name	A		B		C		D			
	Valid	Rejected	Valid	Rejected	Valid	Rejected	Valid	Rejected		
1 2	3	4	5	6	7	8	9	10	11	12	13	14
Total												

Number of valid votes polled by

	A	B	C	D	Total
Recorded at polling stations					
Recorded on postal ballot papers					
Total votes polled					

Place.....

Date..... Returning Officer

*Appropriate particulars of the election to be inserted here.

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Conduct of Elections Rules,

1961 (Statutory Rules and Order)

[1][**FORM 20A**

[*See* rule 56B

(*7*)]

Final Result Sheet

(*To be used for recording the result of voting at polling stations in constituencies specified under Rule 59A*)

Election to the.....……
from the…….....constituency.

Polling Station No.	Total votes found in the ballot box(es)	No. of tendered votes
(1)	....	
(2)	....	
(3)	....	
…….....	....	
.....……..	....	
.....……	....	

1. Total number of valid votes recorded for candidates and of rejected ballot papers	Candidate's valid votes				Valid votes Total	Number of rejected ballot papers	Valid and rejected votes Total
	A	B	C	D			
1st round..…….....	....	....	....	....…		....	
2nd round..…….....	....	....	....	....…		....	
3rd round. ..…….....	....	....	....	....…		....	
4th round..…….....	....	....	....	....…		....	
5th round. ..…….....	....	....	....	....…		....	
…….....….							
.....…….....							
.....……							
TOTAL							

2. Total number of valid votes recorded on postal ballot papers for candidates and of rejected postal ballot papers	…..	..…	..…	..…	.....	.....	.....
GRAND TOTAL							

Name of assembly constituency	Candidate's valid votes				Valid votes Total	Number of rejected ballot papers	Valid and rejected votes Total
	A	B	C	D			
I.1....…….....	....	....	....	....…		…..	
2...…….....	....	....	....	....…	..…		
3...…….....	....	....	....	....…	....		
etc.							
TOTAL							
II. Total number of valid votes recorded on postal ballot papers for candidates and of rejected postal ballot papers…….....……							
GRAND T							

Place.....
Date.....

Returning Officer]

---

1. Ins. by Notification No. S.O. 958(E), dated the 17th November, 1989.

1[**FORM 21**

[*See* rule 11(*1*)]

(*For use in General Election when seat is uncontested*)

Declaration of the result of Election under sub-section (2)*/sub-section (3)* of section 53 of the Representation of the People Act, 1951.

Election to the†.....

In pursuance of the provisions contained in sub-section (2)*/sub-section (3)* of section 53 of the Representation of the People Act, 1951, read with sub-rule (1) of rule 11 of the Conduct of Elections Rules, 1961, I declare that—

.....(Name) .....(Address)

[2][sponsored by.....

(name of the recognised/registered political party)]

has been duly elected to fill the seat in that House from the above constituency.

Place..... Signature.....

Date..... Returning Officer]

__ *Score out, if inappropriate.

†Here insert one of the following alternatives as may be appropriate:—

(1) House of the People from the.....Parliamentary constituency in the State/Union territory of.....

(2) Legislative Assembly of the State/Union territory of.....from the.....Assembly constituency.

(3) Metropolitan Council of the Union territory of Delhi from the.....Metropolitan Council constituency.

1. Ins. by Notification No. S.O. 4542, dated the 20th December, 1968 (w.e.f. 1-1-1969). 2. Ins. by Notification No. S.O. 565(E), dated the 4th August, 1984.

FORM 21A

[*See* rule 11(*1*)]

(*For use in Biennial Election when seat is uncontested*)

Declaration of the result of Election under sub-section (2)*/sub-section (3)* of section 53 of the Representation of the People Act, 1951.

Election to the!.....……..

In pursuance of the provisions contained in sub-section (2)*/sub-section (3)* of section 53 of the Representation of the People Act, 1951, read with sub-rule (1) of rule 11 of the Conduct of Elections Rules, 1961, I declare that—

…….....(Name) the .....……...(Address)
.....……...(Name)
.....…….....(Address)

[1][sponsored by..……..... (name of recognised/registered political party)]
[1][Sponsored by .....(name of the recognised/registered political party)]

has been/have been duly elected to fill the seat(s) in that House of.....**.....member(s) retiring on.....(date, month and year) on the expiration of their term of office.

Place.....
Date.....

Signature……..
Returning Officer

__ *Score out, if inappropriate.

!Here insert one of the following alternatives as may be appropriate:—

(1) Council of States by the elected members of the Legislative Assembly of.....(State). (2) Council of States by the members of the electoral college of.....(Union territory).

(3) Legislative Council of.....(State) by the members of the Legislative Assembly.

(4) Legislative Council of.....(State) from the .....(Local Authorities'/Graduates'/Teachers') constituency.

**Fill up the number of members retiring.

FORM 21B

[*See* rule 11(*1*)]

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

Declaration of the result of Election under sub-section (2)*/sub-section (3)* of section 53 of the Representation of the People Act, 1951.

Election to
the†.....…….....

In pursuance of the provisions contained in sub-section (2)*/sub-section (3)* of section 53 of the Representation of the People Act, 1951, read with sub-rule (1) of rule 11 of the Conduct of Elections Rules, 1961, I declare that—

…….....(Name)
.....……..(Address) [1][sponsored by.....(name of the recognised/ registered political party)] has been/have been duly elected to fill the vacancy caused in that House by the

*resignation
of.....……..

*death
of.....……

*election of.....……...having been declared void.

*seat of.....…… *having become/*having been declared vacant

Place.....……..... Signature.....

Date..... Returning Officer

*Score out, if inappropriate

†Here insert one of the following alternatives as may be appropriate:—

(1) House of the People from the..... Parliamentary constituency in the State/Union territory of... (2) Legislative Assembly of the State/Union territory of…... from the.....Assembly constituency. (3) Metropolitan Council of Delhi from the ……..Metropolitan Council constituency.

(4) Council of States by the elected members of the Legislative Assembly.....(State).

(5) Council of States by the members of the electoral college of.....(Union territory).

(6) Legislative Council of.....(State) by the members of the Legislative Assembly.

(7) Legislative Council of.....(State) from the.....(Local Authorities'/Graduates'/Teachers') constituency.

1. Ins. by Notification No. S.O. 565(E), dated the 4th August, 1984.

FORM 21C

(*See* rule 64)

(*For use in General Election when seat is contested*)

Declaration of the result of Election under section 66 of the Representation of the People Act, 1951

*Election to the House of the People from the.....…….....…Parliamentary constituency in.....……...(State/Union territory).

---

*Election to the Legislative Assembly of.....……(State/Union territory) from.....……..Assembly constituency.

---

*Election to the Metropolitan Council of Delhi from.....Metropolitan Council constituency.

In pursuance of the provisions contained in section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that—

.....……....(Name)

…….……..(Address) [1][sponsored by.....…….……..(name of the recognised/registered political party)] has been duly elected to fill the seat in that House from the above constituency.

Place…….. Signature ..... Date.....…… Returning Officer

*Score out, if inappropriate.

1. Ins. by Notification No. S.O. 565(E), dated the 4th August, 1984.

FORM 21D

(*See* rule 64)

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

Declaration of the result of Election under section 66 of the Representation of the People Act, 1951.

*Election to the House of the People from the..... Parliamentary constituency in..... (State/Union territory).

__ *Election to the Legislative Assembly of..... (State/Union territory) from.....Assembly constituency.

__ *Election to the Metropolitan Council of Delhi from.....Metropolitan Council constituency.

In pursuance of the provisions contained in section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that—

.....……...(Name)

.....…….(Address) [1][Sponsored by.....…….....(name of the recognised/registered political party)] has been duly elected to fill the vacancy caused in that House by the—

*resignation of

.....…….

_____

*death of.....…….

…….....

_____

*election of.....……..having been declared void.

_____

*seat of .....……..having become/having been declared vacant.

Place..... Signature .....

Date..... Returning Officer.

__ *Score out, if inappropriate.

1. Ins. by Notification No. S.O. 565(E), dated the 4th August, 1984.

[1][**FORM 21E**]

(*See* rule 64)

Return of Election

Election to the.....……..from the.……....constituency.

Return of Election

__

[2][Serial No.	Name of candidate	Party affiliation	Number of votes polled]
__			
__			
__			
__			

—

[3][Total number of electors…….....]

Total number of valid votes polled.....……

Total number of rejected votes.....……..

Total number of tendered votes.....…….

I declare that—

.....…….....(Name)

of.....……..

(address) has been duly elected to fill the seat.

Place ..…….....

Date .....……..

Returning Officer.

1. Renumbered by Notification No. S.O. 4542, dated the 20th December, 1968 (w.e.f. 1-1-1969). 2. Subs. by Notification No. S.O. 565(E), dated the 4th August, 1984, for certain words. 3. Ins., *ibid.*

FORM 22

(*See* rule 66)

Certificate of Election

I, Returning Officer for the…….....Parliamentary/Assembly constituency in the State of.....hereby certify that I have on the…..…….....day of …….... 20……..... declared Shri.....…….. of.....…….....[1][sponsored by.....(name of the recognised/registered political party)] to have been duly elected by the said constituency [2][in the General Election/Bye-election] to be a member of the House of the People/Legislative Assembly and that in token thereof I have granted to him this certificate of election.

Place .....……

Date .....……

…….....

Returning Officer, for

the…….....…….....Parliamentary Assembly constituency.

SEAL

[3]FORM 22A

[*See* rule 39AA(2)]

Appointment letter

Election of the ----------

I……..*President/General Secretary of……..Party do hereby appoint the following persons as the authorised agents of the Party to verify under rule *39AA/ rule 42/ rule 42A/ rule 84 as to whom the electors who are the members of the said political party have cast their votes. Photographs of the aforesaid authorised agents are pasted hereunder and is attested under my hand and seal.

Name of the authorised agents

1…….

2…….

We agree to act as such authorised agents 1……..

2……..

Space for the photographs

*Strike off the inappropriate alternative.]

Address of the authorised agents

Signature of * President/ General Secretary of the Party)

(Seal) Signature of the authorised agents

1. Ins. by Notification No. S. O. 961(E), dated the 29th December, 1986.

2. Ins. by Notification No. S. O. 565(E), dated the 4th August, 1984.

3. Ins. by Notification No. S. O. 272 (E), dated the 27th February, 2004.

[1][FORM 23

[*See* rule 84(1)(a)]

(*For use in Biennial Election when seat is contested*)

Declaration of the result of Election under section 66 of the Representation of the People Act, 1951 Election to

the*.....…….....

In pursuance of the provisions contained in section 66 of the Representation of the People Act, 1951, read with clause (a) of sub-rule (1) of rule 84 of the Conduct of Elections Rules, 1961, I declare that—

…….....(Name) [2][sponsored by.....……..... (name of the recognised/registered ...…….(Address) political party)]

…….....(Name) [2][sponsored by.....…….. (name of the recognised/registered ...…….(Address) political party)]

has been/have been, duly elected to fill the seat(s) in that House of a .....!member(s) retiring on..... (date, month and year) on the expiration of their term of office.

Place.....……...

Date.....……..

Signature…… Returning Officer.]

_ * Here insert one of the following alternatives as may be appropriate:—

(1) Council of States by the elected members of the Legislative Assembly of.....(State). (2) Council of States by the members of the electoral college of..…….....….(Union territory). (3) Legislative Council of..……..... (State) by the members of the Legislative Assembly. (4) Legislative Council of.....(State) from the.....……. (Local Authorities'/Graduates'/Teachers') constituency.

** Score out, if inappropriate.

Fill up the number of members retiring.

1. Ins. by Notification No. S.O. 4542, dated the 20th December, 1968 (w.e.f. 1-1-1969). 2. Ins. by Notification No. S.O. 565(E), dated the 4th August, 1984.

1[**FORM 23A**

[*See* rule 84(1)(a)]

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

Declaration of the result of Election under section 66 of the Representation of the People Act, 1951

Election to the…….....

In pursuance of the provisions contained in section 66 of the Representation of the People Act, 1951, read with clause (a) of sub-rule (1) of rule 84 of the Conduct of Elections Rules, 1961, I declare that—

.....……...(Name)

...……..(Address) 1[sponsored by.....…….....(name of the recognised/registered political party)] has been duly elected to fill the vacancy caused in that House by the

*resignation of.....…….....

*death of.....…….

*election of.....…….....….having been declared void.

*seat of..... *having become/*having been declared vacant.

Place..... Signature.....

Date..... Returning Officer.

Here insert one of the following alternatives as may be appropriate: —

(1) Council of States by the elected members of the Legislative Assembly of .....……..(State). (2) Council of States by the members of the electoral college of.....…….....(Union territory).

(3) Legislative Council of.....…….(State) by the members of the Legislative Assembly.

(4) Legislative Council of.....…...(State) from the.....….....(Local Authorities'/Graduates'/Teachers') constituency.

*Score out, if inappropriate.]

1. Ins. by Notification No. S.O. 565(E), dated the 4th August, 1984.

1[FORM 23B]

2[*See* rule 84(1)(b)]

Return of Election

Election to the Council of States

_____

____

Election to the Legislative Council by Members of Assembly/..... constituency.

The result of the poll and of the transfer of votes is as follows:—

Number of valid votes.....

Number of members to be elected.....

Quota (number of votes sufficient to secure the election of a candidate).....

Names of candidates	First Count	Second Count		Third Count		Fourth Count		Name of elected candidates and order of election
	Votes polled by each candidate	Transfer of	Result	Transfer of	Result	Transfer of	Result	
Non-transferable papers								
Loss due to fractions								
Total								

I declare that—

(1)(Name)…….....(Address)….....……[3][Sponsored by..…… (name of the recognised/registered political party)]

(2)(Name).....…….(Address).....……etc…….....

has/have been duly elected.

(Signature)

Returning Officer.

Dated the.....……day of…….....20…...

1. Renumbered by Notification No. S.O. 4542, dated the 20th December, 1968 (w.e.f. 1-1-1969). 2. Subs., *ibid.* (w.e.f. 1-1-1969).

3. Ins. by Notification No. S.O. 961(E), dated the 29th December, 1986.

FORM 24 (*See* rule 85)

Certificate of Election

I, Returning Officer for the election to the.....Council of States/Legislative Council by the elected members of the.....Legislative Assembly.....Local Authorities'/Graduates'/Teachers' constituency/members of the.....Legislative Assembly hereby certify that I have on the…….....day of.....19.....declared Shri.....[1][sponsored by.....(name of the recognised/registered political party)] to have been duly elected to be a member of the Council of States/Legislative Council and that in token thereof I have granted to him this certificate of election.

Place.....

Date..... …..... Returning Officer.

for the election to the Council of States/Legislative Council.

SEAL

[2][FORM 24A (*See* rule

8
5
B
)

[This form should be filed with the Election Commission before the due date for furnishing a return of the Political Party's income of the concerned financial year under section 139 of the Income-tax Act, 1961 (43 of 1961) and a certificate to this effect should be attached with the Income-tax return to claim exemption under the Income-tax Act, 1961 (43 of 1961).]

1. Name of Political Party:

2. Status of the Political Party:

(recognised/unrecognised)

3. Address of the headquarters of the Political Party:

4. Date of registration of Political Party with Election Commission:

5. Permanent Account Number (PAN) and Income-tax Ward/Circle where return of the political party is filed:_____

6. Details of the contributions received, in excess of rupees twenty thousand, during the Financial Year:20…..20……..

Serial number	Name and complete address of the contributing person/company	PAN (if any_ and Income-Tax Ward/Circle	Amount of contribution (Rs.)	Mode of contribution *(cheque/demand draft/cash)	Remarks

*In case of payment by cheque/demand draft, indicate name of the bank and branch of the bank on which the cheque/demand draft has been drawn.

1. Ins. by Notification No. S.O. 961(E), dated the 29th December, 1986.

2. Ins. by Notification No. S.O. 1283(E), dated the 10th November, 2003

7. In case the contributor is a company, whether the conditions laid down under section 293A of the Companies Act, 1956 (1 of 1956) have been complied with (A copy of the certificate to this obtained from the company should be attached).

Verification

I,……(full name in Block letters), son/daughter of ……..solemnly declare that to the best of my knowledge and belief, the information given in this

Form is correct, complete and truly stated.

I further declare that I am verifying this form in my capacity as _____on behalf of the Political Party above named and I am also competent to do so.

(Signature and name of the Treasurer/Authorised person)]

Date:_____

_

Place:_____

__

[1][**FORM 25**

(*See* rule 94A)

Affidavit

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

(a) that the statements made in paragraphs.....of the accompanying election petition about the commission of the corrupt practice of*.....and the particulars of such corrupt practice mentioned in paragraphs.....of the same petition and in paragraphs.....of the Schedule annexed thereto are true to my knowledge;

(b) that the statements made in paragraphs.....of the said petition about the commission of the corrupt practice of*.....and the particulars of such corrupt practice given in paragraphs.....of the said petition and in paragraphs.....of the Schedule annexed thereto are true to my information;

(c)

(d)

etc.

Signature of deponent.

Solemnly affirmed/sworn by Shri/Shrimati.....at.....this.....day of.....….20……...

Before me,
Magistrate of the first class/Notary/
Commissioner of Oaths.]

* Here specify the name of the corrupt practice.

1. Added by Notification No. S.O. 597(E), dated the 27th February, 1962.

[1][**FORM 26**

(*See* rule 4A)

Affidavit to be furnished by the candidate before the returning officer for election to ……(name of the House) from…….constituency (name of the constituency)

Please affix your recent passport size photograph here

PART - A

I, ……..……..……..……**son/daughter/wife of ……..…..…….. aged ……..years, resident of ……..……. (mention full postal address), a candidate at the above election, do hereby solemnly affirm and state on oath as under:—

(1) I am a candidate set up by …….. (**name of the political party)/** am contesting as an Independent candidate.

(**strike out whichever is not applicable)

(2) My name is enrolled in …….. (name of the constituency and the State), at Serial No. …….

[2][**(3)** My contact telephone number(s) is/are ……..….. and e-mail id (if any) is ……..…….. and my social media account(s) if any is/are (i) ……(ii)……..(iii)……]

[3][**(4)** Details of Permanent Account Number (PAN) and status of filing of Income Tax return:

Sl. No.	Names	PAN	The financial year for which the last Income-tax return has been filed.	Total income whown in Income-tax return (in Rupees)
1.	Self			(i)
				(ii)
				(iii)
				(iv)
				(v)
2.	Spouse			(i)
				(ii)
				(iii)
				(iv)
				(v)
3.	HUF (If the Candidate is Karta or Coparcener)			(i)
				(ii)
				(iii)
				(iv)
				(v)
4.	Dependent-1			(i)
				(ii)
				(iii)
				(iv)
				(v)
5.	Dependent-2			(i)
				(ii)
				(iii)
				(iv)
				(v)
6.	Dependent-3			(i)
				(ii)
				(iii)
				(iv)
				(v)

Note: It is Mandatory for PAN holder to mention PAN and in case of no PAN, it should be clearly stated "No PAN allotted"]

[4][**(5)** Pending criminal cases.-

Form No. 26 (w.e.f. 1-08-2012). 2. Subs. by Notification No. S.O. 1133(E), dated the 7th April, 2017.

3. Subs. by Notification No. S.O. 1023(E), dated the 26th February, 2019.

4. Paras 5 and 6 Subs. by Notification No. S.O. 5196(E), dated the 10th October, 2018.

(i) I declare that there is no pending criminal case against me.

(*Tick this alternative, if there is no criminal case pending against the Candidate and write NOT APPLICABLE against alternative (ii) below*)

OR

(ii) The following criminal cases are pending against me:

(*If there are pending criminal cases against the candidate, then tick this alternative and score off alternative (i) above, and give details of all pending cases in the Table below*)

TABLE

(a)	FIR No. with name and address of Police Station concerned			
(b)	Case No. with Name of the Court			
(c)	Sections of concerned Acts/Codes involved (*give no. of the section, e.g. Section ..... of IPC, etc.).*			
(d)	Brief description of offence			
(e)	Whether charges have been framed *(mention YES or NO)*			
(f)	If answer against item (e) above is YES, then give the date on which charges were framed			
(g)	Whether any Appeal/Application for revision has been filed against the proceedings (*Mention YES or NO)*			

(6) Cases of conviction. —

(i)I declare that I have not been convicted for any criminal offence.

(*Tick this alternative, if the candidate has not been convicted and write NOT APPLICABLE against alternative (ii) below*)

OR

(ii)I have been convicted for the offences mentioned below:

(If the candidate has been convicted, then tick this alternative and score off alternative (i) above, and give details in the Table given below)

(a)	Case No.			
(b)	Name of the Court			
(c)	Sections of Acts/Codes involved (*give no. of the Section, e.g. Section of IPCetc*			
(d)	Brief description of offence for which convicted			
(e)	Dates of orders of conviction			
(f)	Punishment imposed			
(g)	Whether any Appeal has been filed against conviction order (Mention YES or No)			
(h)	If answer to item (g) above is YES, give details and present status of appeal			

(6A) I have given full and up-to-date information to my political party about all pending criminal cases against me and about all cases of conviction as given in paragraphs (5) and (6).

[candidates to whom this item is not applicable should clearly write NOT APPLICABLE IN VIEW OF ENTRIES IN PARAGRAPHS 5(i) and 6(i) above.]

Note:

1.Details should be entered clearly and legibly in BOLD letters

2.Details to be given separately for each case under different columns against each item.

3.Details should be given in reverse chronological order, i.e., the latest case to be mentioned first and backwards in the order of dates for the other cases.

4.Additional sheet may be added if required.

5.Candidate is responsible for supplying all information in compliance of the Hon'ble Supreme Court's judgment in W.P (C) No. 536 of 2011.]

(7) That I give herein below the details of the assets (movable and immovable etc.) of myself, my spouse and all dependents:

A. Details of movable assets:

Note : 1. Assets in joint name indicating the extent of joint ownership will also have to be given.

Note : 2. In case of deposit/Investment, the details including Serial Number, Amount, date of deposit, the scheme, Name of the Bank/Institution and Branch are to be given.

Note : 3 Value of Bonds/Share Debentures as per current market value in Stock exchange in respect of listed companies and as per books in case of non-listed companies should be given.

[1][Note : 4 "Dependent" means parents, son(s), daughter(s) of the candidate or spouse and any other person related to the candidate whether by blood or marriage, who have no separate means of income and who are dependent on the candidate for their livelihood;]

Note : 5 Details including amount is to be given separately in respect of each investment.

[2][Note: 6. Details should include the interest in or ownership of off shore assets.

Explanation— For the purpose of this Form, the expression "offshore assets" includes, details of all deposits or investments in Foreign banks and any other body or institution abroad, and details of all assets and liabilities in foreign countries;]

Sl. No.	Description	Self	Spouse	[1][HUF]	Dependent-1	Dependent-2	Dependent-3
(i)	Cash in hand						
(ii)	Details of deposit in Bank accounts (FDRs, Term Deposits and all other types of deposits including saving accounts), Deposits with Financial Institutions, Non-Banking Financial Compa-nies and Cooperative Societies and the amount in						
(iii)	Details of investment in Bonds, debentures/shares and units in companies/ Mutual funds and other and the amount						
(iv)	Details of investment in NSS, Postal Saving, Insurance policies and investment in any Financial instruments in Post office or Insurance Company and the amount						
(v)	Personal loans/advance given to any person or entity including firm, company, Trust etc., and other receivables from debtors and the amount						
(vi)	Motor Vehicles/Aircrafts/ Yachts/Ships (Details of make, registration number etc. year of purchase and amount)						
(vii)	Jewellery, bullion and valuable thing(s) (give details of weight and value)						
(viii)	Any other assets such as value of claims/interest						
(ix)	Gross Total Value						

1. Subs. by Notification No. S.O. 5196(E), dated the 10th October, 2018.

2. Ins by Notification No. S.O. 1023(E), dated 26 Feburary, 2019.

B. Details of Immovable assets:

Note : 1. Properties in joint ownership indicating the extent of joint ownership will also have to be indicated.

Note : 2. Each land or building or apartment should be mentioned separately in this format.

1[Note:3 Details should include the interest in or ownership of offshore assets.].

Sl. No.	Description	Self	Spouse	1[HUF]	Dependent 1	Dependent 2	Dependent 3
(i)	Agricultural Land Location(s) Survey numbers(s)						
	Area (total measurement in acres)						
	Whether inherited property (Yes or No)						
	Date of purchase in case of self-acquired property						
	Cost of Land (in case of purchase) at the time of purchase						
	Any investment on the land by way of development, construction etc.						
	Approximate current market value						
(ii)	Non-Agricultural Land : Location(s) Survey numbers(s)						
	Area (total measurement in sq. ft.)						
	Whether inherited property (yes or No)						
	Date of purchase in case of self-acquired property						
	Cost of Land (in case of purchase) at the time of purchase						
	Any investment on the land by way of development, construction etc.						
	Approximate current market value						
(iii)	Commercial Buildings (including apartments) -Location(s) -Survey number(s)						
	Area (total measurement in sq.ft.)						
	Build-up Area (total measurement in sq. ft.)						
	Whether inherited property (Yes or No)						
	Date of purchase in case of self-acquired property						
	Cost of property (in case of purchase) at the time of purchase						
	Any investment on the property by way of development, construction etc.						
	Approximate current market value						

1. Ins. by Notification No. S.O. 1023(E), dated 26 Feburary, 2019.

(iv)	Residential Buildings (including apartments) : - Location(s) -Survey number(s)						

	Area (total measurement in sq. ft.)						
	Built up area (Total measurement in sq. ft.)						
	Whether inherited property (Yes or No)						
	Date of purchase in case of self-acquired property						
	Cost of property (in case of purchase) at the time of purchase						
	Any investment on the land by way of development, construction etc.						
	Approximate current market value						
(v)	Others (such as interest in property)						
(vi)	Total of current market value of (i) to (v) above.						

(8) I give herein below the details of liabilities/dues to public financial institutions and government:-

(Note : please give separate details of name of bank, institution, entity or individual and amount before each item).

Sl. No	Description	Self	Spouse	1[HUF]	Dependent 1	Dependent 2	Dependent 3
(i)	Loan or dues to Bank/financial institution(s) Name of the Bank or financial Institution, Amount outstanding, Nature of Loan						
	Loan or dues to any other individual/entity other than mentioned above Name(s), Amount out-standing, nature of loan						
	Any other liability						
	Grand total of liabilities						
2[(ii)	Government dues: Dues to Departments dealing with Government accommodation	(A) Has the Depon ent been in oc cupation of acc ommodation provided by the Go vernment at any time during the last ten years before the date of notification of the current e lection? (B) If answer to (A) above is YE S, the following declaration may be furnished, n amely:– (i)The address of the Government accommodation: --- --- --- (ii) There is no dues payable in re spect of above Government accommodation, to wards– (a)rent; (b)electricity charges; (c)water char ges; and (d)telephone charges as on--------- (date) [the date should b e the last date of the third m onth prior to the month in whic h the election is notified or any date thereafter]. Note : "No Dues Certificate" from the agencie s concerned in respect of rent, electr icity charges, water charges and telephon e charges for the above Gov ernment					

1. Ins. by Notification No. S.O. 1023(E), dated the 26 Feburary, 2019.

2. Subs. by Notification No. S.O. 5196(E), dated the 10th October, 2018, for serial number (ii) to (iv) and the entries relating thereto (w.e.f. 10-10-2018).

(iii)	Dues to Department dealing with Government transport (including aircrafts and helicopters)						
(iv)	Income tax dues						
		Self	Spouse	1[HUF]	Dependent 1	Dependent 2	Dependent 3
(v)	GST Dues						

(vi)	Municipal / Property tax dues						
(vii)	Any other dues						
(viii)	Grand total of all Government dues						
(ix)	Whether any other liabilities are in dispute, if so, mention the amount involved and the authority before which it is pending.];						

(9) Details of profession or occupation:

(a) Self ……..

(b) Spouse ……

[2][(9A) Details of sources of income:

(a) Self ----------

(b) Spouse ----------

(c) Source of income, if any, of dependents, ----------

(9B) Contracts with appropriate Government and any public company or companies–

(a) details of contracts entered by the candidate ----------

(b) details of contracts entered into by spouse ----------

(c) details of contracts entered into by dependents ----------

(d) details of contracts entered into by Hindu undivided family or trust in which the candidate or spouse or dependents have interest ----------

(e) details of contracts, entered into by Partnership Firms in which candidate or spouse or dependents are partners ----------

(f) details of contracts entered into by private companies in which candidate or spouse or dependants have share.----------]

(10)My educational qualification is as uder: —

…….

(Give details of highest School/University education mentioning the full form of the certificate/diploma/degree course, name of the School/College/University and the year in which the course was completed.)

PART – B

(11) ABSTRACT OF THE DETAILS GIVEN IN (1) TO (10) OF PART A:

1.	Name of the candidate	Sh./Smt./Kum.		
2.	Full postal address			
3.	Number and name of the constituency and State			
4.	Name of the political party which set up the candidate (otherwise write 'Independent')			
[1][5.	Total number of pending criminal cases			
6.	Total number of cased in which convicted.]			
7.		PAN of	Year for which last income Tax return filed	Total income shown
	(a) Candidate			
	(b) Spouse			
	[1][(c) HUF			
	(d) Dependent			

1. Ins. by Notification No. 1023(E) dated 26th February 2019.

2. Paras. 9A and 9B ins. by Notification No. 5196(E) dated the 16th October, 2018

8.	[1][Details of Assets and Liabilities (including of offshore assets) in Rupees].						
	Description				Dependent I	Dependent II	Dependent III
A.	Moveable Assets (Total value)						

B.		Immovable Asset						
	I.	Purchase Price of self-acquired immovable property						
	II.	Development/ construction cost of immovable property after purchase (if applicable)						
	III.	Approximate Current market price of – (a) self-acquired assets (Total Value) (b) inherited assets (Total Value)						
9.		Liablities						
	(i)	Government dues (Total)						
	(ii)	Loans from Bank, Financial Institutions and others (Total)						
10.		Liabilities that are under dispute						
	(i)	Government dues (Total)						
	(ii)	Loans from Bank, Financial Institutions and others (Total)						
11.	Highest educational qualification: (Give details of highest School/University education mentioning the full form of the certificate/diploma/degree course, name of the School/College/University and the year in which the course was completed.)							

VERIFICATION

I, the deponent, above named, do hereby verify and declare that the contents of this affidavit are true and correct to the best of my knowledge and belief and no part of it is false and nothing material has been concealed therefrom. I further declare that:- (a) there is no case of conviction or pending case against me other than those mentioned in items 5 and 6 of Part A and B above;

(b) I, my spouse, or my dependents do not have any asset or liability, other than those mentioned in items 7 and 8 of Part A and items 8, 9 and 10 of Part B above.

Verified at……this the …….day of……..

DEPONENT

Note: 1. Affidavit should be filed latest by 3.00 PM on the last day of filing nominations.

Note: 2. Affidavit should be sworn before an Oath Commissioner or Magistrate of the First Class or before a Notary Public.

Note: 3. All column should be filled up and no column to be left blank. If there is no information to furnish in respect of any item, either "Nil" or "Not applicable", as the case may be, should be mentioned,

Note: 4. The Affidavit should be either typed or written legibly and neatly.]

2[Note:5. Each page of the Affidavit should be signed by the deponent and the Affidavit should bear on each page the stamp of the Notary or Magistrate before whom the Affidavit is sworn.]

1. Sub. by Notification No. S.O. 1023(E) dated 26th February, 2019, in Part B, paragraph (II). 2. Ins.. by Notification No. S.O. 1023(E) dated 26th February, 2019.

SCHEDULE

(*See* rule 83)

[1][Illustration of the procedure as to the counting of votes at an election on the single transferable vote system when more than one seat is to be filled.]

Assume that there are seven members to be elected, sixteen candidates, and one hundred and forty electors.

The valid ballot papers are arranged in separate parcels according to the first preference recorded for each candidate, and the papers in each parcel counted. —

Let it be assumed that the result is as follows:—

A	12
B.	8
C.	6
D.	9
E.	10
F.	7
G.	4
H.	19
I.	13
J.	5
K.	14
L.	8
M.	10
N.	6
O.	4
P	5
TOTAL	140

Each valid ballot paper is deemed to be of the value of one hundred and the values of the votes obtained by the respective candidates are as shown in the first column of the result sheet.

The values of all papers are added together and the total 14,000 is divided by eight (*i.e.* the number which exceeds by one the number of vacancies to be filled) and 1,751 (*i.e.* quotient 1,750 increased by one) is the number sufficient to secure the return of a member and is called the quota.

The operation may be shown thus:—

Quota x $\frac{14,000}{8}$ +1-1,750+1=1,751

The candidate H, the value of whose votes exceeds the quota, is declared elected.

As the value of the papers in H's parcel exceeds the quota, his surplus must be transferred. His surplus is 149, *i.e.*, 1,900 less 1,751.

The surplus arises from original votes, and therefore, the whole, of H's papers are divided into sub-parcels according to the next preferences recorded thereon, a separate parcel of the exhausted papers being also made.

Let it be assumed that the result is as follows:—

	Papers
B is marked as next available preference on	7
D is marked as next available preference on	4
E is marked as next available preference on	4
F is marked as next available preference on	3

Total of the unexhausted papers.....18

No. of exhausted papers.....1

Total of papers.....19

1. Subs. by Notification No. S.O. 3662, dated the 12th October, 1964, for Schedule (w.e.f. 1-11-1964).

The values of the papers in the sub-parcels are as follows:—

B	700
D	400
E	400
F	300
Total values of unexhausted papers	1,800
Value of exhausted papers	100
TOTAL VALUE	1,900

The value of the unexhausted papers is 1,800 and is greater than the surplus. This surplus is, therefore, transferred as follows:—

All the unexhausted papers are transferred, but at a reduced value, which is ascertained by dividing the surplus by the number of unexhausted papers.

The reduced value of all the papers, when added together, with the addition of any value lost as the result of the neglect of fractions, equals the surplus. In this case the new value of each paper transferred is

$$\frac{149 \text{ (the Surplus)}}{18 \text{ (number of unexhausted papers)}}$$

the residue of the value of each paper (100-8=92), being required by H for the purpose of constituting his quota, *i.e.*, one exhausted paper value (100) plus the value (1,656) of 18 unexhausted papers.

These values of the sub-parcels transferred are:—

B=56 (*i.e.*, seven papers at the value of 8);

D=32 (*i.e.*, four papers at the value of 8);

E=32 (*i.e.*, four papers at the value of 8);

F=24 (*i.e.*, three papers at the value of 8).

These operation can be shown on a transfer sheet as follows:

Transfer Sheet

Value of surplus (H's) to be transferred	149
Number of papers in H's parcel	19
Value of each paper in parcel	100
Number of unexhausted papers	18
Value of unexhausted papers	1,800

value of each paper transferred = Surplus / number of unexhausted papers = 149 / 188 = 8 New

Names of candidates marked as the next available preference	Number of papers to be transferred	Value of sub-parcels to be transferred
B	7	56
D	4	32
E	4	32
F	3	24
TOTAL	18	144
Number of exhausted papers	1	..
Loss of value owing to neglect of fractions	..	5
TOTAL	19	149

The values of the sub-parcels are added to the values of the votes already credited to the candidates B,D,E and F. This operation is shown on the result sheet.

There being no further surplus the candidate lowest on the poll has now to be excluded. G and O both have 400.

The returning officer casts lots and G is chosen to be excluded.

Being original votes, G's papers are transferred at the value of 100 each. A who was marked as next preference on two papers receives 200, while D and E were each next preference on one paper and receiving 100 each. O now being lowest is next excluded and his 400 is similarly transferred to I, B and K, I receiving 200 and B and K 100 each.

This leaves J and P lowest with 500 each and J is chosen by lot for exclusion first. His papers are transferred at the value of 100 each to A, B, D and I, the three first named receiving 100 each, and I who had the next preference on two papers receiving 200. P is then excluded and his papers are transferred to E, L and K, the two first named receiving 100 each, and K, who had the next preference on three papers, receiving 300.

K now exceeds the quota and is declared elected.

Prior to further exclusion, K's surplus of 49 has to be distributed.

The sub-parcel last transferred to K consisted of 3 votes transferred at the value of 100 each. This sub-parcel is examined; there are no exhausted papers and B, F, and I are each next preference on one paper and one paper is transferred to each of them at a reduced value determined by dividing the surplus (49) by the number of unexhausted papers (3), B, F and I accordingly receive 16 each.

The process of exclusion is now proceeded with.

C and N have 600 each, and C is chosen by lot for exclusion first. He has 6 original votes; B, D and E are each next preference on two papers, and each receives 200. N is then excluded, A is next preference on 3 of his papers, and receives 300; F, I and L are each next preference on one paper and receive 100 each.

This brings A and I above the quota and they are declared elected. Their surplus have now to be distributed and I's surplus which is the larger, 65, is dealt with first.

The last sub-parcel transferred to I consisted of one paper transferred at the value of 100, D is next preference on this paper, and receives the whole surplus of 65.

A's surplus of 49 is then dealt with. The last sub-parcel transferred to him consisted of 3 papers transferred at the value of 100 each. B was next preference two of these papers and E on one, and the papers are transferred accordingly. The value to be transferred is 16 per paper, *i.e.*, the surplus (49), divided by the number of the unexhausted (3). B accordingly receives 32 and E 16.

No other candidate having reached the quota, the process of exclusions is proceeded with, and F who is now lowest with 840, is excluded.

His seven original votes are transferred first B, D and E are next preference on three, two and two papers, respectively, and receive respectively 300, 200 and 200.

The transferred votes are next transferred in the order of their transfers to F. The 3 votes received at the value of eight each at the distribution of H's surplus are transferred at the same value to L who was next preference on all 3 papers.

The vote valued at sixteen received by F at the distribution of K's surplus, goes at the same value to M, who was next preference on that paper. The vote transferred at the value of 100 on the exclusion of N is then transferred at the same value to D, who thus received a total of 300.

No continuing candidate having reached the surplus, N, who is now lowest with 1016 is excluded.

His ten original votes are transferred first. B and D are first preference on three papers each and E and L on two each. B and D accordingly receive 300 each, and E and L 200 each. This brings B, D and E above the quota and they are declared elected. The requisite number of candidates having now been elected, the election is at an end, and it is unnecessary to proceed to the transfer of M's transferred votes.

Full details are shown in the result sheet.

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Conduct of Elections

Rules, 1961 (Statutory Rules and Order)

Value of votes:14,000 +1=1751

RESULT SHEET

Quota=14,000/8

Name of Candidates	Value of Votes at First Count	Distribution of H.S. surplus	Result	Distribution of Votes of G and O	Result	Distibution of votes of J and P	Result	Distribution of K's surplus
1	2	3	4	5	6	7	8	9

A.....	1,200	----	1,200	+200	1,400	+100	1,500	----
B.....	800	+56	856	+100	956	+100	1,056	+16
C.....	600	----	600	----	600	----	600	----
D.....	900	+32	932	+100	1,032	+100	1,132	----
E.....	1,000	+32	1,032	+100	1,132	+100	1,232	----
F.....	700	+24	724	----	724	----	724	+16
G.....	400	----	400	-400	----	----	----	----
H.....	1,900	-149	1,751	----	1,751	----	1,751	----
I.....	1,300	----	1,300	+200	1,500	+200	1,700	+16
J.....	500	----	500	----	-500	500	----	----
K.....	1,400	----	1,400	+100	1,500	+300	1,800	-49
L.....	800	----	800	----	800	+100	900	----
M.....	1,000	----	1,000	----	1,000	----	1,000	----
N.....	600	----	600	----	600	----	600	----
O.....	400	----	400	-400	----	----	----	----
P.....	500	----	500	----	-500	500	----	----
Loss of value by neglect of fraction	----	+5	5	----	5	----	5	+1
Total	14,000	----	14,000	----	14,000	----	14,000	----

Value of votes:14,000 RESULT SHEET.–contd., Quota=14,000 +1=1

Result	Distribution of votes of C and N	Result	Distribution of surplus of I and A	Result	Distribution of F's votes	Result	Distribution of M's votes	Result	Result Election
10	11	12	13	14	15		16	17	18
1,500	+300	1,800	+49	1,751	----	1,751	----	1,751	Elected
1,072	+200	1,272	+32	1,304 ---	+300	1,604	+300 ----	1.904	Elected
600	-600	----	----	-	----	----	+300 +200	----	Not Elec
1,132	+200	1,332	+65	1,397	+300	1,697	----	1,997	Elected
1,232	+200	1,432	+16	1,448	+200	1,648	----	1,848	Elected
740	+100	840	----	840	-840	----	----	----	Not Ele
----	----	----	----	----	----	----	----	----	Not Elec
1,751	----	1,751	----	1,751	----	1,751	----	1,751	Elected
1,716	+100	1,816	-65	1,751 ---	----	1,751	----	1,751	Elected
----	----	----	----	-	----	----	+200	----	Not Elect
1,751	----	1,751	----	1,751	----	1,751	1,000 ----	1,751	Elected
900	+100	1,000	----	1,000	+24	1,024	----	1,224	Not Elec
1,000	----	1,000	----	1,000 ---	+16	1,016	----	+16	Not Elected
600	-600	----	----	-	----	----		Not Elected	----
----	----	----	----	----	----	----		Elected	---- Not
----	----	----	----	----	----	----		Elected	

6	----	6	+1	7	----	7	----	7	
14,000	----	14,000	----	14,000	----	14,000	----	14,000	----