

**RULES FOR THE ELECTION OF COMMISSIONERS OF
MUNICIPAL BOARDS UNDER THE ASSAM MUNICIPAL
ACT, 1956
[Act XV of 1957]**

Noti. No. LML 234/57/159, dated 7th February, 1959. - In exercise of the powers conferred by sub-section (2)(i) of Section 301 of the Assam Municipal Act, 1956 (Assam Act No. XV of 1957), and in suppression of all previous Rules on the subject, the Governor of Assam is pleased to make the following Rules, the same having been previously published as required under sub-section (4) of Section 301 of the said Act.

1. Short title and commencement.-(1) These Rules may be called the Rules for the Election of Commissioners of Municipal Board under the Assam Municipal Act, 1956 (Act XV of 1957).

(2) They shall come into force at once.

2. Interpretation.-In the Rules unless the context otherwise requires,

- (a) "Act" means the Assam Municipal Act, 1956 (Assam Act XV of 1957)
- (b) "Board" means a Municipal Board;
- (c) "Bye-election" means an election held under Section 22 and 31 of the Act;
- (d) "Corrupt practice" means any act deemed to be a corrupt practice under the provisions of Schedule 1;
- (e) "Form" means a form appended to these Rules;
- (f) "General election" means any election than other bye-election;
- (g) "Prescribed date" shall be the 1st January of the year for which the Municipal Electoral rolls are prepared.
- ¹(h) "State Election Commission" means the Election Commission constituted by the Governor of Assam and as referred to in Article 243(Z-A) of the Constitution of India.
- ²(i) "Magistrate" includes the District Magistrate, Sub Divisional Magistrate and any Magistrate to whom either such Magistrate has made over any duties under these rules.

1. As inserted Assam Municipal Act, 1956 (Amendment) Rules, 1995.

2. Ins. by Assam Municipal Act, 1956 (Amendment) Rules, 1995.

3. Form and language of Electoral Roll.—The Electoral Roll for each Ward shall be prepared in such form and in such language or languages as the¹ State Election Commission may direct.

4. Electoral Roll for each Ward of the Municipality. - There shall be an Electoral Roll for every Ward and every person who is for the time being included in the Electoral roll for any such Ward shall be entitled to vote in that Ward.

5. No person to be registered in more than one Ward.- No person shall be entitled to be registered in the Electoral Roll for more than one Ward in the same Municipality and more than once in the same Ward.

6. Order of names in the Electoral Rolls.—The names of voters in each ward shall be arranged holding-wise.

7. Preparation of and revision of Electoral Rolls.- (i) No person who does not fulfill the electoral qualifications as required by Section 14 of the Act on the prescribed date, shall be entitled to be a voter for any election held within the year.

(ii) The² State Election Commission shall undertake a revision of the Electoral Rolls not less than five months before,

(a) the expiry of the term or

(b) the expiry of the period of supersession under sub-section (2) of Section 299 of the Act as the case may be, and the board shall supply him all such particulars as he may require :

Provided that in the case of election held after the expiry of the term extended under sub-section (4) of Section 26 of the Act, the³ State Election Commission shall undertake the revision of the Electoral Rolls within a period not less than three months before the expiry of the term so extended.

(iii) The Magistrate shall prepare in Form I appended to these Rules a preliminary Electoral Roll for the Municipality, containing the names of all persons qualified to vote under the Act and sub-rule (i) above and after causing it to be printed shall publish the same as soon as may be and not less than sixty days before the date fixed for the General Election at his office if the same is situated within the limits of the Municipality or at any Government Officer or public building so situated and at such other places as he may think fit and shall also send copies of the roll to the Chairman, Municipal Board with a request for its publication in the Municipal Office.

1. Subs. by Assam Municipal Act, 1956 (Amendment) Rules, 1995.

2. Subs. by Assam Municipal Act, 1956 (Amendment) Rules, 1995.

3. Subs. *vide ibid.*

(iv) The names of each voter shall be entered in the Preliminary and final Electoral Rolls in Form I appended to these Rules for Ward of Municipal voters in which he ordinarily resides.

8. Publication of draft Electoral Rolls. - As soon as Preliminary Electoral Rolls has been published by the ¹State Election Commission, the Magistrate shall give public notice, as widely as possible, within the Municipality that the roll has been prepared and may be inspected during working days and hours at such places as he may announce in the notice;

Provided that non-compliance of the provision of these rules by the Chairman of the Municipal Board for any reason whatsoever shall not vitiate the election if the Magistrate himself had given due publicity to the Preliminary Electoral Rolls.

9. The ²State Election Commission may by an order in writing appoint suitable persons to assist him in preparing the Preliminary Electoral Rolls in respect of any Ward or Wards.

10. Any paper to be delivered to or demanded by the Magistrate or the Chairman under these Rules shall be deemed to have been delivered to the Magistrate or to the Chairman if it is delivered to any officer of the Municipality authorised in this behalf in the Municipal office during working hours, and the Chairman shall by an order in writing so authorise an officer and have a copy of such order pasted on the Municipal notice board for the information of the public.

11. Period for lodging claims and objections. —Any claim for the insertion of a name in the Electoral Roll or any objection to any entry in the Preliminary Electoral Roll shall be preferred to the magistrate in respect of the Preliminary electoral roll within ten days of its publication. The Magistrate shall not entertain any claim or objection received after 5 p.m. on the tenth day.

Provided that if the tenth day is a public holiday, claims and objections may be filed till 5 p.m. on the day immediately following the public holiday.

11-A. Publication of claims and objections.-Immediately after the period for lodging claims and objections under Rule 11, the Magistrate shall prepare and publish a list of claims and objections and shall cause a copy of the list to be affixed in a conspicuous place in his office and at such other places as he may think fit. The Magistrate shall give public notice as widely as possible within the Municipality that the list has been so published and may be inspected during the working hours between 10 a.m. and 5 p.m. on any day which is not a public holiday for a period of three days from the date of its publication.

1. Ins. by Assam Municipal Act, 1956 (Amendment) Rules, 1995.

2. Subs. by Assam Municipality Act, 1956 (Amendment) Rules, 1995.

12. Forms for claims and objections. —Every claims shall be in Form II and every objection shall be in Form III.

13. Manner of making and lodging claims and objections.- (i) A claim or objection shall be addressed to the Magistrate and shall either be presented to him or the such other officer as may be designated in that behalf by the Magistrate.

(ii) Any person (hereafter called the objector) may file a claim or objection of behalf of any person interested:

Provided that the person, on whose behalf such claim or objection is filed, is authorised in writing by the person interested in this behalf :

Provided further that no person shall unless his name is already included in that Roll proper an objection to the inclusion of any name in the Electoral Roll.

(iii) Where any person desires the transfer of his name from the Electoral Roll of one Ward to that of another he shall prefer to the Magistrate, first an objection to the inclusion of his name in the former Roll and secondly, a separate claim for the inclusion of his name in the latter Roll.

(iv) Any claim or objection shall be in writing and signed by the objector and shall state grounds on which it is based and where it relates to an entry in the Preliminary Electoral Roll shall give reference to, or the particulars of that entry.

14. Rejection of claims and objections not within time, etc. - Any claim or objection which is not lodged within the period or in the manner herein specified or is lodged by a person not entitled to lodge the same shall be rejected.

15. Register of claims and objections. — A register of claims and objections shall be maintained by the magistrate or officer to whom claims and objections may be presented under sub-rule (i) of Rule 13.

16. Inquiry into claims and objections. Notice of claims and objections:-

(i) The Magistrate shall in the case of claim, cause a notice to be served in Form II (Part II), appended to these Rules, on the claimant or his agent and shall commence the hearing of claims for entering fresh names into the Electoral Rolls from the day following the last date of publication of the list of claims and objections and shall hear them from day to day without interruption.

(ii) (a) The objection against inclusion of any name in the Preliminary Electoral rolls shall be filed in duplicate in Form III (Part II) appended to these Rules filling it up properly and giving accurately the name and the address of the person objected against.

- (b) The Magistrate shall cause the notice and the copy of the grounds for objection served on the person objected against specifying the place, the date and the time fixed for the hearing of such objection. All such services shall be done by post under “certificate of posting” and the presumption under Section 114 and Section 16 of the Indian Evidence Act shall apply to all such service.
- (iii) The hearing shall continue from day to day without interruption but the hearing of any particular objection may be adjourned from time to time.
- (iv) The Magistrate shall hold summary inquiry into the claims and objections and the objector may produce evidence considered by the Magistrate to be relevant by such inquiry and caused them to be produced by an agent authorised in writing in this behalf.
- (v) It shall be the duty of the Chairman to produce all relevant and necessary documents or papers within his powers and control as may be required by the Magistrate and shall also render all possible assistance to the Magistrate in discharge of his duties.
- (vi) The Magistrate shall, after the inquiry if any, pass orders on each of the claims or objections, as the case may be, either allowing or disallowing the same and the Preliminary Electoral Rolls shall be amended in accordance with such orders. The amendments shall be authenticated by the Magistrate.

17. Final publication of Electoral Rolls.—The Rolls thus authenticated shall be called the Final Electoral Rolls which after being printed with necessary re-numbering serially, shall be published by the ¹State Election Commission not less than thirty days before the election day in the same manner as the Preliminary Electoral Roll.

18. Annual revision of Electoral Roll.— (1) final Electoral Rolls shall be revised by the ²State Election Commission in the month of January each year, and as amended from time to time, shall remain valid for all elections held at any time till the next general election held under Section 26(1) of the Act or till annual revision held under sub-section (2) of Section 299 of the Act.

1. Ins. by Assam Municipal Act, 1956 (Amendment) Rules, 1995.

2. Ibid.

(2) The ¹State Election Commission shall fix a date for Annual revision of the Electoral Rolls a within the month of January in each year and publish the same in the Official Gazette at the Municipal office and at such other places as the Magistrate may deem fit inviting claims and objections within the period specified in the notice.

(3) The ²State Election Commission shall hear the claims and objections filed within the specified after giving sufficient opportunity for hearing in a summary manner and after having considered the evidence produced by the parties shall pass such orders as it may deem fit allowing or disallowing the objections or the claims, as the case may be, and the Electoral Rolls shall be amended in accordance with such orders. The amendments shall be authenticated by the ³State Election Commission.

(4) The Electoral Rolls as amended shall be printed published within thirty days of the authentication of the Rolls, at the municipal office and at such other places as the ⁴State Election Commission may deem fit.

19. Fixation of the Election day.- The ⁵State Election Commission shall fix a date for election in all cases of election whether bye-election or general election fit.

- (i) In cases of an “election” held under Section 26(1) of the Act such date be within three months prior to the expiry of the term;
- (ii) In case of a “by election” such date shall be at least fiftydays after the issue of the order notifying the vacancy.

20. Publication of the date of Election. - The ⁶State Election Commission shall communicate the date fixed for any election and also forward copies of Final Electoral Rolls to the Chairman who shall forthwith publish the same in the manner prescribes by Rule 4 of the Miscellaneous Rules published with Notification No. L.M.L. 56/58, dated the 24th June, 1958.

The date also be published in the Official Gazettes by the Magistrate.

21. Fixation of a fresh date in case the required number of Commissioners are not elected.— If the electorate of any Wad in any Municipality fails to elect

1. Ins. by Assam Municipal Act, 1956 (Amendment) Rules, 1995.
 2. Subs. by Assam Municipal Act, 1956 (Amendment) Rules, 1995
 3. Subs. by Assam Municipal Act, 1956 (Amendment) Rules, 1995.
 4. Subs. by Assam Municipal Act, 1956 (Amendment) Rules, 1995.
 5. Subs. by Assam Municipal Act, 1956 (Amendment) Rules, 1995.
 6. Subs. by Assam Municipal Act, 1956 (Amendment) Rules, 1995.

the required number of Commissioners in any election the ¹State Election Commission shall fix a date a fresh election for the Ward concerned.

Provided that no further revision of the Electoral Rolls shall be necessary in such election and date for revision of Electoral Rolls need be fixed.

22. Fixation of the last for making nominations.-The last date for making nomination in case of election held,

- (i) on the basis of the Final Electoral Rolls published under Rule I shall be the fifth day after publication; and
- (ii) on the basis of final Electoral Rolls, published under sub rule (4) of rule 18 shall be such date as may be fixed by the ²State Election Commission.

Provided that if the last date is public holiday, the next succeeding day which is not a public holiday shall be deemed to be last date.

23. Nomination of candidates for election.—(1) Any person whose name appears in the Final electoral Roll and not disqualified under Section 15 of the Act may be nominated as a candidate for election to fill any seat in any Ward of the Municipality by the candidates in person or by his proposer between the hours of 11 O'clock in the forenoon and 3 O'clock in the after-noon delivering to the Magistrate in his office nomination paper completed in the prescribed form No. IV appended to these Rules and signed by the candidate and by an elector of the Ward as proposer.

(2) On the presentation of the nomination paper, the Magistrate shall satisfy himself that the names and electoral numbers of the candidate and his proposer as entered in the nomination paper are the same as those entered in the Electoral Rolls.

Provided that the Magistrate shall permit any clerical or technical error in the nomination paper in regard to the said names or numbers to be corrected in order to bring them into conformity with the corresponding entries in the Electoral Rolls; and where necessary, direct that any clerical or printing error in the said entries shall be overlooked.

(3) Nothing in this Rule shall prevent any candidate from being nominated by more than one nomination paper for election in the same Ward.

24. Deposit by candidate for election.- (1) A candidate shall not be deemed to be duly nominated for election from a Ward unless he deposits or causes to be deposited in cash a sum of Rupees one hundred or where the candidate is a member

1. Subs. by Assam Municipal Act, 1956 (Amendment) Rules, 1995.

2. Subs. by Assam Municipal Act, 1956 (Amendment) Rules, 1995.

of Schedule Caste or Scheduled Tribe, a sum of fifty rupees with the Magistrate or enclose with the nomination paper a receipt showing that the said sum has been deposited by him or on his behalf in a Government Treasury;

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

(2) If a candidate by whom or on whose behalf the deposit has been made, withdraws his candidature within the prescribed time or if the nomination of any such candidate is rejected, the deposit shall be returned to the candidate. If any candidate dies before the commencement of the poll, such deposit shall be returned to his legal representative.

(3) If a duly nominated candidate by whom a deposit has been made under sub-rule (1) of this Rule is not elected and the number of votes polled by him does not exceed one-sixth of the total number of votes polled or in the case of Ward returning more than one member of one-sixth of the total number of votes polled divided by the total number of members to be elected, the deposit shall be forfeited to the Municipal Board.

(4) For the purpose of sub-rule (3), the number of votes polled shall be deemed to be the number of ballot papers, other than the rejected ballot papers, counted.

(5) The deposit made by a candidate where it is not forfeited under sub-rule (3) shall be returned to such candidate after publication of the result of the election in the Official Gazette.

125.—(1) Free and reserved symbols as prescribed from time to time by the Election Commission, under Rule 5 of the Conduct of Election Rules, 1961, shall not be used in Municipal Elections. Any symbol, other than above mentioned free and reserved symbols, shall be used in Municipal Elections. Reserved symbols may only be used by candidate provided candidate is sponsored by recognised party of the reserved symbols.

(2) Every nomination paper presented under sub-rule (1) of Rule 23 shall contain a declaration specifying,

- (a) The particular symbol which the candidate has chosen for the first preference out of the list of symbols prescribed under sub-rule(1); and
- (b) Two other symbols out of that list which he has chosen for this second and third preference respectively :

1. Subs. vide Notification No. MA 126/68/86. dated 10.1.1969.

Provided that, -

- (a) The choice to be made by a candidate under this sub rule shall be subject to such restriction as the Magistrate may think fit to impose in that behalf; and
- b) Where more nomination papers than one are delivered by or on behalf of 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 notwithstanding the eventual rejection of the said nomination paper :

Provided further that any non-compliance with the provisions of this sub-rule shall not be deemed to be a defect of a substantial character within the meaning of sub-rule 2(6) of Rule 26.

26. Scrutiny of Nomination.- (1) The day for the scrutiny of nomination paper shall be the second day after the last day of making the nominations.

(2) Scrutiny shall be made by the Magistrate in his office from 10 a.m. to 4 p.m. on the scrutiny day and may adjourn to the following office day if the scrutiny cannot be completed within the scrutiny day.

(3) The candidates or their agents authorised in writing in that behalf may attend the scrutiny and the Magistrate shall give them all reasonable opportunities for examining nomination paper for all candidates delivered within the time and in the manner laid down in Rule 23.

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

- (a) That the candidate either is not qualified or is disqualified from being chosen to fill the seat;
- (b) That there has been a failure to comply with any provision of Rule 23;
- (c) That the signature of candidates or of the proposer on the nomination paper is not genuine.

(5) Nothing contained in clauses (b) and (c) above shall be deemed to authorise the rejection of the nomination of any candidate on the grounds of irregularity in respect of nomination paper, if the candidate has been duly nominated by means of other nomination paper in respect of which no irregularity has been committed.

(6) The Magistrate shall not reject any nomination paper on the grounds of any defect which is not of a substantial character.

(7) The Magistrate shall endorse on each nomination paper his decision accepting or rejecting the same and if, the nomination paper is rejected, shall record in writing a brief statement of his reason for such rejection.

(8) For the purpose of this Rule, a certified copy of any entry in the Electoral Roll for the time being in force of a Ward shall be conclusive evidence of the fact that the person referred to in that entry is an elector in the Ward.

(9) Immediately after all the nomination paper have been scrutinised and declarations accepting or rejecting the same have been recorded, the Magistrate shall prepare a list of validity nominated candidates, that is to say, candidates whose nomination have been found valid, and affix it in the notice board of the Municipal Office.

This list of validity nominated candidates shall be in Form IV appended to these Rules.

27. Withdrawal of candidature.- (1) The last date for the withdrawal of the candidature shall be the third day after the publication of the list of validity nominated candidates. Any candidate may withdraw his candidature by a notice in Form VI appended to these Rules in writing and signed by the candidate himself and deliver to the Magistrate in his office within 11 a.m. and 3 p.m., within the period as prescribed above. All such notices must be filed in duplicate.

(2) No person who has given notice of withdrawal of his candidature under sub-rule (1), shall be allowed to cancel the notice.

(3) The Magistrate shall, on receiving notice of withdrawal under sub-rule (1), as soon as may be thereafter cause a notice of withdrawal in Form VIII appended to these Rules to be affixed in some conspicuous place in the Municipal Office.

28. Allotment of symbols.— (1) If in any Ward a poll becomes necessary under sub-rule (1) of Rule 51, the Magistrate shall, simultaneously with the preparation of the list of contesting candidates under sub-rule (1) of Rule 29, consider the choice as respects symbols expressed by the constituting candidates in their nomination papers and shall, subject to any general or special direction issued in this behalf by the Magistrate, -

- (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.

(2) The allotment by the Magistrate any of symbol of a candidate shall be final.

(3) 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 Magistrate.

29. Preparation and publication of list of Contesting Candidate. (1) Immediately after the expiry of the period within which candidatures may be withdrawn under sub-rule (1) of Rule 27, the Magistrate shall prepare and publish in Form VIII appended to these Rules a list of contesting candidates, that is to say, candidates who were included in the list of validly nominated candidates and who have not withdrawn their candidature within the period as prescribed above.

(2) The said list shall contain the names in alphabetical order in names proper and the address of the contesting candidates as given in the nomination papers together with such other particulars as may be prescribed.

(3) The list of contesting candidates shall be prepared in such language or language as the State Election Commission may direct.

(4) The Magistrate shall immediately after its preparation cause a copy of the list of contesting candidates to be affixed in some conspicuous place in Municipal Office and shall supply a copy thereof to each of the contesting candidates or his election agent.

30. Appointment of Election Agent.- A candidate may appoint any person other than himself to be an Election Agent and when any such appointment is made a notice of the appointment shall be given to the Magistrate not later than two days after the publication of the list of contesting candidates.

Any appointment of an Election Agent shall be made in Form IX appended to these Rules.

31. Disqualification for being an Election Agent.- No person shall be appointed an election agent who is disqualified from being a candidate under Section 15 of the Act.

32. Revocation of the appointment, or death, of an Election Agent.-(1) A candidate may revoke the appointment of an election agent by a notice in Form X appended to these Rules, signed by the candidate himself and filed before the Magistrate and such revocation shall operate from the date on which it is lodged before the Magistrate.

(2) In the event of such revocation or of the death of an election agent before completion of the election the candidate may appoint in the same manner as prescribed above another person to be his election agent.

33. Functions of Election Agent.- An election agent may perform all the functions which the candidate may perform except where anything is required by the Act or by these Rules to be done by the candidate himself and shall also bear corresponding responsibilities.

34. Appointment of Polling Agent.- A contesting candidate or his election agent may appoint one polling agent and another relief agent at each polling station. All such appointment, shall be made in writing on Form XI signed by the candidate or his election agent and deliver before the Magistrate at least one day before the day of election.

35. Revocation of the appointment of a Polling Agent.—The candidate or his election agent may revoke the appointment of the polling agent by a notice signed by the candidate or his election agent, as the case may be, and deliver before the Magistrate before the election day and in cause of death of the polling agent the candidate or his election agent may appoint another person in the same manner as prescribed above.

36. Function of the Polling Agents.—The polling agent may perform such functions in connection with the poll as authorised by or under the Representation of the People Act, 1951, to be performed by this polling agent.

37. Attendance of a candidates or his election agent at polling stations, and performance by him of the functions of a Polling Agent.- (1) At every election where a poll is taken each candidate at such election and his election agent shall have the right to be present at any polling station within the Ward.

(2) A candidate or his election agent may himself do any act or thing which the polling agent, if appointed, would have been authorised to do, or may assist any polling agent in doing such act, or thing.

38. Non-attendance of Polling Agent.—Where any act or thing is required or authorised by or under these Rules to be done in the presence of the polling agent or agents, the non-attendance of any such agent or agents at the time and place appointed for the purpose shall not, if the act thing is otherwise duly done, invalidate the act or thing done.

39. Provision of polling stations for each ward.—(1) Within three days from publication of the list of validly nominated candidates, the Magistrate shall fix polling station or stations at which the poll shall be held on the election day :

Provided that separate polling stations may be fixed for recording of votes by the female voters whenever it is considered necessary.

(2) The Magistrate shall publish a list showing the polling stations so provided and the polling areas or groups of voters for which they have respectively been provided.

(3) The poll shall be held at the time and at the polling stations so fixed.

(4) Notice of such time and such polling stations shall be given by beat of drum in all the wards and shall also be published at the Municipal office and such other places as the Magistrate may deem fit

Provided that the Magistrate shall obtain approval of the State Election Commission for taking action under sub-rules (1), (3) and (4).

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

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

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

(2) A polling officer shall, if so directed by the Presiding Officer, perform all or any of the functions of a Presiding Officer under these Rules or orders made thereunder.

(3) If the Presiding Officer, owing to illness or to other unavoidable cause is obliged to absent himself from the polling station, his functions shall be performed by such Polling Officer as has been previously authorised by the Magistrate to perform such functions during any such absence.

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

41. General duty of the Presiding Officer.- It shall be the general duty of the Presiding Officer at a polling station to keep order there at and to see that the poll is fairly taken.

1. Subs. by Assam Municipal Act, 1956 (Amendment) Rules, 1995.

42. Duties of the Polling Officer.- It shall be the duty of the Polling Officer at a polling station to assist the Presiding Officer for such station in the performance of his functions.

43. Design of the ballot boxes.— (1) Every ballot box shall be of such design and colour, as may be approved by the ¹State Election Commission.

(2) It shall be so constructed that a ballot paper can be inserted therein during the poll only but cannot be withdrawn there from without the box being unlocked or the seals being broken.

44. Design of ballot papers.- (1) Every ballot paper shall be in Form XII appended to these Rules and the particulars therein shall be printed in such language or language as the ²State Election Commission may direct.

(2) The ballot paper shall contain the names of the candidates in the order in which they appear in the list of contesting candidates in Form VIII.

(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) The ballot papers shall be serially numbered, the serial number being printed or written on the back of the ballot paper.

45. Polling station and Polling compartment.- (1) Outside and inside 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 in Form VIII.

(2) Every polling station shall contain a compartment (hereinafter referred to as “polling compartment”) in which electors can make the ballot paper screened from observation by any other person.

46. Ballot boxes and other election materials to be provided at the polling station.- (1) The Magistrate shall provide at each polling station,

(a) As many ballot boxes as may be necessary ;

(b) A sufficient number of ballot papers and copies of the relevant part of electoral roll in respect of the polling area the electors whereof are entitled to vote at the polling station;

1. Subs. by Assam Municipal Act, 1956 (Amendment) Rules, 1995.

2. Subs. by Assam Municipal Act, 1956 (Amendment) Rules, 1995.

(c) Instruments for stamping the distinguishing marks, if any be on ballot papers; and

(d) Materials sufficient for the purpose of enabling electors to mark the ballot papers.

(2) The Official marks shall be kept secret until the commencement of the polling.

47. Admission to polling station.— (1) 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 other persons except,

(a) The polling officers;

(b) Every candidate, his election agent, and subject to the provision of Rules 34, one polling agent of each candidate;

(c) Persons authorised by the Magistrate;

(d) A child in arms accompanying an elector;

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

(f) Such person as the Magistrate or the Presiding Officers may employ under sub-rule (2) of Rule 49 or sub-rule (1) of Rule 58.

(2) The Presiding Officer shall chose the polling station at the hour fixed in that behalf under Rule 55 and shall not admit thereto any elector after that hour:

Provided that all electors present at the Polling Station before it is closed shall be entitled to cast their votes.

(3) Any question that may arise as to whether an elector shall, for the purpose of the provision to sub-rule (2), be deemed to be present at the polling station before it is closed, shall be decided by the Presiding Officer whose decision shall be final.

48. Preparation of the ballot boxes for the poll.— (1) The Presiding Officer at each polling station shall, immediately before the commencement of the poll, allow the candidates and their agents who may be present at such station to inspect each ballot box to be used at the poll and demonstrate to them that it is empty.

(2) The Presiding Officer shall thereafter secure and seal each ballot box in such manner that the slit for insertion of ballot papers remains open and if the candidate so desire ; put their own seals as well.

(3) The seals used for securing a ballot box shall be affixed in such manner that it shall not be possible to open the box without breaking them.

(4) Every ballot box after having been secured and sealed in accordance with sub-rules (2) and (3) shall be placed for the receipt of ballot papers in view of the Presiding Officer, the candidates and their agent.

49. Facilities for woman electors.— (1) Where a separate polling station has not been provided for woman electors in polling area, the Presiding Officer may direct that men and women electors shall be admitted into the polling station alternately in separate batches.

(2) The Magistrate 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.

50. Death of candidate before poll.— If a contesting candidate dies before the commencement of the poll the ¹State Election Commission, upon being satisfied of the fact of the death of the candidate, countermand the poll and proceedings with reference to the election shall be commenced anew in all respects as if for a new election :

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

51. Procedure in contested and uncontested elections.—(1) If the number of contesting candidates is more than the number of seats to be filled, a poll shall be taken.

(2) If the number of such candidates is equal to the number of seats to be filled, the Magistrate shall forthwith declare all such candidates to be duly elected to fill these seats.

(3) If the number of such candidates is less than the number of seats to be filled the Magistrate shall forth with declare all such candidates to be elected and then the ²State Election Commission shall call upon the Ward to elect a person or persons to fill the remaining seat or seats :

Provided that where the Ward having already called upon has failed to elect a person or the requisite number of persons as the case may be, to fill the vacancy or the vacancies, the ³State Election Commission shall not be bound to call again upon the Ward to elect a person until he is satisfied that if called upon again, there will be no such failure on the part of the Ward.

1. Subs. by Assam Municipal Act, 1956 (Amendment) Rules, 1995.

2. Ins. by Assam Municipal Act, 1956 (Amendment) Rules, 1995.

3. Subs. by Assam Municipal Act, 1956 (Amendment) Rules, 1995.

52. Manner of voting at elections.- At every election where a poll is taken votes shall be given by ballot in the manner prescribed in sub-rule (1) or Rule 60 and no vote shall be received by proxy.

53. Right to vote.- (1) No person who is not, and except as expressly provided in these Rules, every person who is, for the time being entered in the electoral roll of any Ward shall be entitled to vote in that Ward.

(2) No person shall vote at an election in more than one Ward of a Municipality, and if a person votes in more than one such Ward his votes in all such Wards shall be void.

(3) No person shall at by election vote in the same Ward more than one notwithstanding that his name may have been registered in the electoral roll for that Ward more than once, and if he does so vote, all his votes in that Ward shall be void.

(4) No person shall vote at any election if he is confined in a prison whether under a sentence of imprisonment or transportation or otherwise, or is in the lawful custody of the Police :

Provided that nothing in this sub-rule shall apply to a person subjected to preventive detention under any law for the time being in force.

54. Methods of voting.— (1) In plural member Wards every elector shall have as many votes as there are Commissioners to be elected, but no elector shall give more than vote to any one candidate.

(2) If an elector gives more than one vote to any one candidate in contravention of the provision of, sub-rule(1), then at the time of counting of votes not more than one of the votes given by him to such candidate shall be taken into account and all other votes given by him to such candidate shall be rejected as void.

THE POLL

55. Time for poll.— The time for polling shall be from 8 a.m. to 4 p.m. Indian Standard Time.

56. Adjournment of poll in emergencies.- (1) If at an election, the proceedings at any of the polling station are interrupted or obstructed by a riot or open violence, or if it is not possible to take the poll at any polling station or such place on account of any natural calamity or any other sufficient cause, the Presiding Officer of such polling station shall announce the adjournment of the poll to a date to be notified later and shall immediately report to the ¹State Election Commission the circumstances which compelled him to adjourn the poll. The ²State Election

1. Subs. by Assam Municipal Act, 1956 (Amendment) Rules, 1995.

2. Subs. by Assam Municipal Act, 1956 (Amendment) Rules, 1995.

shall as soon as may be, fix a date for a fresh polling in the particular station and publish the same in the Official Gazette, at the Municipal office and at such other places as he may deem necessary.

57. Fresh poll in the case of destruction, etc., of ballot boxes. - (1) If at any election any ballot box used at polling station or at a place fixed for the poll in unlawfully taken out of the custody of the Presiding Officer, or in any way tampered with, or is accidentally or intentionally destroyed, lost or damaged, and the Magistrate is satisfied that in consequence thereof the result of the poll at the polling station or place cannot be ascertained, he shall, —

- (a) Report the matter forthwith to the ¹State Election Commission.
- (b) Fix with the approval of the ²State Election Commission date for fresh poll at the polling station concerned.
- (c) Declare the polling at that polling station or place to be void.

(2) The provision of the Act and of any rules or orders made thereunder shall apply to every such fresh poll as they apply to the original poll.

58. 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 call out the serial number, name and other particulars of the elector.

(3) Any candidate or his agent may challenge the identity of a person claiming to be a particular elector and where such challenge is made the procedure laid down in Rule 67 shall be followed.

(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 mere clerical or printing errors in any entry in the electoral roll, provided that he is satisfied that such person is identical with the elector to whom such entry relates.

59. Issue of ballot papers to electors.- (1) After the identity of an elector is established a ballot paper shall be issued to him.

1. Ins. by Assam Municipal Act, 1956 (Amendment) Rules, 1995.

2. Ins. by Assam Municipal Act, 1956 (Amendment) Rules, 1995.

(2) Every ballot paper shall before issue to an elector be stamped with such distinguishing mark as the Magistrate may direct.

(3) At the time of issuing any ballot paper to an elector, the Presiding Officer or Polling Officer shall recorded in such manner as the magistrate may direct the serial number thereof against the entry relating to the elector in a copy of the electoral roll set apart for the purpose (hereafter in these rules referred to as “the marked copy of the electoral roll”).

60. Casting of votes. - (1) The elector on receiving the ballot paper shall forthwith proceed to one of the polling compartments and there make a mark on the ballot paper opposite the name of the candidate or each of the candidates for whom he intends to vote, in accordance with the instruction set out in the ballot paper and fold it so as to conceal his vote, and after showing to the Presiding Officer the distinguishing mark on that ballot paper insert the ballot paper so folded into the ballot box in the presence of the Presiding Officer.

(2) Every elector shall vote without undue delay and shall quite the polling station as soon he has inserted his ballot paper into the ballot box.

(3) No elector shall be allowed to enter a polling compartment when another elector is inside it.

61. Recording of votes of illiterate and infirm electors.- (1) If owing to illiteracy or blindness or other physical infirmity an elector is unable to read the ballot paper or make a mark thereon, the Presiding Officer shall record the vote in the ballot paper in accordance with the wishes of the elector and fold it up so as to conceal the vote.

(2) The elector shall then himself or with the assistance of the Presiding Officer insert the ballot paper into the ballot box.

(3) While acting under this rule the Presiding Officer shall observe as much secrecy as is feasible and shall keep a brief record of each of such instances but shall not indicate therein the manner in which any vote has been given.

62. Instructions for recording votes to be explained by the Presiding Officer when requested.— The Presiding Officer at a polling station shall, when he is so requested by an elector, explain to him the instructions contained on the ballot paper for the recording of vote.

63. Return of ballot papers by an elector.- (1) If an elector decides not to use a ballot paper after he has obtained the same, he shall return it to the Presiding Officer.

(2) Every such ballot paper shall be marked as “cancelled” and kept in a cover set apart for the purpose and the Presiding Officer shall keep a record of all such ballot papers.

64. Presiding Officer's entry into polling compartment during poll. -

(1) If the Presiding Officer has reason to suspect that an elector who has entered the polling compartment has remained inside unduly long, he shall enter the polling compartment and take such steps as may be necessary to ensure the smooth and prompt progress of the poll.

(2) Whenever the Presiding Officer enters the polling competent under this rule, he shall be accompanied by such of the candidates or their agents as desired to do so.

65. Ballot papers found outside ballot boxes. - If any ballot paper which has been issued to an elector has not been inserted by him into any ballot box is found anywhere in or near the polling station, it shall be cancelled and dealt with in manner similar to that laid down in Rule 63.

66. 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 after duly answering such questions as the Presiding Officer may ask be supplied with a ballot paper in Form XIII (hereafter in the rules referred to as "tendered ballot paper").

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

(3) Such person shall thereafter record on the ballot paper the name or names of the candidates or candidates for whom he wishes to vote; but if owing to illiteracy 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 secretary.

(5) Every such tendered ballot paper shall forthwith be placed in a separate cover which shall be sealed and all such covers containing tendered ballot papers shall be kept in a separate packet.

67. Challenged Votes.- (1) Every candidate or his agent making challenge under sub-rule (3) of Rule 58 shall deposit a sum of two rupees in cash with Presiding Officer for each such challenge.

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

- (a) Warn the person so challenged of the penalty for personation;
- (b) Enter his name and address in the list of challenged votes in Form XV; and
- (c) Require him to affix his signature in the said list.

(3) The Presiding Officer shall thereafter hold a summary enquiry into the challenge and may for that purpose require the challenger to adduce evidence in proof of the challenge and the person challenged to adduce evidence in proof of his identity.

(4) After such enquiry if the Presiding Officer is of the opinion that the challenge has not been established, he shall allow the person challenge to vote and if he is further of the opinion that the challenge is frivolous, has not been made in good faith, he shall direct that the deposit made under sub-rule (1) of the forfeited to Government.

(5) After such enquiry if the Presiding Officer is of the opinion that the challenge has been established he shall not allow the person challenged to vote and shall return the deposit made under sub-rule 91) to the challenger after the close of the poll on the day on which it was made.

(6) The Presiding Officer shall in every case, whether or not person challenged is allowed to vote, make a note of the circumstances in the list of challenged votes.

68. Manner of voting by electors employed on duty at polling stations.-

(1) A Presiding Officer, a Polling Officer, any other public servant or a polling agent, who is an elector in a Ward and is by reason of his being on duty at a polling station unable to vote at the polling station where he is entitled to do so may on application be allowed to record his vote in that Ward from the polling station of his posting.

(2) Every such application be addressed to the Magistrate, shall specify the name of the elector, his address and his electoral number and shall be made at least three days or such less period as the Magistrate may in any particular case allow, before the date fixed for the poll.

(3) If the Magistrate is satisfied that the applicant is entitled to vote under sub-rule (1), he shall issue a ballot paper and a certificate specifying the Ward or the polling station in which the applicant is entitled to vote.

(4) Every such person shall mark on the ballot paper opposite the name or names of the candidate or candidates for whom he wishes to vote.

(5) Every such ballot paper shall forthwith be placed in a separate cover which shall be sealed and all such covers shall be kept in a separate packet.

69. Manner of voting by persons subjected to preventive detention.-

(1) An elector, if he is subjected to preventive detention under any law for the time being in force, may on application be allowed to record his vote from the place of his detention.

(2) Any such elector may, within fifteen days from the date of the publication of the notification calling upon a Ward to elect a member or members, give notice in writing to the Magistrate of his intention to give his vote in that election.

(3) Every such notice shall specify the name of the elector, his address and his electoral roll number and the particulars regarding his place of detention.

(4) If the Magistrate is satisfied that the person who has given notice under sub-rule (2) is under preventive detention and is entitled to vote at the election, he shall issue a ballot paper and a certificate specifying the ward or polling station in which the applicant is entitled to vote.

(5) Every officer under whose care or through whom a ballot paper is sent shall ensure that the same is delivered to the addressee without delay.

(6) Any such elector who has received a ballot paper, and desires to vote shall record his vote, in presence of the Superintendent of the Jail or the Commandant of the detention camp in which the elector is under detention, in accordance with the instructions contained in the back of the ballot paper; shall then secure the same in cover and hand it over to the Superintendent of the Jail or the commandant, as the case may be, for transmission to the Magistrate.

70. Sealing of ballot boxes, etc. after poll.- (1) As soon as practicable after the close of the poll the Presiding Officer shall close the slit of each 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 candidate or his agent who may be present to seal the same.

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

(3) The Presiding Officer shall then make up into separate packets,

- (a) the unused ballot papers;
- (b) the covers containing the tendered ballot papers;
- (c) the cancelled ballot papers;
- (d) the marked copy of the electoral roll;
- (e) the list of tendered votes;
- (f) the list of challenged votes;
- (g) any other paper directed by the Magistrate to be kept in a sealed packet.

(4) Each such packet shall be sealed with the seals of the Presiding Officer as also of such candidates or their agents as may desire to affix their seals thereon.

71. Account of ballot papers.- The Presiding Officer shall at the close of the poll prepare a ballot paper account in Form XVI.

72. Transmission of ballot boxes, etc. to the Magistrate.- As soon as may be after the ballot boxes and packets have been sealed in accordance with Rule 70 the Presiding Officer shall deliver or cause to be delivered to the Magistrate at such place as the Magistrate may direct, —

- (a) the ballot boxes;
- (b) the packets referred to in Rule 70;
- (c) the ballot paper account; and
- (d) all other papers used at the poll.

73. Transport of ballot boxes and packets and their custody. - The Magistrate shall make adequate arrangements for the safe transport of all ballot boxes, packets and other papers referred to in Rule 72 and for their safe custody until the commencement of the counting of votes.

74. Disposal of ballot boxes, etc. on adjournment of poll.- If the poll is adjourned under Rule 56 at any polling station, the provision, of Rules 70, 71 and 72 shall as far as practicable, apply as if the poll was closed at the hour in that behalf under Rule 55.

75. Recommencement of an adjourned poll.— (1) At an adjourned poll under Rule 56, the electors who have already voted at the poll so adjourned shall not be allowed to vote again.

(2) The Magistrate shall provide the Presiding Officer of the polling station at which such adjourned poll is held with sealed packets containing the marked copy of the electoral roll as also as set of new ballot boxes.

(3) The Presiding Officer shall before the recommencement of the poll open in the presence of such candidates and their agents as may be present the sealed packets referred to in sub-rule (2) and shall use the marked copy of the electoral roll for recording the serial numbers of ballot papers issued to electors at such adjourned poll.

(4) The provisions of Rules 43 to 49 and 58 to 74 shall apply in relation to the conduct of poll at an adjourned poll as they apply in relation to the poll before it was so adjourned.

76. Place, date and time for the counting of votes.-(1) On the day following the election day, and if it is a public holiday, on the next following re-

opening day, the Magistrate shall commence counting of votes of each Ward at a time as per direction of the ¹State Election Commission in the presence of the candidate or his election agent or any other agent (hereafter called “counting agent”) authorised by the candidate in writing in this behalf and shall give notice in writing to each candidate and his election agent of the place and time at which the vote shall be counted.

(2) If for any unavoidable reason the Magistrate is unable to proceed with the counting of votes on the date and at the time and place fixed under sub-rule (1) he shall immediately report to the ²State Election Commission who shall thereupon order postponement of counting of and fix another date and time and, if necessary another place for the counting of the votes, and the Magistrate shall give notice thereof in writing to each candidate and his election agent.

77. Admission to the place fixed for counting.— (1) The Magistrate shall exclude from the place fixed for the counting of votes all persons except,

- (a) such persons as he may appoint to assist him in the counting;
- (b) every candidate and his agents;
- (c) persons authorised by the Magistrate; and
- (d) public servants on duty.

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

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

78. Scrutiny and opening of ballot boxes.— (1) On the date and the time and place fixed under Rule 76 the Magistrate shall, before he commences the counting read out the provisions of Rule 91 to such persons as may be present.

(2) The Magistrate shall decide which particular counting agent or agents of candidates shall attend the counting of ballot papers contained in any particular box.

(3) He shall then deal with the ballot boxes in the following manner namely-

1. Ins. by Assam Municipal Act, 1956 (Amendment), Rules 1995.

2. Ins. by Assam Municipal Act, 1956 (Amendment), Rules 1995.

- (a) all the ballot boxes used at any polling station shall be opened at the same time;
- (b) every ballot box shall be so dealt with the its contents may not get mixed up with the contents of any other ballot box;
- (c) subject to the provisions of sub-rule (2) the Magistrate shall before any ballot box is opened allow the candidates and the their agents to inspect all seals thereon and satisfy themselves that they are in order;
- (d) if the Magistrate is satisfied that any ballot box 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 and shall follow the procedure laid down in Rule 57 in respect of that polling station;
- (e) after each box has been opened, all the ballot papers contained in it shall be taken out and the candidates and their agents who may be present shall then be allowed to inspect the ballot box and satisfy themselves it is empty.

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

(2) The Magistrate shall reject a ballot paper, or

- (a) if it bears any mark or writing by which the elector can be identified, or
- (b) if it spurious ballot paper, or
- (c) if it has been 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 a design different from the serial number, or as the case may be, design, of the ballot papers authorised for use at the particular polling station or
- (e) if does not bear any mark which it should have borne under the provision of sub-rule (2) of Rule 59:

Provided that where the Magistrate on being satisfied for grounds to be recorded in writing passes an order that any such defect as is mentioned in clause (d) or clause (e) has, in respect of any ballot paper at a polling station, been caused by any mistake or failure on the part of the Presiding Officer or Polling Officer by overlooked a ballot paper shall be rejected merely on the ground of such defect;

- (f) 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 :

Provided that where an elector has more votes than one and his ballot paper has not been rejected, the vote or votes other than the rejected vote shall be duly counted.

- (g) if votes are given on it in favour of more candidates than there are members to be elected;
- (h) if no vote is recorded thereon.

(3) Before rejecting any ballot paper under sub-rule (2), the Magistrate shall allow each candidate, his election agent and one of his counting agents who may be present, reasonable opportunity of inspect the ballot paper but shall not allow them to handle it or any other ballot paper.

(4) The Magistrate shall endorse the letter 'R' on every ballot paper, which he rejects and shall keep a brief record in Form XVII of every case of rejection.

(5) All rejected ballot papers in respect of each candidate shall be kept in a separate packet.

80. Counting of votes and ballot papers.- (1) Every ballot paper, or as the case may be every vote, which is not rejected under Rule 79 shall be deemed to be valid and shall be counted :

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

(2) The Magistrate shall maintain a result sheet in Form XVII in respect of all ballot papers taken out of the ballot boxes.

(3) After the counting of ballot papers, or, as the case may be, of votes recorded on ballot papers, contained in all the ballot boxes used at a polling station has been completed and the entry in respect of thereof made in Form XVIII; the Magistrate shall announce the particulars in such entry.

(4) After all the valid votes recorded on ballot papers used at each polling station have been counted, the ballot papers shall be placed in a separate packet which shall be sealed and on which shall be recorded the following particulars; namely,—

- (a) the name of the Ward;
- (b) the particulars of each polling station where the ballot papers have been used;

- (c) the names of the candidates,
- (d) the date of the poll;
- (e) the date of counting.

(5) The Magistrate shall place together all the packets referred to in sub-rule (4) in respect of each candidate into a separate container which shall be sealed up and on which shall be recorded the following particulars namely,

- (a) the name of the ward;
- (b) the name of the candidate;
- (c) the place fixed for counting; and
- (d) the date of counting.

(6) Each packet of rejected ballot papers referred to in sub-rule (5) of Rule 79 shall be sealed and the particulars specified in sub-rule (5) shall be recorded thereon.

81. Scrutiny and rejection of ballot papers of electors employed on duty at polling station.—The procedure laid down in Rules 79 and 80 shall be followed.

82. Counting of ballot papers of electors employed on duty at polling station.— (1) The Magistrate shall count all valid votes given in favour of each candidate, record the total thereof in the result sheet in Form XVII and announce the same.

(2) All such valid ballot papers shall after they have been counted, be placed in separate packet which shall be sealed and on which shall be recorded, —

- (a) the name of the ward;
- (b) the date of counting;
- (c) a brief description of its contents.

83. Counting to be continuous.—The Magistrate shall as far as practicable, proceed continuously with the counting and shall during any interval 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 precautions for their safe custody during such intervals.

84. Recommencement of counting after fresh poll.—(1) After a fresh poll if any, held under Rule 57 has been completed, the Magistrate shall recommence the counting of votes on the date and at the time and place which have been fixed by ¹State Election Commission in the behalf and of which notice has been previously give to the candidates and their election agents.

1. Subs. by Assam Municipal Act, 1956 (Amendment), Rules, 1995.

(2) The provision of Rules 78, 79 and 80 shall apply as far as may be to such further counting.

85. Recount of votes.- (1) After the completion of the counting, the Magistrate shall record in the result sheet in Form XVIII the total number of votes polled by each candidate and announce the same.

(2) After such announcement has been made a candidate or, in his absence, his election agent may apply in writing to the Magistrate for a re-count of all or any of the ballot papers already counted stating the grounds on which he demands such recount.

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

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

(5) If the Magistrate decides under sub-rule (3) to allow an application either in whole or in part, he shall, -

- (a) count the ballot papers again in accordance with his decision;
- (b) amend the result sheet in Form XVIII to the extent necessary after such re-counts; 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 Magistrate shall otherwise complete and sign the result sheet in Form XVIII and no application for a re-count shall be entertained thereafter.

86. Equality of votes.— If, after the counting of the voters is completed, and equality of votes is found to exist between any two or more candidates and the addition of one vote will entitle any of those candidates to be declare elected, the Magistrate shall forthwith decide between those condidates by lot, and proceed as if the candidate on whom the lot false had received an additional vote.

87. (1) Declaration of result of election. - On the completion of the result sheet in Form XVIII the Magistrate shall, subject to the provisions of Rule 86 so far as it applies to the particular case forthwith declared the candidate or candidates to whom the largest number of valid votes has been given to be elected.

(2) Candidate elected from more than one Ward.— If a person is elected to more than one seat in a Municipality, then, unless within five days he resigns all but one of the seats by writing under his hand addressed to the Magistrate, all the seats shall become vacant.

88. Publication of the result of Election.— The Magistrate shall communicate the result of the election to the ¹State Election Commission concerned who shall publish the same in the Official Gazette as required under sub-section (2) of Section 26 of the Act.

ELECTORAL OFFENCE

89. Prohibition of public meetings on the day preceding the election day and on the election day.- (1) No person shall convene, hold and attend any public meeting within any ward of the Municipality Within twenty-four hours before the date of commencement of the poll or on the date or dates on which a poll is taken for an election in that Ward of the Municipality.

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

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

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

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

91. 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 contrivances the provisions of sub-rule (1) shall be punishable with imprisonment for a term which may extend to three months or with fine or with both.

1. Subs. by Assam Municipal Act, 1956 (Amendment), Rules 1995.

92. Officers, etc., at elections not to act for candidates or to influence voting.-

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

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

- (a) to persuade any person to give his vote at an election, or
- (b) to dissuade any person from giving his vote at an election; or
- (c) to influence the voting of any person at an election in any manner.

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

93. Prohibition of canvassing in or near Polling Stations.- (1) No person shall, on the date or date or dates on which a poll is taken at any Polling Station, commit any of the following acts within the Polling Station or in public or private place within a distance of one hundred years of the Polling Station, namely,

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

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

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

94. Penalty for disorderly conduct in or near Polling Stations. - (1) No person shall on the date or dates on which a poll is taken at any Polling Station,

- (a) use or operate within or at the entrance of the Polling Station or in any public place in the neighbourhood thereof, any apparatus for amplifying or reproducing the human voice, such as a private megaphone or a loud-speaker; or

(b) shout, or otherwise act in disorderly manner, within or at the entrance of the Polling Station or in any public or private place in the neighbourhood thereof, so as to cause annoyance to any person visiting the Polling Station for the Poll, or so as to interfere with the work of the Officers and other person on duty at the Polling Station.

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

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

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

95. Penalty for misconduct at the Polling Station. - (1) Any person who during the hours fixed for the poll at any polling Station misconduct himself or fails to obey the lawful directions of the Presiding Officer may be removed from the Polling Station by the Presiding Officer or by any Police Officer on duty or by any person authorised in this behalf by such Presiding Officer.

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

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

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

96. Penalty for illegal hiring or procuring of conveyances at elections. - If any person is guilty of any such corrupt practice as is specified in item 5 of Schedule I at or in connection with an election, he shall be punishable with fine which may extend to two hundred and fifty rupees.

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

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

(3) The persons to whom this rule applies are the Magistrate, Presiding Officer and any other appointed to perform any duty in connection with the preparation of an electoral roll, the receipt of nomination or withdrawal of candidatures or the recording or counting of votes at an election; and the expression "official duty" shall for the purposes of this rule be constructed accordingly but shall not include duties imposed otherwise than by or under these rules or by or under the Act.

98. Removal of ballot papers from polling station to be an offence.- (1) Any person who at any election fraudulently takes, or attempts to take, a ballot paper out of a polling station, or wilfully aids or abets the doing of any such act, shall be punishable with imprisonment for a term which may extend to one year or with fine which extend to five hundred rupees or with both.

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

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

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

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

99. Other offences and penalties therefor.- (1) A person shall be guilty of an offences if at any election he,

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

- (e) fraudulently puts into any ballot box anythings other than ballot paper which he is authorised by law to put in; or
- (f) without sue authority destroys, takes, opens or otherwise interferes with any ballot box or ballot papers then in use for the purposes of the election; or
- (g) fraudulently or without due authority, as the case may be, attempts to do any of the forgoing acts or wilfully aids or abets the doing of any such act.

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

- (a) if he is a Magistrate or a Presiding Officer at a polling station or any other officer or clerk employed on official duty in conection with the election, be punishable with imprisonment for a term which may extend to two years or with fine or with both;
- (b) if he is any other person be punishable with imprisonment for a term which may extend to six months or with fine or with both;

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

(4) An offence punished under clause (b) of sub-rule (2) shall be cognizable.

100. Penalty for “Corrupt Practice”.- Whoever commits a corrupt practice at an election shall be punish with a fine not exceeding five hundred rupees.

PRESENTATION OF ELECTION PETITIONS

101. Election Petitions.- No election shall be called in question except by an election petition presented in accordance with the provisions of Section.

102. Parties to the petition.- A petitioner shall join as respondent to his petition -

- (a) where the petitioners, in addition to claiming a declaration that the election of all or any of the returned candidates is void, claims a further declaration that he himself or any other candidate has been duly elected all the contesting candidates other then the petitioner, and where no such further declaration is claimed all the returned candidates; and

- (b) any other candidate against whom allegations of any corrupt practice are made in the petition.

103. Contents of petitions. - (1) An election petition -

- (a) shall contain a concise statement of the material facts on which the petitioner relies;
- (b) shall set forth full particulars of any corrupt practice that the petitioner alleges, including as full a statement as possible of the names of the parties alleged to have committed such corrupt practice and the date place of the commission each such practice; and
- (c) shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908 (Act V of 1908) for the verification of pleadings.

(2) Any schedule of Annexure to the petition shall also be signed by the petitioner and verified in the same manner as the petition.

104. Relief that may be claimed by the petitioner.— A petitioner may in addition to claiming a declaration that the election of all or any of the returned candidates is void, claim a further declaration that he himself or any other candidate has been duly elected.

104-A. Every appeal under (c) of the second proviso to Section 16 of the Act, shall be, -

- (i) in the form of memorandum signed by the appellant and verified in the manner prescribed for verification of pleading in the Civil Procedure Code, 1908 and presented by the appellant or his leader or by his duly authorised agent;
- (ii) accompanied by a certified copy of the order appealed from; and
- (iii) presented to the District Judge within a period of seven days from the date of acceptance or refusal of nomination;

Provided that such memorandum of appeal may also be presented to the Deputy Commissioner or the Sub-Divisional Officer as the case may be within the periods of limitation for transmission to the District Judge:

Provided further that for the purpose of computing the period of limitation the provisions of Sections 4, 9 and 12 of the Indian Limitation Act, 1908 (Act IX of 1908) shall apply mutatis mutandis.

DISPOSAL OF ELECTION PAPERS

105. Destruction of used and unused ballot papers. - On the expiry or sixth days from the date of the declaration of the result of the election, or, if an election petition has been filed under Section 16 of the Act, as soon as possible after the disposal of the petition, the ballot papers shall be destroyed in the presence of such officer as the Magistrate may appoint for this purpose.

106. Preservation of election papers.- Documents mentioned below shall be preserved in the following manner : -

- (1) Preliminary electoral rolls and claims and objections with reference to it in the office of Municipal Board for three years.
- (2) Final electoral roll as authenticated by the Magistrate for twelve years in the office of the Municipal Board.
- (3) Nomination papers in the office of the Magistrate till the expiry of the period of appeal or till disposal of the appeal if any preferred and thereafter in the office of the Municipal Board for three years.
- (4) Election petitions and proceedings and orders of the Judge thereon in the office of the Judge for three years.

MISCELLANEOUS

107. In a Municipality where the Magistrate is the Chairman, the duties assigned to the Chairman in these rules shall be discharged by the Vice-Chairman.

108. If in any case such a course appears to the State Government to be necessary it may direct that the Magistrate shall perform all or any of the duties assigned by these rules to the Chairman or the Board at a meeting. Provided that the Magistrate shall always perform such duties for the purpose of the first elections in newly created Municipality.

109. No person having directly or indirectly by himself or his partner or otherwise any share or interest in any contract or employment with, by or on behalf of the Board or holding any office of profit under the Board shall directly or indirectly engage in canvassing for votes or otherwise assist in the election of any candidate otherwise than by giving his own vote. Any breach of this rule will render an employee liable to dismissal and any such contract liable to be determined without compensation, without prejudice to any other remedies Civil or Criminal, that may be open to the Board.

110. All costs incurred in the preparation, printing and publication of the electoral rolls, the publication of notices, the holding of elections or the taking of any other necessary action under these rules, shall be payable by the Board out of the Municipal Fund. In the case of a newly-created Municipality in which no Municipal Fund has been formed the Magistrate of the district advance such sums as may be required, and such sums shall be recoverable from Municipal Board within six months.

¹**111. Declaration of powers to officers.**—The State Election Commission may by order in writing direct that any power conferred or any duty imposed on the State Election Commission under these rules shall under such conditions, if any, as may be specified in the order be exercised or discharge by such officer or class of officers as may be specified.

²**[111-A. Officers deemed to be on deputation.**—The Magistrates, Additional Magistrates, Presiding Officers, Polling Officers and any other Officers and employees appointed under these rules and any police officer designated as such for the time being by the State Government for Conduct of Election to the Municipality and Town Committees shall be deemed to be on deputation to the Assam State Election Commission for the periods commencing from the date of Notification for election to the Municipalities and Town Committees ending with the date of declaration of results of the election and accordingly such officers and employees shall, during that period, be subject to control, superintendence of the Assam State Election Commission.]

³**112. Procedure for reservation for women.** - The State Government shall, prior to the conduct of elections; determine the wards which will elect women Commissioners, in accordance with the provisions of the Act, in such a manner by rotation as the State Government may, by order publish in the Official Gazette.

⁴**113. Procedure for reservation for the Schedule Castes and Scheduled Tribes.**—The State Government shall determine the wards which will elect Scheduled Castes/Scheduled Tribes Commissioners in accordance with the provisions of the Act, in such a manner by rotation as the State Government may by order publish in the Official Gazette.

⁵**114. Ceiling of election expenditure for candidate.**—The State Government shall, in consultation with the State Election Commission,

1. Ins. by Assam Municipal Act, 1956 (Amendment) Rules, 1995.

2. Ins. by Assam Gazette (Extraordinary) No. 219, dated 15.10.2003.

3. Ins. by Assam Municipal Act, 1956 (Amendment) Rules, 1995.

4. Subs. by Assam Municipal Act, 1956 (Amendment) Rules, 1995.

5. Subs. by Assam Municipal Act, 1956 (Amendment) Rules, 1995.

fix ceiling of expenditure to be incurred by the candidate for election purpose. The candidate shall submit the accounts of election expenditure with supporting document to the State Election Commission within ninety days from the date of announcement of result.

¹**115. Model code of conduct.**—The State Election Commission shall, in consultation with all the political parties prepare the model code of conduct for observance by the political parties and the candidates during the election.

²**116. Magistrate to be available for election Work.**—The State Government when so requested by the State Election Commission, make available to the State Election Commission services of such number of Magistrates as may be necessary for the performance of any duties in connection with an election including preparation of electoral rolls and such Magistrates shall act as per direction and supervision of the State Election Commission.

SCHEDULE I

[Rule 2 (d)]

CORRUPT PRACTICES

Corrupt practices.—The following shall be deemed to be corrupt practices for the purposes of these Rules : -

(1) Bribery, that is to say, any gift, offer or promise by a candidate or his agent or by any other person, of any gratification to any person whomsoever, with the object, directly or indirectly of inducing,

- (a) a person to stand or not to stand, as or to withdraw from being a candidate or to retire from contest, at election;
- (b) an elector for having voted or refrained from voting at an election, or as a reward to,
 - (i) a person for having so stood or not stood, or for having withdrawn his candidature or for having retired from contest; or
 - (ii) an elector for having voted or refrained from voting.

Explanation.- For the purposes of this clause the term “gratification” is not restricted to pecuniary gratification or gratification estimable in money and it includes all forms of entertainment and all forms of employment for reward but it does not include the payment of any expense bona fide incurred at, or purpose of, any election.

1. Ins. by Assam Municipal Act, 1956 (Amendment) Rules, 1995.

2. Ins. by Assam Municipal Act, 1956 (Amendment) Rules, 1995.

(2) Undue influence, that is to say, any direct or indirect interference or attempt to interfere on the part of the candidate or his agents, or of any other person, with the free exercise of any electoral right :

Provided that, -

- (a) without prejudice to the generality of the provision of this clause any such person as is referred to therein who,—
 - (i) threatens any candidate, or any elector, or any person in whom a candidate or an elector is interested, with injury of any kind including social ostracism and excommunication or expulsion for any caste or community; or
 - (ii) includes or attempts to induce a candidate or an elector to believe that he, or any person in whom he is interested, will become or will be rendered an object of divine displeasure or spiritual censure, shall be deemed to interfere with the free exercise of the electoral right of such candidate or elector within the meaning of this clause.
- (b) a declaration of public policy, or a promise of publication, or the mere exercise of a legal right without intent to interfere with an electoral right, shall not be deemed to be interfere within the meaning of this clause.

(3) The systematic appeal by a candidate or his agent or by any other person to vote or refrain from voting on grounds of caste, race, community or religion or the use of or appeal to religious symbols or the use of, or appeal to national symbols such as the national flag or the national emblem, for the furtherance of the prospects of that candidate's election.

(4) The publication by a candidate or his agent or by any other person, of any statement of fact which is false, and which he either believes to be false or does not believe to be true in relation to the personal character or conduct of any candidate, or relation to the candidature, or withdrawal, or retirement from contest, of any candidate, being a statement reasonably calculated to prejudice the prospects of that candidate's election.

(5) The hiring or procuring, whether on payment or otherwise, of any vehicle or vessel by a candidate or his agent or by any other person for the conveyance of any elector (other than the candidate himself, the member of his family or his agent) to or from any polling station provided under Rule 39 for the poll:

Provided that the hiring of a vehicle or vessel by an elector or by several electors at their joint costs for the purpose of conveying him or them to and from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause if the vehicle or vessel so hired is a vehicle or vessel not propelled by mechanical power:

Provided further that the use of any public transport vehicle or vessel or any tramcar or railway carriage by any elector at his own cost for the purpose of going to or coming from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause.

Explanation.—In his clause the expression “vehicle” means any vehicle used or capable of being used for the purpose of road transport whether propelled by a mechanical power or otherwise and whether used for drawing other vehicles or otherwise.

(6) The obtaining or procuring or abetting or attempting to obtain for procure by a candidate or, his agent or by other person, any assistance (other than the giving of vote) for the furtherance of the prospects of that candidate’s election, from any person in the service of the Government and belonging to any of the following clauses, namely,

- (a) gazette officers;
- (b) stipendiary Judges and Magistrates;
- (c) members of the armed forces of the Union;
- (d) members of the police forces;
- (e) excise officers;
- (f) revenue officers including village accountants, such as, pathways, lekhpals, talatis karnams and the like but excluding other village officers; and
- (g) such other class of persons in the service of the Government as may be certified by the State Government.

Explanation.- (1) In this schedule the expression “agent” includes an election agent, a polling agent and any person who is held to have acted as an agent in connection with the election with the consent of the candidate.

(2) For the purposes of item (6), a person shall be deemed to assist in the furtherance of the prospects of a candidate’s election if he acts as an election agent or a polling agent or counting agent of that candidate.

FORM I

[Rule 7(iii)]

Preliminary/Final Electoral Roll for male/female voters for ward of.....municipality.

Sl. No.	Number in assessment list	Name of voter	Father's name of a married female voter	Husband's name	Age	Period of residence	Address	Particulars of qualifications
1	2	3	4	5	6	7	8	9

FORM II

[Rule 12]

Part I.—Claim/Application for inclusion of name

1. Name of ward.
2. Serial No. of part of electoral roll, if any.
3. Name of claimant/applicant.
4. Father's/Mother's/Husband's name.
5. Particulars of residence with reference to which entry in electoral roll is claimed :

Town/Village

Street/Mohalla.....

House No.....

Post Office.....

Police Station/ Tahsil/Taluka.....

District.....

6. I hereby state as follows:—

- (i) I am a citizen of India.
- (ii) My age on the 1st day of January, 19 was..... years and.....months.
- (iii) I was ordinarily resident at the address mentioned in item 5 above on the day of January 19.

- (iv) I have not applied for inclusion, nor has my name been included in the electoral roll for any other ward in the State either with the address mentioned in item 5 above or with any other address.
- (v) My other qualification to be a voter under Section 14 of the Assam Municipal Act, 1956.

Undue influence, that is to say, any direct or indirect interference or attempt to interfere on the part of the candidate or his agents, or of any other person, with the free exercise of any electoral right:

DECLARATION

I hereby declare that the particulars stated by me in item 6 are true to the best of my knowledge and belief.

I request that my name be registered in the electoral roll for the constituency mentioned in item I above.

.....
 Signature or thumb impression
 of claimant/applicant
 Date..... Postal address.....
 Authority

I hereby authorise.....son of.....
 present this claim on my behalf.

.....
 Signature of thumb impression
 of claimant/applicant

 Signature of thumb impression
 of claimant/applicant
 Date..... Postal address.....

(to be filed in by the office of the Magistrate)

Claim/application No.....
 Filed on.....
 Date of hearing and adjournment, if any.....
 Decision of the Magistrate.....

Signature of the Magistrate

1. To be struck off when no agent is authorised.
Note.—Any person who makes a false declaration or gives information which he knows or believes to be false or does not believe to be true is liable to be punished under Section 19 and/or Section 182 of the Indian Penal Code.

ORIGINAL

To be retained or returned to
the Office of the Magistrate

FORM II

Part II- Notice

[Rule 16 (1)]

(To be filled in by the claimant)

To

Name of the claimant.....

Son/Wife/Daughter of.....

Full address of the claimant.....

(To be filled in by the Office of the Magistrate)

Reference

Claim No.....ofSon/Wife/Daughter of
.....resident offor inclusion of his/her name
in electoral roll for...Ward.

Tame notice that the claim will be heard at.....(place)
at.....O'clock on thedate of.....19.....

You are directed to be present at the hearing with such evidence
as you my like to adduce.

.....
Magistrate

Place.....

Date.....

DUPLICATE

To be served on the claimant

FORM II

Part II-Rule

[Rule 16 (1)]

(To be filled in by the claimant)

To

Name of the claimant.....

Son/Wife/Daughter of.....

Full address off the claimant.....

(To be filled in the office of the Magistrate)

Reference

Claim No.....of.....
 Son/Wife/Daughter of.....
 resident of.....
 for inclusion of his/her name in the electoral roll for...Ward.
 Take notice that the claim will be heard at....(place)
 at.....O'clock on the.....day of.....19.....

You are directed to be present at the hearing with such evidence as you may like to adduce.

Place.....
 Date.....
 Magistrate

Certificate of service of notice

(When served on the claimant at the time of filing claim)

Received notice of the date of hearing
 Date.....
 Claimant/Agent

(When served by Messenger)

(To be filled in by serving officer)

Certificate that the notice on the claimant has been duly served by me this...day of ...on (name).....personally/by affixation on residence.

Place.....
 Date.....
 Serving Officer

N.B.—If this notice is served by post, attach the receipt here.

FORM III

(Rule 12)

Part I.—Objection to inclusion of name or any other particular.

1. Name of ward
2. Serial No. of part of electoral roll
3. Particular or entry objected to
- (i) Serial No. of entry.....
- (ii) Name of the person in the entry objected to.....
- (iii) Father's/Mother's/Husband's name.....
- (iv) Age.....
- (v) Address

- 4. Particulars of objector,
 - (i) Serial No. of part of electoral roll.....
 - (ii) Serial No. of entry.....
 - (iii) Name.....
 - (iv) Father's/Mother's/Husband's name.....
 - (v) Address

5. I object to the entry the particulars of which are mentioned in item 3 above on the following grounds :—

- (a)
- (b)
- (c)

Declaration

I hereby declare that the particulars mentioned above are true to the best of my knowledge and belief.

.....
Signature of thumb impression of objector

Postal address.....

Date.....

(To be filled in by the office of the Magistrate)

Objection No.....

File No.....

Date of hearing and adjournment, if any.....

Decision of the Magistrate.....

.....
Signature of the Magistrate

Note.—Any person who makes a false declaration or gives information which he knows or believes to be false or does not believe to be true is liable to be punished under Section 199 and .or Section 182 of the Indian Penal Code.

ORIGINAL

To be retained in or returned to
the Office of the Magistrate

FORM II

Part II-Notice to objector

[Rule 16 (II) (a)]

(To be filled in by the objector)

To

Name of the objector.....

Son/Wife/Daughter of

Full address of the objector.....

(To be filled in by the office of the Magistrate)

Reference

Objection No.....of.....Regarding inclusion of the name and/or the Particulars of...son/wife/daughter of.....resident of.....for inclusion of his/her name in the electoral roll for.....ward.

Take notice that the claim will be heard at.....(Place) at.....O'clock on theday of.....19.....

You are directed to be present at the hearing with such evidence as you may like to adduce.

.....
Magistrate

Place.....

Date.....

DUPLICATE

To be served on the objector

FORM II

Part II—Notice to objector

(To be filled in by the objector)

To

Name of the objector.....

Son/Wife/Daughter of.....

Full address of the claimant.....

(To be filled in by the Office of the Magistrate)

Reference

Objection No.of

Son/Wife/Daughter of.....

resident of.....

for inclusion of his/her name in the electoral roll for.....Ward.

Take notice that the claim will be heard at.....(place) at.....O'Clock on the.....day of.....19.....

You are directed to be present at the hearing with such evidence as you may like to adduce.

Place....

Date.....

.....
Magistrate

Certificate of service of notice on objector

(When served on the Claimant at the time of filing objector)

Received notice of the date of hearing

Date.....

.....
Objector

(When served by Messenger)

(To be filled in by serving officer)

Certified that the notice on the objector has been duly served by me thisday of.....on (name).....personally/by affixation on residence

Postal.....

Date.....

.....
Serving Officer

N.B.—If this notice is served by post, attach the receipt here.

FORM IV

Nomination Paper

[Rule 23(1)]

Election on theMunicipality

(To be filled by the proposer)

I hereby nominate.....as a candidate for election from.....Ward of.....municipality.

1. Full name of propose.....

2. Electoral roll number of propose.....

3. Name of candidate's father/husband.....

4. Full postal address of candidate.....

5. Electoral roll number of candidate.....

Date.....

Signature of propose

(To be filled by the candidate)

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

- (a) that I have completed.....years of age;
- (b) that the symbols I have chosen are in order of preference,—
 - (i)
 - (ii)and
 - (iii)

Date.....

Signature of candidate

(To be filled up by the Magistrate)

Serial No. of nomination paper.....

This nomination was delivered to me/my office at.....(hour) on.....(date) by the candidate/proposer.

Date.....

.....
Magistrate

Decision of Magistrate Accepting or Rejecting Nomination Paper

I have examined this nomination paper in accordance with Rule 26 and decide as follows

Date.....

.....
Magistrate

Receipt for nomination paper and notice of scrutiny.
 (To be handed over to person presenting
 the nomination paper)

Serial No. of nomination paper.....

The nomination paper of.....a candidate for election
 from the.....ward of.....a candidate for election from
 the.....ward of.....municipality, was delivered to me at office
 at.....(hour) on(date) by the candidate/proper.

All nomination papers will be taken up for scrutiny at.....(hour)
 on(date) at.....(place).

FORM V

List of validly nominated candidates

[See Rule 26 (9)]

Election to theMunicipality

SI. No.	Name of candidate	Name of father/husband	Address of candidate
(1)	(2)	(3)	(4)

Place.....

.....

Date.....

Magistrate

1. Strike off the inappropriate alternative.

FORM VI
Notice of withdrawal

[Rule 27 (1)]

Election to theMunicipality

To

The Magistrate,

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

Place.....

Date.....

Signature of candidate

This notice was delivered to me at my office at.....(hor) on(date) by.....(name) the.....

Date

Magistrate

Receipt for notice of withdrawal
(To be handed over to the delivering the notice)

The notice of withdrawal of candidature by.....a candidate at the election to the.....municipality, was delivered to me by the¹at my office at.....(hour) on.....(date).

Date.....

Magistrate

-
1. Here Insert 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 authorised in writing by the candidate to deliver it.

FORM VII
Notice of withdrawal of
candidatures

[See Rule 27(3)]

Election to the.....Municipality

Notice is hereby given that the following ¹candidate/candidates at the above election withdrew² his candidature/their candidatures today.

Name of candidate	Address of candidate	Remarks
1.		
2.		
3.		
4.		
etc.		

Date.....

Magistrate

1. Strike off the inappropriate alternative.

FORM VIII
List of contesting candidates
[See Rule 29(1)]

Election to the.....Municipality

Sl. No.	Name of candidate	Address of candidate	Symbol allotted
(1)	(2)	(3)	(4)
1.			
2.			
3.			
4.			
etc.			

The poll will be taken between the hours of.....
and.....(date or dates).

Place.....

Date.....

Magistrate

FORM IX
Appointment of election agent

[See Rule (30)]

Election to the.....Municipality

To
The Magistrate

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

Place.....

Date.....

Signature of candidate

I accept the above appointment,

Place.....

Date.....

Signature of election agent

FORM X

Revocation of appointment of election agent

[See Rule 32]

Election to the.....Municipality

To
The Magistrate,

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

Place.....

Date.....

Signature of candidate

FORM XI

Appointment of polling agent

[See Rule 34]

Election to the.....Municipality

I,a¹ candidate/the election agent of
.....who its candidate at the above election do hereby
appointof.....as a polling agent to attend
²polling station No.....at/place fixed for the
poll.....at.....

Place.....

Date.....

Signature of candidate/
election Agent

I agree to act such polling agent,

Place.....

Date.....

Signature of Polling agent

Declaration of polling agent to be signed
before Presiding Officer.

In hereby declare that at the above election I will not do anything
forbidden by Rule 91 which³ I have read/has been over to me

Date.....

Signature of polling agent

Signed before me,

Date.....

Presiding Officer

1. Strike off the inappropriate alternative.
2. Strike off the inappropriate alternative.
3. Strike off the inappropriate alternative.

FORM XII

Ballot paper

[See Rule 44]

Election to theMunicipality

Sl. No. of Candidate	Name of candidate	Candidate's party affiliation if any	Name and facsimile of symbol allotted to the candidate	Marks
(1)	(2)	(3)	(4)	(5)
1.				
2.				
3.				
4.				

N.B.—Please see instructions below

Instructions

1. Before recoding your vote read carefully the following instructions.
2. The number of Commissioner(s) to be elected is.....
3. You have.....vote (s).
4. You must not place the mark(s) opposite the name (s) of more than.....candidates(s). If you do, your vote(s) will be rejected
5. Place a mark opposite the name of the candidate/each of the candidates for whom you wish to vote.
6. The marks should be so placed as to indicate clearly and beyond doubt to which candidate you are giving vote, if the mark is so placed as to make it doubt to which candidate you have, have given the vote, that vote will be invalid.
7. You must not put your signature on the ballot paper or make any other mark on it which will reveal your identity. If you do, your ballot paper will be rejected.

FORM XIII
Tender Ballot Paper

[See Rule 66(1)]

Election to the.....Municipality
 Serial number of ballot paper.....
 Polling Station.....
 Number of elector.....in part number.....of the electoral roll.
 Address of elector.....
 Name(s) of candidates(s) in whose favour votes are tendered.....

 1.
 2.
 3.
 Date.....

FORM XIV
List of Tendered Votes

[See Rule 66(2)]

Election to the.....Municipality
 Polling Station

Sl. No. of tendered ballot paper	Name of elector	Serial number of— part of roll	elector's name in the part	Address	Signature or thumb impression of person tendering vote
(1)	(2)	(3)	(4)	(5)	(6)

Date.....

Signature of Presiding Officer

FORM XV
List of Challenged Votes

[See Rule 67 (2) (b)]

Election to the Municipality
Polling Station.....

Serial number of—										
Serial No. of entry	Name of Elector	Part of roll in that part	elector's name	Signature or thumb impression of the person challenged	Address of the person challenged	Name of any identifier if challenged	Name of Challenger	Order of Presiding Officer	Signature of Challenger	on refund of deposit
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(10)

Date.....
Signature of Presiding Officer

FORM XVI
Ballot Paper Account

[See Rule 71]

Election to the.....Municipality
Polling Station.....

	Ordinary ballot papers	Tendered ballot paper
1. Serial number of ballot papers received for use at the polling station.		
2. Serial number of unused ballot papers left over at the close of poll.		
3. Total number of ballot papers received (<i>vide</i> item 1)		
4. Total number of ballot papers left unused (<i>vide</i> item 2)		
5. Number of ballot papers used (Subtract Item 4 from Item 3).		
6. Number of ballot papers cancelled.		
7. Number of ballot papers which should be in the ballot boxes (Subtract item 6 from item 5)		

Date.....

Signature of
Presiding Officer
