

CANTONMENT ELECTORAL RULES, 1945

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CANTONMENT ELECTORAL RULES, 1945

No. 98/1/G/C. and L.43, dated the 20th January, 1945.1 -In exercise of the powers conferred by Section 30 and 31 of the Cantonments Act. 1924 (2 of 1924), the Central Government is pleased to make the following rules, the same having been previously published as required by the said section, namely:

CHAPTER 1 General

1. Short title and extent :-

These Rules may be called the Cantonments Electoral Rules, 1945, and shall extend to all Cantonments in the whole of India.

2. Definitions :-

-In these rules, unless there is anything repugnant in the subject or context,-

(a) "Act" means the Cantonments Act, 1924 (2 of 1924);

(b) "Board" means the Cantonment Board as defined in Cl. (ii) of Section 2 of the Act;

(c) "Cantonment" means the Cantonment concerned;

(d) "Executive Officer" means the Executive Officer of the Cantonment;

[(e) "Form" means a Form set out in the Schedule to these rules;]

(f) "President" means the President of the Cantonment Board, on where a Board is not constituted, the Officer Commanding the Station;

1(g) [* * *]

2 [{{(h) "Scheduled Castes" means such castes, races or tribes or parts of or

(i) "Scheduled Tribes" means such tribes or tribal communities or parts of or groups within such tribes or tribal communities as are deemed under Article 342 of the Constitution to be Scheduled Tribes.]

1. Clause (g) omitted by S.R.O. 51, dated 28th February, 1966.
2. Subs, by S.R.O. 451, dated 27th November, 1971.

3. Division of Cantonments into wards, the number of members to be elected by each ward and the reservation of seats for Scheduled Castes or Scheduled Tribes in such wards :-

[For the purpose of election to a Board of any Cantonment-

- (a) the wards into which that Cantonment shall be divided,
- (b) the extent of each such ward,
- (c) the number of members to be elected by each such ward, and
- (d) the number of seat or seats that may be reserved for the members of the Scheduled Castes or Scheduled Tribes in any such ward or wards, shall be those as may be prescribed for that Cantonment by rules made by the Central Government under Cls. (a) and (b) of Section 31 of the Act.]

CHAPTER 2 Electoral Rolls

4. Registration :-

[No person shall be entitled to be registered in the electoral roll for

more than one ward and no person shall be so registered for any ward more than once.]

5. Qualifications of electors :-

Every person who is eligible for enrolment as an elector under sub-section (1) of Section 27 of the Act, and is not otherwise disqualified under sub-section (2) of the said section shall be enrolled as an elector.

6. Preparation of electoral rolls :-

1

[(1)] The Board, or where a Board is not constituted, the Officer Commanding the Station, shall have prepared [on] the 1st July of each year, in English and in the language commonly used in the district, an electoral roll in Form I ²[* * *] and divided into separate parts for each ward. [* * * * *]

3 [(2) The electoral roll shall be divided into separate parts for each ward.

(3) The names of electors in each part of the roll shall be arranged according to house numbers. Explanation.-For the purpose of this sub-rule any building or unit line used for the purpose of lodging troops shall be deemed to be a house.

(4) The names of electors in each part of the electoral roll shall be numbered as far as practicable, consecutively with a separate series of numbers beginning with number one.

1. Renumbered by S.R.O. 51, dated 28th February, 1966.
2. Omitted by S.R.O. 51, dated 28th February, 1966.
3. Ins. by S.R.O. 51, dated 28th February, 1966.

7. Manner of ascertaining names of electors for inclusion in the electoral roll :-

[

(1) The Executive Officer for the purpose of preparing the electoral roll may send letters of request in Form I-A to the occupants of dwelling houses in the Cantonment and every person receiving any such letter shall furnish the information

(2) The Executive Officer shall ascertain the names of members of the Armed Forces and other defence personnel residing in the unit lines or other buildings, who are eligible for registration in the electoral roll of the Cantonment, from the Officer Commanding the Station or the Officer Commanding the unit, as may be deemed necessary.]

8. Notice of publication of electoral rolls :-

Copies of the electoral roll prepared under rule 6 shall be posted at the Cantonment Office, and at the same time notice of their preparation shall be published in Form II at the Cantonment Office and at such places throughout the Cantonment there being at least one such place in each ward, as the Board, or where a Board is not constituted, the Officer Commanding the Station, may prescribe. The notice shall also specify the mode in which claims and objections are to be preferred and disposed of.

CHAPTER 3 Claims and objections

9. Claims and objections :-

[

(1) Every claim for the inclusion of a name in the electoral roll and every objection to an entry therein shall be made within a period of 20 days from the date of publication of the notice under rule 8.

(2) Every claim made under sub-rule (1) shall be-

(a) in Form III;

(b) signed by the person desiring his name to be included in the roll; and

(c) countersigned by another person whose name is already included in that part of the roll in which the claimant desires his name to be included.

(3) Every objection to the inclusion of a name in the roll shall be -

(a) In Form IV;

(b) preferred only by a person whose name is already included in that roll; and

(c) countersigned by another person whose name is already included in that part of the roll in which the name objected to appears.

(4) Every objection to any particular or particulars in an entry in the roll shall be-

(a) in Form IV-A; and

(b) preferred only by the person to whom that entry relates.

(5) Every claim or objection shall be presented to the Executive Officer in person or be sent by registered post to the Executive Officer.

(6) If any objection relates to the inclusion in the electoral roll of the name of a person other than the objector, the objection shall be filed in duplicate.

(7) Any claim or objection which is not made within the period or in the form and manner specified in this rule shall be rejected by the Executive Officer.]

10. Publication of list of corrections to electoral rolls :-

The Executive Officer may of his own motion, remove from the roll the names of any persons whom he knows to be dead and may also make corrections in pursuance of any claim, provided that he shall publish a list of all such corrections with the list of claims and objections prescribed by rule 11.

11. Publication of list of claims and objections and time and place of their hearing :-

(1) Not later than three days after the last day fixed for receipt of claims and objections a list of all claims and objections not disposed of [under sub-rule rule 9 or under rule 10, shall be published in Form V in the same manner as the notice in rule 8. The list shall give intimation of the time and place where such claims or objections will be heard. The place of hearing will ordinarily be the Cantonment Office and the date or dates of hearing shall be not less than 15 and not more than 30 days after the date of publication under this sub-rule.

(2) At the same time as action under sub-rule (1) of this rule is taken, a notice of hearing together with a copy of the objections shall be sent to all persons who are the subject of objections except where the objector is himself the subject. Notices may be served through the Cantonment staff as ordinarily employed for that purpose, or by registered post, to the place of residence or business of the individual, as the case may be, and shall be deemed sufficiently served if left at such place of residence or business, or duly posted as the case may be.

12. Hearing of claims and objections and issue of orders thereon :-

- (1) All claims and objections published under rule 11, or the subject of corrections under rule 10, shall be heard by the President or some other person, not being an elected member, the executive officer or a servant of the Board, nominated by him.
- (2) Evidence, documentary or oral, may be adduced in respect of any claim or objection, subject to its being produced on the date of hearing fixed under rule 11 Appearance by counsel shall not be allowed.
- (3) The President or his nominee after hearing the party or parties to a claim or objection, taking such evidence as may be produced in respect thereof, and making such- other enquiry as appears to him necessary, shall pass orders in writing thereon, stating as briefly as possible the reasons for his decision; and such orders shall be final, when passed by the President, but subject to the result of an appeal, if any, made within two days to the President when passed by his nominee.

13. Final publication of the electoral rolls :-

- (1) The Executive Officer shall correct the electoral roll in accordance with orders passed under rule 12, and prepare by printing or otherwise as many copies thereof in English and in the Indian languages of the District as reasonably necessary. A copy of the corrected roll shall be posted at the Cantonment Office and notice thereof shall be published throughout the Cantonment in the same manner as in rule 8, [on] the 15th September of each year : Provided that if there are no corrections in the electoral roll as originally prepared only publication of such fact shall be necessary : [Provided further that the Executive Officer shall remove from the roll the names of any persons from any local area forming part of a Cantonment when, by a notification under Section 4 of the Act, such area ceases to be under the control of the Board after the final publication of the rolls.]

1[(2) If the electoral roll is not prepared or finally published on the dates specified in rule 6 or sub-rule (1) of rule 13, respectively, the Central Government may direct the Board or where a Board is not constituted, the Officer Commanding the Station to have the electoral roll prepared or finally published on such dates as may be specified in the order, and the Board or the Officer Commanding the Station, as the case may be, shall comply with such direction.]
[* * * *]

2 [(3)] Any person whose name is borne on the electoral roll as finally published in a ward shall be entitled to purchase from the Executive Officer, at a reasonable price, to

1. Subs. by S.R.O. 81, dated the 10th February. 1958, Pt II Sec. 4, p. 33.
2. Sub-rule (4) re-numbered as sub-rule (3), by omitted by S.R.O. 81, dated the 10th February. 1958, Pt II Sec. 4, p. 33.

13A. Re-arrangement of rolls on alteration of wards :-

[Where after the electoral rolls for a Cantonment have been published under rule 13, the division of the Cantonment into wards is altered, the President shall, in order to give effect to the alteration of the wards, cause the names of the electoral rolls to be re-arranged on the basis of the altered wards. [The roll with the names so re-arranged shall be published in the manner specified in rule 8 and shall, on such publication, be the electoral roll for the altered wards.]

13B. Inclusion of names in the electoral roll :-

[

- (1) Where a notification regarding elections to fill any vacancy has been issued by the Central Government under sub-section (1) or sub-section (2) of Section 16 of the Act, every person whose name is not included in the electoral roll as finally published under rule 13, may apply as provided herein after for the inclusion of his name in the roll.]

[(2)* * *]

CHAPTER 4 Polling, nomination and scrutiny

14. Public notice of election :-

[As soon as possible after the notification by the Central Government of the date of an election under Section 16 of the Act, the Board or where a Board has not been constituted the Officer Commanding the Station shall draw up and publish in the same manner as in rule 8, a public notice setting out (a) the date, time and places of polling, (b) the number of persons to be elected, (c) the time and place for receipt of nominations, (d) the time and place for scrutiny of nominations, (e) the symbols that may be chosen by candidates and the restrictions under which their choice shall be subject and (f) any other matter which may be necessary for information and assistance of voters and candidates.] [Provided that the Central Government may, on receipt of a recommendation to that effect from the President Cantonment Board, postpone, by not more than forty days, the date of such election to a later date on any of the following grounds:-

(i) the date of election coinciding with or is in close proximity of the date of election for the Lok Sabha, State Assembly or any adjacent local authority;

(ii) a riot or open violence breaks out or there is tension in the Cantonment on account of such riot or violence; or

(iii) some natural calamity affects the Cantonment. Provided further that in respect of items (ii) and (iii) above, the President, Cantonment Board may, if deemed necessary, on receipt of a report from the Returning Officer, adjourn the polling in any ward of the Cantonment in case-

(a) a riot or open violence breaks out in that ward, or any of the polling stations on the eve of, or on the date of polling;

(b) some sudden natural calamity affects the Cantonment: Provided also that on receipt of a report of such adjournment of election or polling, the Central Government may appoint the day on which such postponed election or polling will be held by publishing a notification to that effect in the Official Gazette and

15. Polling stations and the responsibility for their management :-

The President shall fix places, hereafter described as polling stations, being not less than one in each ward for the recording of votes, and shall lay down the area which each shall serve. He shall appoint a person other than the Executive Officer, to be a Returning Officer who shall be responsible for the proper conduct of the election, and for each polling station, a Polling Officer, who shall be in the charge of the voting arrangements and be responsible for the fair conduct of the election at his polling station on the polling day. Each Polling Officer may appoint, subject to the sanction of the President, one or two assistants as may be necessary to assist him in his duties on the polling day, and for whose conduct he shall be responsible.

16. Nomination of candidate for election and appointment of election agent :-

[

(1) A candidate for election shall be nominated by a nomination paper in Form VI. The nomination paper shall be signed by a registered elector of the ward for which the candidate proposes to stand, as proposer, and shall contain a declaration signed by the candidate that he assents to the nomination.

(2) No elector shall act as proposer for more candidates than there are seats to be filled.

(3) Each candidate may appoint one person, by power of attorney, as his election agent, and such agent shall be entitled to act for the

candidate unless otherwise provided by these rules.

(4) Where more nomination papers than one are presented by the candidate or on his behalf by his election agent or his proposer, the declaration as to symbols made in the nomination paper first delivered and no other declaration as to symbols, shall be taken into consideration by the Returning Officer even if that nomination paper has been rejected.]

17. Presentation of nomination papers :-

(1) Every nomination paper shall be presented to the Returning Officer at the Cantonment Office, on the day and within the hours specified in the [public notice] prescribed by rule 14, by the candidate or his election agent, or his proposer ¹ [* * *]. Any nomination paper not presented within the proper hours, or presented by any person other than those aforementioned in this sub- rule, shall be rejected.

(2) Subject to the requirements of these rules, a candidate may present any number of nomination papers.

(3) Each candidate with-his nomination paper shall deposit, or cause to be deposited with the Returning Officer a sum of one hundred and fifty rupees in cash, or in Government Promissory Notes of equal value at the market rate of the day : Provided that where the candidate belongs to Scheduled Caste [or Scheduled Tribe] the amount of such deposit shall be rupees seventy-five only : Provided further that where more than one nomination paper is presented, one deposit only shall be sufficient.

(4) The nomination of a candidate not accompanied by the required deposit shall be rejected.

1. The words "or seconder" omitted by S.R.O. 51, dated 28th February, 1966 for the word "proclamation".

18. Preliminary examination of nomination papers :-

When a nomination paper is presented, the Returning Officer shall examine it and inform that person presenting it of any points in which the nomination paper appears defective, but no failure on the part of the Returning Officer to give such information and no defect or error in the information shall affect the validity of the proceedings.

19. Valid nominations and time and place for scrutiny of nomination papers :-

Immediately after the hour for receipt of nomination papers is past, the Returning Officer shall draw up in Form VII a list of candidates, excluding any whose nomination papers have been rejected under sub-rules (1) and (4) of rule 17, and post it at the Cantonment Office, with notice of the time and place prescribed for scrutiny of nomination papers.

20. Scrutiny of and objections to nomination papers :-

(1) On the date and at the time appointed, the Returning Officer shall undertake scrutiny of the nomination papers. The only persons permitted to be present shall be the candidates, their election agents and their proposers [* * *] and they shall be given all reasonable facilities for the examination of nomination papers. Objections to a nomination paper may be oral or in writing and may relate not only to the form of the nomination but also to the violation or non-observance of any provision of the Act or rules thereunder relating to such nomination, including objections to the eligibility of the candidate to stand for election or of the ¹ [proposer] to nominate: Provided that no objection to a candidate or to a [proposer] which relates to his registration in the electoral roll and which might have been taken under rule 9 shall be considered. [Provided further that any objection raised merely in regard to failure to complete, or defect in completing the declaration as to symbols in a nomination paper shall not be considered as a ground for rejecting the nomination paper and when any such objection being raised the Returning Officer shall cause the nomination paper to be completed or defect rectified by the candidate who has filed or on whose behalf the nomination

paper has been filed.]

(2) The decision taken on each objection shall be endorsed on the nomination paper, and if any nomination paper is rejected, a brief statement of the reasons for rejection shall be recorded thereon and signed by the Returning Officer.

(3) If the Returning Officer is unable to undertake the scrutiny of nomination papers, it shall be undertaken by a person other than the Executive Officer, an elected member or a servant of the Board, nominated by the Returning Officer provided that the aggrieved party may appeal to the President against the decision of such nominee within two days of such decision.

1. Subs. The words "or seconder" omitted by S.R.O. 51, dated 28th February, 1966 for the word "proclamation" ., "nominator".

21. Withdrawal of candidature :-

[

(1) Any candidate may withdraw his candidature by notice in writing in Form VII-A signed by him and delivered in person by him or by his election agent to the Returning Officer before four o'clock in the afternoon on the day following the scrutiny of nomination papers under sub-rule (1) of rule 20.

(2) On receipt of such notice the Returning Officer shall note thereon the date and time at which it was delivered.

(3) The Returning Officer shall, on being satisfied as to the genuineness of notice of withdrawal and the identity of the person delivering it under sub-rule (1), cause a notice in Form VI-B to be posted at the Cantonment Office.

(4) A candidate who has given notice of withdrawal of his candidature under sub-

CHAPTER5 Polls; Polling officer; the procedure by which polling is to be carried out and the counting of votes

22. Procedure in contested and un-contested elections :-

[If, after the hour for withdrawal prescribed in sub-rule (1) of rule 21 has expired-

(a) the number of contesting candidates in a ward is more than the number of members to be elected for that ward, a poll shall be taken;

(b) the number of such candidates is equal to or less than the number of members to be elected for that ward, the Returning Officer shall forthwith declare such candidate or all such candidates as the case may be, to be duly elected.

22A. Special procedure at elections in wards where seats are reserved for Scheduled Castes or Scheduled Tribes :-

(1) The provisions of this rule shall apply in relation to any election in wards, where one or more seats have been reserved for members of the Scheduled Castes or Scheduled Tribes.

(2) If, after the hour for withdrawal prescribed in sub-rule (1) of rule 21 has expired,

(a) the number of contesting candidates qualified to be chosen to fill the seat or seats reserved for Scheduled Castes or Scheduled Tribes (hereinafter referred to as reserved seat) is equal to or less than the number of such seat or seats, the candidate or candidates shall forthwith be declared to be elected to fill the reserved seat or seats, and the procedure laid down in rule 22 shall be followed in filling the remaining seat or seats other than the reserved seat or seats;

(b) the number of contesting candidates qualified to be chosen to fill the reserved seat or seats exceeds the number of such seat or seats but the total number of contesting candidates is equal to the total number of seats to be filled, the Returning Officer shall first select by lot to be drawn by him in such manner as he may determine, the candidate or candidates to be declared elected to the reserved seat or seats out of the candidates qualified to be chosen to fill the reserved seat or seats and thereafter declare the remaining candidate or candidates to be duly elected to fill the remaining seat or seats;

(c) the number of contesting candidates qualified to be chosen to fill the reserved seat or seats exceeds the number of such seat or seats and the total number of contesting candidates also exceeds the total number of seats to be filled a poll shall be taken and after poll has been taken, the Returning Officer shall first declare the candidate or candidates, who, being qualified to be chosen to fill the reserved seat or seats, has or have secured the largest number of votes, to be duly elected to fill, the reserved seat or seats, and then declare such of the remaining candidate or candidates who has or have secured the largest number of votes to be duly elected to fill the remaining seat or seats;

(d) the number of contesting candidates qualified to be chosen to fill the seat or seats reserved for Scheduled Castes or Scheduled Tribes is nil, the procedure laid down in rule 22 shall be followed in filling the remaining seat or seats other than the reserved seat or seats.

22B. Eligibility of members of Scheduled Castes or Scheduled Tribes to hold seats not reserved for those castes or tribes :-

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

22C. Publication of list of contesting candidates and publication of results of uncontested elections :-

(1) The Returning Officer shall draw up in Form VII-C, a list ward by ward, of candidates who are standing for election and also a list of candidates, if any, who have been declared duly elected under the provisions of Cl. (b) of rule 22, or Cl. (a) or Cl. (b) of sub-rule (2) of rule 22A, as the case may be. Such lists shall be published in the same manner as a notice under rule 8 and not later than twenty days before the date of poll.

(2) The names of candidates who are standing for election shall be arranged in Form VII-C in the alphabetical order. The alphabetical order shall be determined with reference to the surnames of the candidates having surnames and the names proper of other candidates.

(3) At an election where a poll becomes necessary, the Returning Officer shall consider the choice of symbols expressed by the contesting candidates in their nomination papers and shall-

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

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

(4) The allotment by the Returning Officer of any symbol to a candidate shall be final.

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

23. Death of candidate before poll :-

If a candidate who has been duly nominated under these rules dies after the date fixed for the scrutiny of nominations and a report of his death is received by the Returning Officer before the commencement of the poll, the Returning Officer shall, upon being satisfied of the fact of the death of the candidate, countermand the poll for the ward concerned and report the fact to the President and all proceedings with reference to the election in that ward shall be commenced a new in all respect as if for a new election: Provided that in the case of a candidate whose nomination was valid at the time of the countermanding of the poll, no further nomination shall be necessary, and it shall be sufficient if the candidate intimates in writing to the Returning Officer on or before the last of the dates fixed for receipt of nomination papers that he wishes his candidature to stand.

24. Forfeiture and return of deposits :-

[

(1) Subject to the provisions of sub-rule (2), the deposit made by a candidate under sub-rule (3) of rule 17 shall be forfeited to the Board and credited to the Cantonment Fund if at an election a poll has been taken, the candidate is not elected and the number of valid votes polled by him does not exceed one-sixth of the total number of valid votes polled by all the candidates in the ward, or in the case of election of more than one member at the election, one-sixth of the total number of valid votes so polled divided by the number of members to be elected.

(2) The deposit made by a candidate-

(a) whose nomination is rejected or declared invalid; or

(b) who withdraws his candidature in the manner provided in sub-rule (1) of rule 21 and before the time stipulated therein;

(c) who dies before the commencement of the poll; or

(d) who is elected; shall be returned to the candidate (or in the event of his death, to his legal representative) as soon as may be after the publication of result of the election under rule 39.]

25. Duties of Polling Officer :-

(1) Each polling officer shall keep order at his polling station, shall see that the election is fairly conducted, shall regulate the number of electors to be admitted at one time, and shall exclude all other persons, except his own assistants, the candidates and their election agents, the police on duty and such persons as may be necessary for identification of voters.

[(2) Each polling officer shall be provided with a copy of the electoral roll for the ward of the Cantonment which his polling station serves, containing an additional column for recording the serial number of ballot papers issued. He shall also be provided with sufficient number of ballot boxes, ballot papers, instruments for stamping the distinguishing mark on ballot papers and articles necessary for electors to mark the ballot papers.

(3) Outside each polling station there shall be displayed prominently-

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

(b) a copy of the list of candidates.

(4) At each polling station there shall be set up one or more voting compartments in which electors can record their votes screened

from observation.]

26. Ballot box and its preparation for poll :-

[

(1) Every ballot box used at a polling station shall be so made that papers once inserted cannot be withdrawn without unlocking it.

(2) Immediately before the commencement of the ballot, the polling officer shall show the ballot box empty to such persons, as may be present at the polling station and shall lock it up and place a seal upon the ballot box in such manner as to prevent its being opened without breaking the seal. The polling officer shall also seal the key if any of the ballot box in such a manner as to prevent its being used and keep the key sealed with him.

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

(a) the number of the ward,

(b) the serial number of the polling station, if there be more than one polling station in the ward,

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

(d) the date of poll.

(4) The ballot box closed, sealed, secured and labelled as provided in sub-rules (2) and (3) shall be placed in full view of the polling officer.]

27. Ballot paper :-

[The ballot paper shall be printed in Form VIII in English or in the official language or in the language commonly used in the State or both, and shall indicate the names and symbols of contesting candidates, and be serially numbered, the number being printed on the back of the ballot paper: Provided that a tendered ballot paper shall be printed on a paper of a different colour which shall bear a serial number of its own.

(2) The names of the candidates shall be arranged in the same order in which they appear in the list of candidates, contesting the election published under rule 22C.

(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 candidates belonging to the Scheduled Castes or the Scheduled Tribes shall be distinguished by placing the letter S circumscribed by a circle against their names

28. Voting :-

(1) Voting shall be in person.

(2) Notwithstanding anything contained in sub-rule (1), any elector of a ward who is, by reasons of his being on duty at a polling station or for other reasons of exigencies of public service, unable to be present and to vote at the polling station where he is entitled to vote, may apply to the Returning Officer at least seven days before the date of the first of the dates fixed for the poll at that ward for permission to vote at the election by postal ballot. Every such application shall specify the name of the elector, his address and his serial number in the electoral roll for that ward. if the Returning Officer is satisfied that the claim is just and that the applicant is entitled to vote in the ward, he shall allow the

application and permit the applicant to give his vote at the election by postal ballot and thereupon the applicant may give his vote at such election by postal ballot and thereupon the applicant may give his vote at such election by postal ballot and shall not be entitled to give his vote threat in any other manner.

(3) Each elector shall have one vote only irrespective of the number of candidates : Provided that every elector in a plural member ward or in a plural member ward in which the seats to be filled include one or more seats reserved for the Scheduled Castes or for the Scheduled Tribes, every elector shall have as many votes as there are members including members, if any, for the reserved seals to be elected from the ward, but no elector shall give more than one vote to any one candidate, and if any elector gives more than one vote to any candidate in contravention of the provision aforesaid, 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 the other votes given by him to such candidate shall be rejected as void.

1 [(4)

(a) The Returning Officer shall in the case of every elector who has been permitted under sub-rule (2) to give his vote at the election by postal ballot, send by registered post to each such elector a ballot paper in Form VIII together with-

(i) a blank declaration form in Form VIII-A;

(ii) an envelope with the number of ballot paper entered on its face in Form VIII B;

(iii) a large cover addressed to the Returning Officer in Form VIII-C; and

(iv) a letter in Form VIII-D. The Returning Officer shall have the

number of the ballot paper entered at the bottom of the envelope in Form VIII-B.

(b) The ballot paper together with the declaration, envelope, cover and letter shall be sent to the elector at the address given in the application made by him under sub-rule (2).

(c) An elector who has received a postal ballot paper sent under Cl. (a) ; and desires to vote, shall record his vote on the ballot paper and sign the declaration

(d) The elector shall then place the ballot paper in the envelope in Form VIII-B, close the envelope and enclose it with the declaration (Form VIII-A) in the cover (Form VIII-C) and send the cover to the Returning Officer in accordance with the instructions contained in the letter so as to reach him before 5 p.m. on the date fixed for the poll. Any cover which is not received by the Returning Officer before 5 p.m. on the date fixed for the poll shall be rejected. All such rejected covers shall be kept in a separate sealed packet by the Returning Officer.

(e) The Returning Officer shall keep in safe custody until the commencement of the counting of votes all covers containing postal ballot papers received by him under this sub-rule.

(f) No election shall be invalidated by reason that an elector has not received his ballot paper provided that a ballot paper has been issued to him in accordance with the provisions of this rule.

(5) The Returning Officer shall at the time of forwarding the postal ballot paper also record under his signature the fact of issue of the ballot paper against the entry relating to that elector in the copy of the Electoral Roll relating to that part of the Cantonment which shall be used at the time of poll for voting by electors in person.

(6) After the ballot papers have been issued to all electors entitled

to vote by post, the Returning Officer shall enclose and seal the marked copy of the electoral roll relating to each polling station in special covers and shall hand over personally the covers containing the marked copy of the electoral roll to the Polling Officer concerned on the day of the poll.]

1. Subs. by S.R.O. 51, dated 28th February 1966

29. Identity of electors :-

1

[(1)] Except as hereinafter provided, every person whose name is registered on the electoral roll, and who is present and intending to vote shall be supplied with a ballot paper. The Polling Officer shall of his own accord put to each person applying for a ballot paper such questions as he thinks necessary in order to satisfy himself that he is the person he represents himself to be and is entitled to receive a ballot paper. He shall also to the same end, put any further questions that may be suggested by a candidate or an election agent, who is present, and may call on and question persons who purport to be able to identify such persons.

[(2) Every elector, about whose identity the polling officer, is satisfied, shall allow his left forefinger to be inspected by the polling officer and an indelible mark to be put on it.

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

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

the hands are missing be construed as a reference to such extremity of his left or right arm as he possesses.]

1. Renumbered by S.R.O. 51, dated 28th February, 1966.

30. Procedure for the supply of ballot papers and method of voting :-

[

(1) On satisfying himself that a person is entitled to receive a ballot paper, the polling officer shall-

(a) record the serial number of the ballot paper against the entry relating to the elector in the copy of the electoral roll set apart for the purpose;

(b) stamp the ballot paper with an official mark on the back;

(c) initial the ballot paper on the official mark;

(d) hand over the ballot paper to the voter, instructing him how many votes he has and how he may record his vote.

(2) Save as provided in Cl. (a) of sub-rule (1), no person in the polling station shall note down the serial numbers of the ballot papers issued to particular electors.

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

(a) proceed to one of the voting compartments,

(b) there make a mark on the ballot paper with the instrument supplied for the purpose on or near the symbol of the candidate or on or near the symbols of the candidates, in case of election in a

multiple constituency, for whom he intends to vote,

- (c) fold the ballot paper so as to conceal his vote,
- (d) if required, show to the Polling Officer the distinguishing mark on the ballot paper.
- (e) insert the folded ballot paper into the ballot box, and
- (f) quit the polling station.

(4) Every elector shall vote without undue delay.

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

(6) If owing to blindness or other physical infirmity, an elector is unable to recognise the symbols on the ballot paper or to make a mark thereon, the Polling Officer shall record the vote on the ballot paper in accordance with the wishes of the elector, fold it so as to conceal the vote and insert it into the ballot box.

(7) While acting under sub-rule (6) the Polling Officer shall observe as much secrecy as if feasible and shall keep a brief record of each such instance but shall not indicate therein the manner in which any vote has been given.]

31. Tendered votes :-

If a person representing himself to be a particular elector named on the electoral roll, applies for a ballot paper after another person has voted as such elector, the applicant shall after duly answering such questions as the Polling Officer may put to him, be entitled to mark a ballot paper (in these rules called a tendered ballot paper) in the

same manner as any other voter, but such ballot paper shall be of a colour differing from the other ballot papers and instead of being put into the ballot box, shall be taken by the polling officer, endorsed by him with the name of the voter and his number on the electoral roll and set aside in a separate packet and shall not be counted by the Returning Officer. The name of the voter and his number on the electoral roll and the name or distinctive number of the polling station shall be entered in a list in Form IX called the "Tendered Votes List". The person tendering such ballot paper shall sign his name on the list or affix thumb impression thereto, and give his address.

32. Spoilt ballot papers :-

A voter who has inadvertently spoilt his ballot paper so that it cannot be used by him as such, may on delivering it to the Polling Officer and satisfying him of the inadvertence, obtain another ballot paper in place of the spoilt one, the latter [* * *] being marked as cancelled. Such ballot papers shall be kept in a separate packet.

33. Challenging of identity :-

[

(1) Any candidate or his election agent may challenge the identity of a person claiming to be a particular elector by first depositing a sum of two rupees in cash with the polling officer for each such challenge.

(2) On such deposit being made, the polling officer shall-

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

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

(c) enter his name and address in the last of challenged votes in Form X; and

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

(3) The polling officer shall thereafter hold a summary inquiry into the challenge and may for that purpose-

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

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

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

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

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

34. No challenge for a mistake committed in the bona fide exercise of ones duty :-

No election of a candidate shall be challenged merely on the ground that the polling officer in the bona fide exercise of his duties has wrongly permitted or refused an elector permission to vote, as a result of proceedings under any of the provisions of rule 29, rule 31 and rule 33.

CHAPTER6 Conclusion of Polling, result of election and the custody of election papers

35. Closing of poll :-

[

(1) At the time fixed for the conclusion of polling, the polling officer shall close the polling station, and shall not thereafter admit any elector into the polling station: Provided that all electors present at the polling station before it is closed shall be allowed to cast their votes.

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

36. XXX XXX XXX :-

[. Ballot boxes and other papers to be sealed and forwarded to the Returning Officer.-

(1) As soon as practicable after the closing of the poll, the polling officer shall, in the presence of such of the candidates and their election agents as may be in attendance close the slit of the ballot box and where the box does not contain any mechanical device for closing the slit, he shall seal up the slit with his own seal and also allow any candidates or their election agents as may desire to affix their seals. The polling officer shall also attach the sealed key, if any, to the ballot box. He shall also enclose in separate packets and seal up in the same manner-

(a) the tendered ballot papers,

(b) the unsued ballot papers,

(c) the spoilt ballot papers,

(d) the marked copy of the electoral roll,

(e) the tendered votes list,

(f) the challenged votes list.

(2) The packets shall be clearly marked with the name or number of the polling station and number of the ward and the number of its contents, and, together with the ballot box or boxes, and key or keys thereof shall be forwarded without delay to the Returning Officer. The polling officer shall also forward a list of articles despatched to the Returning Officer and accounting for the ballot papers and tendered ballot papers received by him and their issue.]

37. Counting of votes :-

(1) The Returning Officer shall, the same evening, or the next morning, as may be convenient, at a time announced by him, undertake the counting of votes and may appoint to assist him such persons as may be necessary.

(2) No person shall be appointed to assist in the counting, who has been employed by or on behalf of any candidate for any purpose whatsoever connected with the election.

(3) The only persons allowed to be present, apart from those counting, shall be the candidates and their election agents.

38. Opening of ballot boxes, scrutiny of ballot papers and counting of votes :-

[

(1) The ballot box or ballot boxes, if more than one ballot box is

used, for each polling station shall be opened separately, and the Returning Officer shall take out the papers therefrom, distributing them for counting as he thinks fit, care being taken that where there is more than one polling station for a ward, the ballot boxes relating thereto shall be opened at the same time or immediately following one after another, keeping the papers taken out from each such box in a separate heap.

(2) The Returning Officer shall scrutinise every ballot paper kept in different heaps under sub-rule (1).

(3) The Returning Officer shall reject a ballot paper-

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

(b) if no vote is recorded thereon; or

(c) if votes are given on it in favour of more candidates than there are members to be elected; or

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

(e) if it is a spurious ballot paper; or

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

(g) if it bears a serial number, or is of a design different from the serial

(h) if it does not bear the official mark which it should have borne

under the provision of clause (b) of sub-rule (1) of rule 30: Provided that where the Returning Officer is satisfied that any such defect as is mentioned in Cl. (g) or Cl. (h) has been caused by any mistake or failure on the part of a polling officer, the ballot paper shall not be rejected, merely on the ground of such defect: Provided further that the ballot paper shall not be rejected merely on the ground that the mark indicating the vote is indistinct or made more than once, if the intention that the vote shall be for a particular candidate clearly appears from the way the paper is marked.

(4) Before rejecting any ballot paper under sub-rule (3), the Returning Officer shall allow each candidate or his election agent present, a reasonable opportunity to inspect the ballot paper but shall not allow him to handle it or any other ballot paper.

(5) The Returning Officer shall record on every ballot paper which he rejects, the letter R and the grounds of rejection, in abbreviated form either in his own hand or by means of a rubber stamp.

(6) All ballot papers rejected under this rule shall be bundled together.

(7) The Returning Officer shall then count or cause to be counted the valid votes given to each candidate on the ballot papers provided that no cover containing tendered ballot papers shall be opened and no such paper shall be counted.

(8) After counting of all ballot papers contained in all ballot boxes used at a polling station has been completed, the Returning Officer shall make the entries in a result sheet in Form X-A and announce the particulars.

(9) The valid ballot papers shall then be bundled together and kept along with the bundle of the rejected ballot papers 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 the polling station where the ballot papers have been used,
- (c) the date of counting.

38A. Scrutiny of postal ballot papers and counting of votes
:-

- (1) After scrutiny and counting of the ballot papers found in ballot boxes has been completed, the Returning Officer shall deal with the postal ballot papers in the manner hereinafter provided.
- (2) No cover in Form VIII-C received by the Returning Officer after the expiry of the time fixed in this behalf under Cl. (d) of sub-rule (4) of rule 28 shall be opened and no vote contained in any such cover shall be counted.
- (3) The other covers shall be opened one after the other and as such each cover is opened the Returning Officer shall scrutinise the declaration in Form VIII-A.
- (4) If the said declaration is not found or has not been duly signed and attested or is otherwise substantially defective or if the serial number as entered in it differs from the serial number endorsed on the envelope containing the postal ballot paper that envelope shall not be opened and after making an appropriate endorsement thereon, the Returning Officer shall reject the ballot paper therein contained.
- (5) Each envelope so endorsed and the declaration received with it shall be

(6) The Returning Officer shall then place all the declaration forms in Form VIII-A which he has found to be in order in a separate packed which shall be sealed before any envelope containing the postal ballot paper is opened and on which shall be recorded the particulars referred to in sub-rule (5).

(7) The envelopes (Form VIII-B) containing the postal ballot papers not already dealt with under the foregoing provisions of this rule shall then be opened one after the other and the Returning Officer shall scrutinise each ballot paper and decide the validity of the vote recorded thereon.

(8) A postal ballot paper shall be rejected:

(a) if no vote is recorded thereon; or

(b) if votes are given in favour of more candidates than there are members to be elected; or

(c) if it is a spurious ballot paper; or

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

(e) if it is not returned in the envelope sent along with it to the elector by the Returning Officer.

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

(10) A vote recorded on a postal ballot paper shall not be rejected

merely on the ground that the mark indicated on the vote is indistinct or made more than once, if the intention that the vote shall be for a particular candidate clearly appears from the way the paper is marked.

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

(12) The Returning Officer shall then count or cause to be counted the valid votes given to each candidate on the postal ballot papers and record the total thereon in the result sheet in Form X-A and announce the same.

(13) Thereafter all the valid ballot papers and all the rejected ballot papers shall be separately bundled and kept together in a packet which shall be sealed and on which shall be recorded the name of the ward, the date of counting and a brief description of its contents.]

39. Results of polling :-

[

(1) After the counting has been completed and results recorded in Form X-A, the Returning Officer shall prepare a return in Form XI of the results of polling. He shall also, subject to the provisions of rule 22A, declare to be elected the candidate or candidates to whom most valid votes have been given: Provided that if there is an equality of votes between any two or more candidates, the Returning Officer shall after such notice as may be necessary to the candidates concerned decide by drawing lots which candidate or candidates he shall declare to have been elected.

(2) The Returning Officer shall also simultaneously publish the return showing the results of election in Form XI in the same manner as the notice in rule 8 and also cause the same to be published in a local newspaper.]

40. Transmission of documents, etc., to the Executive Officer for safe custody :-

[The Returning Officer shall, immediately after the declaration of the results of poll, forward to the Executive Officer-

- (i) the sealed packets referred to in sub-rule (1) of rule 36,
- (ii) the empty ballot boxes and their keys, if any,
- (iii) the lists of articles referred to in sub-rule (2) of rule 36 received by him from the polling officers,
- (iv) account of ballot papers and tendered ballot papers referred to in sub- rule (2) of rule 36,
- (v) the sealed packets referred to in sub-rule (9) of rule 38,
- (vi) all unopened covers in Form VIII-C referred to in sub-rule (2) of rule 38A enclosed within a sealed packet, the contents thereof being marked outside,
- (vii) the sealed packets referred to in sub-rules (5), (6) and (13) of rule 38A.]

41. Custody and preservation of ballot boxes and papers :-

- (1) The Executive Officer shall preserve for a period of one year all articles sent to him [under rule 40] after which, unless the President sees good reason to the contrary, he shall, except for the ballot boxes, destroy them.

(2) While in the custody of the Executive Officer the ballot papers (whether valid, rejected or tendered) ¹ [* * *]. shall not be opened, inspected or produced anywhere except under orders in writing of a competent court or of the officer enquiring into an election petition.

(3) All other documents in such custody shall be open for public inspection under the same conditions as other Cantonment documents which may be inspected by the public.

1. The words "and the counterfoils" omitted by ibid.

CHAPTER 7 Election petitions and disputes

42. Election petition :-

No election shall be called in question except by an election petition presented in accordance with these rules.

43. Officer to whom the petition should be presented :-

A petition calling in question the validity of an election or the return of a particular candidate may be presented in writing to the District Judge of the district within which the election has been held (or where there is no District Judge, to such Judicial Officer as the State Government may appoint in their behalf), within seven days after the date on which the result of the election was declared either by a person who was a candidate at the election or by not less than five persons entitled to vote at the said election: Provided that no such petition shall be presented on the ground either that the name of any person qualified to vote has been omitted from the electoral roll or that the name of any person not so qualified has been inserted in the roll.

44. Deposit of security :-

Every petition shall be accompanied by a deposit of one hundred and fifty rupees in cash or in Government promissory notes of equal value at the market rate of the day as security for the costs likely to be incurred : Provided that where such petition relates to the election of a candidate belonging to the scheduled castes or the

scheduled tribes, the amount of such deposit shall be seventy-five rupees only. At the conclusion of the inquiry, the deposit or, if the petitioner has been directed under rule 46 to pay costs, the balance, if any of the deposit after deduction of those costs, shall be refunded to the petitioner.

45. Enquiry into election :-

Where a petition has been presented under rule 43 and the security deposited as required by rule 44, the District Judge (or the officer appointed in accordance with rule 43), or any Judicial Officer subordinate to him and not below such rank as the State Government may by notification prescribe in this behalf to whom the District Judge may transfer the petition, shall after notice to all candidates for the ward concerned at the election (other than such of them as may be petitioners) hold such inquiry as he deems necessary.

46. Powers of inquiring officer :-

For the purpose of an inquiry under Rule 45 the Inquiring Officer may summon and enforce the attendance of witnesses and compel them to give evidence as if he were a Civil Court, and may also direct by whom the whole or any part of the costs of the inquiry shall be paid; and such costs shall except to extent as they may be directed to be recovered from the deposit made under rule 44, be recoverable as if they had been awarded in a suit under the Code of Civil Procedure, 1908.

47. Grounds for declaring election void :-

If in the opinion of the inquiring officer-

(a) the election has not been a free election by reason of the general employment of bribery or undue influence within the meaning of Sec. 171-B or Section 171C of the Indian Penal Code, 1860 , or the result of the election has been materially affected by-

(i) the commission of a corrupt practice, or

(ii) the improper acceptance or refusal of a nomination paper, or

- (iii) the improper reception or refusal of a vote, or
 - (iv) the failure to comply with any provision of the Act or of these Rules,- he shall set aside the election;
- (b) the election of a candidate has been procured, induced or aided by a corrupt practice committed by such candidate, but the election has not been otherwise materially affected, he shall declare the election of such candidate to be void and shall pass an order amending the declared result of the election accordingly.

48. Decision of the inquiring officer to be final :-

The decision or order of the inquiring officer under rule 47 shall be final.

49. Penalty for commission of corrupt practice :-

If after an inquiry under rule 45 the inquiring officer is satisfied that a corrupt practice has been committed in connection with the election by any person, he may, if he thinks fit, declare such person to be disqualified from being a candidate in any election to any Cantonment Board for a period not exceeding five years; and such declaration shall be final: Provided that the Central Government may if it thinks fit at any time relieve such person from such disqualification.

50. 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

(a) a person to stand or not to stand as, or to withdraw from being, a candidate, or to retire from contest, at an election;

(b) an elector to vote or refrain 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.

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

(a) without prejudice to the generality of the provisions 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 ex-communication or expulsion from any caste or community; or

(ii) induces or attempts to induce a candidate or an elector to believe that he, or any persons 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 public action, or the mere exercise of a legal right without intent to interfere with an electoral right, shall not be deemed to be interference 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 candidates 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 in relation to the candidature, or withdrawal, or retirement from contest, of any candidate, being a statement reasonably calculated to prejudice the prospects of that candidates 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 members of his family or his agent) to or from any polling station provided under role 15: 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 an 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 this clause, the expression "vehicle" means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise and whether used for drawing other vehicles or otherwise.

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

Explanation.- (1) In this section the expression "agent" includes an election 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 Cl. (6), a person shall be deemed to assist in the furtherance of the prospects of a candidates election if he acts as an election agent [* * *] of that candidate. 2. This notification shall not affect the electoral rolls already prepared and finally published for the year 1957-58 in accordance with these Rules.]

CHAPTER 8 Miscellaneous provisions

51. Effect of notification of public holidays :-

[Notwithstanding anything contained in these rules, if any day, on which any act or proceeding is prescribed or intended, to be done or taken, is notified to be a public holiday for the purposes of Section 25 of the Negotiable Instruments Act, 1881 , or is notified by the State Government to be a holiday for the Government offices in the State, then, that act or proceeding shall be done or taken on the next succeeding day which is not a public holiday.]

52. XXX XXX XXX :-

[. * * *]