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## NOTIFICATION

**No. B.13017/9/2008-UD&PA, the 31<sup>th</sup> January, 2008.** The following Rules "The Mizoram Municipalities (Election of Councillors) Rules, 2007" is hereby published for general information.

Sd/-

Lalsawmi,

Deputy Secretary to the Govt. of Mizoram,  
Urban Development & Poverty Alleviation Department.



O.I.G.S. Only

## NOTIFICATION

In exercise of the powers conferred by section 27 and section 369 of the Mizoram Municipalities Act, 2007 the Government of Mizoram hereby makes the following rules to regulate registration of electors in the electoral rolls for Municipalities in Mizoram, and preparation for and conduct of election of Councillors in the Municipalities, viz.

### **THE MIZORAM MUNICIPALITIES (ELECTION OF COUNCILLORS) RULES, 2007**

#### **CHAPTER I**

##### **Preliminary**

**1. Short title, extent and commencement:** (1) These Rules shall be called the Mizoram Municipalities (Election of Councillors) Rules, 2007.

(2) They shall extend to all the Municipal areas in Mizoram.

(3) They shall come into force on and from the date of their publication in the official Gazette.

**2. Definitions:** (1) In these rules, except where the context otherwise requires –

(a) “Act” means the Mizoram Municipalities Act, 2007;

(b) “ballot box” means any box, bag or other receptacle used for the insertion of ballot papers by voters;

(c) “contesting candidate” means a candidate whose nomination has been accepted under rule 35 and who has not withdrawn his candidature;

(d) “Commission” means the Mizoram State Election Commission constituted under Article 243K of the Constitution of India read with section 345 of the Act;

(e) “Commissioner” means the Mizoram State Election Commissioner appointed by the Government under section 345 of the Act;

(f) “counterfoil” means the counterfoil attached to a ballot paper made under the provisions of these rules;

(g) “elector” means a person whose name is for the time being entered in the electoral roll;

(h) “election” means the election to fill a seat or seats in a Municipality;

(i) “election commission” means the Election Commission of India;

(j) “form” means a form appended to these Rules;

- (k) “marked copy of electoral roll” means the copy of the electoral roll set apart for the purpose of marking the names of electors to whom ballot papers has been issued, or who is allowed to vote by voting machine;
- (l) “Polling Station” means the place fixed under rule 43 for taking the poll in the election;
- (m) “Registration Officer” means the Municipal Electoral Registration Officer and includes Assistant Municipal Electoral Registration Officer;
- (n) “Returning Officer” means the Municipal Returning Officer and includes Assistant Municipal Returning Officer performing any functions of the returning officer;
- (o) “roll” means electoral roll;
- (p) “State Election Commission” means the State Election Commission appointed by the State Government under section 245 of the Act consisting of a State Election Commissioner appointed by the Governor under clause (1) of Article 243K of the Constitution of India;
- (q) “voter” means an elector who actually cast his vote;

(2) Other words and expressions used in these Rules which are not defined otherwise shall have the same meanings as have been respectively assigned to them by the Act.

## CHAPTER II

### Officers to prepare electoral rolls and to conduct elections

**3.Municipal Electoral Registration Officer:** (1) It shall be the general duty of the Municipal Electoral Registration Officer referred to in section 347 (hereinafter referred to as the Registration Officer) to do all necessary works in connection with preparation and revision of rolls under the superintendence, direction and control of the Commission in respect of one or more Municipalities as the Commission may vest on him.

(2) The Assistant Municipal Electoral Registration Officer referred to in section 347 (hereinafter referred to as the Assistant Registration Officer) shall, subject to the control of the Registration Officer, be competent to perform all or any of the functions of the Registration Officer.

(3) Reference in these rules to the Registration Officer shall, unless the context otherwise requires, be deemed to include an Assistant Registration Officer performing any function of the Registration Officer.

**4. District Municipal Election Officer:** (1) The duties of the District Municipal Election Officer referred in sub-section (1) of section 348 (hereinafter referred to as the Election Officer) shall be to do any act or perform any functions in connection with the preparation for, and the conduct of, election to Municipalities under the Act and under these rules, and also to perform such other functions as the State Government or the Commission may entrust to him.

(2) The Election Officer shall perform his functions under the superintendence, direction and control of the Commission.

**5. Municipal Returning Officer:** (1) It shall be the duty of the Municipal Returning Officer referred to in sub-section (1) of section 348 (hereinafter referred to as the Returning Officer) to perform duties and functions as are specifically assigned to him under these rules and also to do all such acts and things as may be necessary for effectually conducting the election in the manners provided by these rules or the orders made thereunder.

(2) The Returning Officer shall perform his functions under the superintendence, direction and control of the Commission.

**6. Assistant Municipal Returning Officer:** The Assistant Municipal Returning Officer (hereinafter referred to as the Assistant Returning Officer), if appointed under sub-section (2) section 348, shall, subject to the control of the Returning Officer, be competent to perform all or any of the functions of the Returning Officer under these rules.

**7. Returning Officer to include Assistant Returning Officer performing the functions of the Returning Officer:** (1) Reference in these rules to the Returning Officer shall, unless the context otherwise requires, be deemed to include an Assistant Returning Officer performing any function which he is authorized to perform under rule 6.

**8. Presiding Officer:** (1) The Presiding Officer referred to in sub-section (3) of section 348 shall at any election –

- (a) keep the order at the polling station;
- (b) ensure that the poll is taken fairly and strictly in accordance with the provisions of these rules; and
- (c) regulate the number of voters to be admitted at any one time inside the polling station and exclude therefrom all other persons except –
  - (i) the Polling Officer and other staff engaged on polling duty;
  - (ii) the candidates and the polling agents;
  - (iii) Police Officers and Public servants on duty;
  - (iv) a child in arm accompanying a voter; and
  - (v) a companion of blind or infirm elector.

(2) If the Presiding Officer, owing to illness or other unavoidable cause, is unable to perform his functions, the Polling Officer whose name stands at serial number one of the list of Polling Officers for the Polling Station, shall perform the functions of Presiding Officer.

(3) Reference in this rule to the Presiding Officer shall, unless the context otherwise requires, be deemed to include the Polling Officer who performs the functions of the Presiding Officer under sub-rule (2).

**9. Duties of Polling Officers and other Staff:** (1) It shall be the duty of the Polling Officers referred to in sub-section (3) of section 348 at a polling station to assist the Presiding Officer in conducting the poll strictly and fairly in accordance with the provisions of these rules in general, and in particular to perform duties assigned to them by rule 60 and rule 61 of these rules.

(2) For the purpose of sub-rule (1) the Polling Officers shall be provided with

- (a) a sufficient number of ballot papers;
- (b) the electoral of the relevant part of the ward;
- (c) indelible ink;
- (d) a stamp pad;
- (e) a pen; and
- (f) other articles or Forms which may be required.

(3) The other staff appointed or detailed, if any, in a polling station shall perform such function and duties as may be assigned to them by the Presiding Officer.

### CHAPTER III

#### Electoral roll

**10. Powers of the State Election Commission:** The superintendence, direction and control of the preparation of electoral rolls for, and conduct of, all elections to the Municipalities shall vest in the State Election Commission, which is hereinafter referred to as the Commission.

**11. Electoral roll for the first election to a new Municipality:** (1) In accordance with the provisions of sub-section (2) of section 346 of the Act, for the purpose of the first election to a new Municipality, the electoral roll for the time being in force for the election to Members of the Legislative Assembly of Mizoram, so far as they relate to the area comprised in such a Municipality, may be adopted as the electoral roll of such Municipal area for such election.

(2) The State Election Commissioner (hereinafter referred to as the Commissioner) may, with the permission of the State Government, by order specify the extent to which and the manner in which such electoral rolls for the election to the Members of Legislative Assembly of Mizoram shall be adopted as the electoral roll for the election of Councillors to the new Municipality.

(3) For the purpose of the foregoing sub-rules, the Commissioner may place a demand for supply of sufficient copies of such electoral rolls for the election to the Members of the Legislative Assembly of Mizoram to the Office of the Deputy Commissioner in whose jurisdiction the Municipality is situated, and it shall be the duty of the Deputy Commissioner concerned to supply to the Commissioner sufficient copies of the said electoral rolls, either on payment or without payment in accordance with such rules or orders governing supply of electoral rolls.

**12. Electoral Rolls for Municipal election other than the first election:** The electoral rolls of a Municipality for the purpose of election other than the first election shall be prepared in accordance with the provisions of sections 28,29,30,31 and 32 of the Act and of these rules, and shall be revised and corrected in the manners hereinafter provided in this chapter.

**13. Preparation of roll:** (1) The roll of every ward shall be prepared by reference to the qualifying date as provided by section 29.

(2) The roll shall be divided into convenient parts which shall be numbered consecutively.

**14. Order of names:** The name of elector in each roll shall be arranged so far as practicable according to house-number. If a dwelling house consists of two or more compartments which are occupied by different families or persons, the house number shall be arranged by adding to the number A, B, C etc. as the case may be.

**15. No person to be registered more than once:** No person shall be entitled to be registered in the roll for more than one ward, and no person shall be entitled to be registered in the roll of any ward for more than once.

**16. Information to be supplied by occupants:** The Registration Officer may, for the purpose of preparing electoral roll, send letter of request in Form 1 to all occupants of any dwelling house in a ward; and every person receiving any such letter shall furnish the information called for therein to the best of his ability.

**17. Access to certain registers:** For the purpose of preparing electoral roll or deciding any claim or objection to electoral roll, the Registration Officer and any person employed by him for the purpose shall have access to any register of births and deaths and to the admission register of any educational institution, and it shall be the duty of every person in charge of any such register to give to the said officer or person such information and such extracts from the said register as he may require.

**18.Publication of electoral roll in draft:** As soon as the electoral roll for a Municipal Ward is ready, the Registration Officer shall publish it in draft, by making a copy thereof available for inspection and displaying a notice in Form 2 --

- (a) at his office, and
- (b) at such place in the ward as may be specified by him for the purpose.

**19.Further publication to the draft roll and notice:** The Registration Officer shall also-

- (a) make a copy of each draft roll with a copy of the notice in Form 2 available for inspection at a specified place accessible to the public and in or near the ward to which the draft roll relates;
- (b) give such further publicity to the notice in Form 2 as he may consider necessary; and
- (c) supply free of cost one copy of each draft roll to every political party registered by the Election Commission.

**20.Period for lodging claims and objections:** Every claim for the inclusion of a name in the roll and every objection to an entry therein shall be lodged within a period of thirty days from the date of publication of the roll in draft under rule 18:

Provided that the Commission may by a notification extend the period for another period not exceeding 15 days in respect of a Municipal area as a whole or in respect of any ward or a part thereof.

**21.Forms for claims and objections:** (1) Every claim shall be in Form 3 and signed by the person desiring his name to be included in the roll.

(2) Every objection to the inclusion of a name in the roll shall be in Form 4 and preferred only by a person whose name is already included in the roll in which the person objected to appears.

(3) Every objection to a particular or particulars in an entry in the roll shall be in Form 5 and preferred only by the person to whom that entry relates.

**22. Manner of lodging claims and objections:** Every claim and objection shall -

- (a) either be presented to the Registration Officer or to any person employed by him in this behalf who shall forward it with such remarks as he considers proper to the Registration Officer; or
- (b) be sent by post to the Registration Officer.

**23.Disposal of claim and objection:** The Registration Officer shall, after such inquiry as he thinks fit, take each case of claim or objection into consideration on merit and decide by accepting or rejecting each case in a reasoned order to the best of his own judgement, and within thirty days from the last date of the period for lodging such claim and objection under rule 20.

**24. Inclusion of names inadvertently omitted:** (1) If it appears to the Registration Officer that owing to inadvertence or error during preparation, the names of any electors have been left out of the roll and that remedial action should be taken under this rule, the Registration Officer shall –

- (a) prepare a list of the names and other details of such electors;
- (b) exhibit on the notice board of his office a copy of the list together with a notice as to the time and place at which the inclusion of these names in the roll will be considered, and also publish the list and the notice in such other manner as he may think fit, and
- (c) after considering any verbal or written objections that may be preferred, decide whether all or any of the names should be included in the roll.

**25. Deletion of names:** If it appears to the Registration Officer at any time before the final publication of the roll that owing to inadvertence or error or otherwise, the name of dead persons or of persons who have ceased to be, or are not, ordinarily residents in the ward or of persons who are otherwise not entitled to be registered in that roll, have been included in the roll and that remedial action should be taken under this rule, the Registration Officer shall –

- (a) prepare the list of the names and other details of such electors;
- (b) exhibit on the notice board of his office a copy of the list together with a notice as to the time and place at which the question of deletion of these names from the roll will be considered, and also publish the list and the notice in such other manner as he may think fit; and
- (c) after considering any verbal or written objections that may be preferred, decide whether all or any of the names should be deleted from the roll:

Provided that before taking any action under this rule in respect of any person on the ground that he has ceased to be, or is not, ordinarily resident in the ward, or is otherwise not entitled to be registered in that roll, the Registration Officer shall make every endeavour to give him a reasonable opportunity to show the cause why the action proposed should not be taken in relation to him.

**26. Final publication of roll:** (1) The Registration Officer shall thereafter –

- (a) prepare a list of amendments to carry out his decisions under rules 23, 24 and 25 and to correct any clerical printing errors or other inaccuracies subsequently discovered in the roll;
- (b) publish the roll, together with the list amendments, by making a complete copy thereof available for inspection and displaying a notice in Form 6 at his Office; and
- (c) supply free of cost one copy of each roll as finally published to every political party registered by the Election Commission.

(2) On such publication, the roll together with the list of amendments shall be the electoral roll of the ward.



**27. Appeals from decisions over claims and objections:** (1) An appeal shall lie from any decisions of the Registration Officer under rules 23, 24 and 25 read with section 31 of the Act to such officer of the State Government as the Commission may designate in this behalf (hereinafter referred to as the appellate officer):

Provided that an appeal shall not lie where the person desiring to appeal has not availed himself of his right to be heard by or to make representations to, the Registration Officer on the matter which is the subject of appeal.

(2) Every appeal under sub-rule (1) shall be –

(a) in the form of a memorandum signed by the appellant, and

(b) presented to the appellate officer within a period of fifteen days from the date of final publication of the electoral roll.

(3) The presentation of appeal under this rule shall not have the effect of staying or postponing any action to be taken by the registration officer under rule 24.

(4) Every decision of the appellate officer shall be final, but in so far as it reverses or modifies a decision of the Registration Officer, shall take effect only from the date of decision in appeal.

(5) The Registration Officer shall cause such amendments to be made in the roll as may be necessary to give effect to the decisions of the appellate officer under this rule.

**28. Special provision for preparation of rolls on redelimitation of wards :**

(1) If any ward is delimited anew in accordance with law and it is necessary urgently to prepare the roll for such ward, the Commission may direct that it shall be prepared –

(a) by putting together the rolls of such of the existing wards or parts thereof as are comprised within the new ward; and

(b) making appropriate alterations in the arrangement, serial numberings and headings of the rolls so compiled.

(2) The roll so prepared shall be published in the manner specified in rule 26 and shall, on such publication, be the electoral roll for the new ward.

**29. Revision of rolls:** (1) The roll for each ward shall be revised by reference to the qualifying date –

(a) before each general election to the municipality; and

(b) before each bye-election to fill a casual vacancy in a seat of Councillor.

(2) The revision of roll under sub-rule (1) may be done either intensively or summarily or partly intensively and partly summarily, as the Commission may direct.

(3) When the roll or any part thereof is to be revised intensively in any year, it shall be prepared afresh and rules 11 to 27 shall apply in relation to such revision as they apply in relation to the first preparation of a roll.

(4) When the roll or any part thereof is to be revised summarily in any year, the Registration Officer shall cause to be prepared a list of amendments to the relevant parts of the roll on the basis of such information as may be readily available and publish the roll together with the list of amendments in draft, and the provisions of rules 16 to 27 shall apply in relation to such revision as they apply in relation to the first preparation of roll.

## **CHAPTER IV**

### **General provisions on election**

**30. Notification for general election to Municipality:** (1) The Notification for general election to Municipality under section 26 read with section 350 shall be issued by the State Government by appointing the date or dates on which a poll shall be taken and calling upon all Municipal Wards to elect Councillors of the Municipality on the appointed date or dates:

Provided that where a general election is held otherwise than on the dissolution of the existing Municipality, no such notification shall be issued at any time earlier than six months prior to the date on which the duration of such Municipality would expire:

Provided further that when a Municipality has been dissolved, elections to constitute the Municipality shall be completed before the expiry of six months from the date of its dissolution:

Provided also that where the period for which such dissolved Municipality would have continued is less than six months, it shall not be necessary to hold any elections to constitute such Municipality for such period.

**31. Appointment of date for nominations etc.:** As soon as the notification calling upon a Municipality to elect Councillors is issued, the Commission shall, by notification, appoint –

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

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

**32.Public notice of intended election:** On the issue of a notification under rule 31, the Returning Officer shall in Form 7 issue a public notice of the intended election inviting nomination of candidates for such election and specifying –

- (a) the place at which and the hours during which nomination papers are to be delivered; and
- (b) the place and the hours for the scrutiny of nominations.

**33.Nomination of candidates for election and Presentation of nomination paper etc.:** (1) Any person may be nominated as a candidate for election as a Councillor of a Municipality if he is qualified to be elected as such under the provisions of section 34 and is not disqualified under the provisions of section 35.

(2) On or before the last date for filing nomination under clause (a) of rule 31, each candidate shall, either in person or by his proposer, between the hours of eleven o'clock in the forenoon and three o'clock in the afternoon, deliver to the Returning Officer at the place specified by him in this behalf in the notice issued under rule 32, a nomination paper completed in Form 8 and signed by the candidate and by an elector of the Ward as proposer:

Provided that a candidate not set up by a recognized or a registered but unrecognized political party, shall not be deemed to be nominated for election unless the nomination paper is subscribed by five proposers being electors of the Ward:

Provided further that no nomination paper shall be delivered to the Returning Officer on a day which is a public holiday.

(3) On the presentation of a nomination paper, the Returning Officer shall satisfy himself that the names and the electoral roll numbers of the candidate and his proposer or the proposers, as the case may be, as entered in the nomination papers are the same as those entered in the electoral roll:

Provided that inaccurate description or printing error in the electoral roll in regard to the name of the candidate or any of his proposers shall be overlooked.

(4) Nothing in these rules shall prevent any candidate from being nominated for more than one Ward of the same Municipality.

**34. Security deposit, refund or forfeiture :** (1) A candidate shall deposit a security deposit of rupees five hundred along with his nomination paper which shall be refunded to him at once in the case of his withdrawing the candidature, or as early as possible after the conclusion of the election unless he forfeits the deposit.

(2) The Returning Officer shall issue to the candidate a receipt in Form 9 which shall be taken back from him in the case of refundment of the deposit.

(3) The security deposit of a candidate shall be forfeited to the State Government if the candidate is not elected and the number of valid votes polled by him is less than one-sixth of the total number of valid votes polled by all candidates.

**35. Scrutiny of nominations:** (1) On the date appointed for the scrutiny of nominations under rule 31, the candidates, their election agents, one proposer of each candidate and one person duly authorized in writing by each candidate, but no other person, may attend at such place and time as the Returning Officer appoint for such scrutiny. The Returning Officer shall give them all reasonable facilities for examining the nomination papers of all candidates which have been delivered in time.

(2) The Returning Officer shall then examine the nomination papers and shall decide all objections which may be made to any nomination and may, either on such objection 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 is either not qualified or disqualified for being elected as a Councillor of Municipality under the provisions of the Act or of these rules; or
- (b) that there has been a failure to comply with the provisions of rule 33 or rule 34; or
- (c) that the signature of the candidate on the nomination paper is not genuine.

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

**36. Withdrawal of candidature:** (1) Any candidate may withdraw his candidature by a written notice in Form 10 and subscribed by him and delivered before three o'clock in the afternoon on the last date fixed under rule 30 for such withdrawal, to the Returning Officer either by such candidate or his proposer or any person authorized in writing by the candidate in that behalf. The Returning Officer shall normally accept such withdrawal and refund the security deposit to the withdrawing candidate.

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

**37. Election without contest: If –**

- (a) during the time opened for presentation of nomination paper under rule 33 the nomination of only one candidate has been delivered to the Returning Officer; or
- (b) at the scrutiny of nominations under rule 35 the nomination of only one candidate has been accepted and all other nominations have been rejected; or
- (c) during the time opened for withdrawal of candidatures under rule 36 all candidates except one have withdrawn their candidatures thereby leaving just one candidate for a Ward, the Returning Officer shall forthwith declare the said candidate duly elected without contest.

**38. Allotment of symbols to contesting candidates:** In every contested election under these rules, a symbol shall be allotted to a contesting candidate, and different symbols shall be allotted to different contesting candidates at an election in the same Ward.

**39. Reserved or free symbols for candidates:** (1) If, immediately after the expiry of the period within which candidatures may be withdrawn under sub-rule (1) of rule 36, there are two or more contesting candidates for one Ward, the Returning Officer shall forthwith consider the allotment of symbols to those contesting candidates who have not withdrawn their candidatures.

(2) For the purpose of these rules, symbols are either “reserved” or “free” as shown in Table I and Table II respectively in the Schedule appended to these rules. A reserved symbol is a symbol which is reserved for recognized political party for exclusive allotment to a contesting candidate or candidates set up by that party. A free symbol is a symbol other than a reserved symbol.

(3) For the purposes of these rules, a recognized political party means a political party as may be recognized by the Election Commission as a National party or a State Party of this State as on the date of notification under rule 30.

(4) Subject to the provisions of rule 40, a candidate set up by a recognized political party shall choose, and be allotted, the symbol reserved for that party and no other symbol.

(5) Subject to the provisions of Rule 41, a candidate set up by a registered but unrecognized political party shall be given a preference of choosing any symbol out of the symbols specified as “Free symbols”

(6) Any candidate other than a candidate of a recognized or a registered but unrecognized political party shall choose and be allotted one of the symbols specified as "free symbols". If the choices come into conflict, the Returning Officer shall allot symbols in conformity, as far as possible, with the wishes of the candidate and, if necessary, by lot and his decision shall be final.

(7) Each candidate or his election agent shall forthwith be informed of the symbol allotted to the candidate and shall be given a specimen thereof.

**40.Candidate set up by a recognized Political Party:** A candidate shall be deemed to be set up by a recognized political party if –

- (a) the candidate has made a declaration to that effect in his nomination paper;
- (b) a notice in writing to that effect has, not later than 3 p.m on the last date of withdrawal of candidatures, been delivered to the Returning Officer; and
- (c) the said notice is signed by the President, the General Secretary or the Secretary of the State Unit of the recognized political party and the name and specimen signature of such President, General Secretary or Secretary are sent to the Returning Officer and also to the Commission well in advance before the expiry of the last date and hour appointed for making nomination under sub-rule (1) of rule 33.

**41.Candidate set up by a registered but unrecognized Political Party:** A candidate shall be deemed to be set up by a registered but unrecognized political party if –

- (i) the candidate has made a declaration to that effect in his nomination paper,
- (ii) a notice in writing to that effect has, not later than 3 p.m on the last date of withdrawal of candidatures, been delivered to the Returning Officer,
- (iii) the said notice is signed by the President, the General Secretary or the Secretary of the registered but unrecognized political party, and
- (iv) a copy of the letter registering the said political party by the Election Commission is enclosed.

**42.Publication of list of contesting candidates:** (1) Immediately after the allotment of symbols under rule 38, the Returning Officer, shall prepare and publish a list of contesting candidates in Form 11 categorizing them as –

- (i) candidates of recognized political parties;
- (ii) candidates of registered but unrecognized political parties; and
- (iii) other candidates.

(2) The candidates mentioned in sub-rule (1) shall be arranged in the order specified therein and the names of candidates in each category shall be arranged in alphabetical order showing the addresses of the contesting candidates as given in the nomination papers.

## CHAPTER V

### Conduct of election

**43.Provisions of polling stations for wards:** The Returning Officer shall, subject to such directions as may be issued by the Commission in this behalf, provide a sufficient number of polling stations for every Ward and shall publish, in such manner as the Commission may direct, a list showing the polling stations so provided and the polling areas or groups of voters for which they have respectively been provided.

**44.Arrangements at polling stations:** (1) Outside each polling station there shall be displayed prominently –

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

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

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

**45.Election Agents:** (1) A candidate at an election may appoint any person other than himself to be his election agent in Form 12 and forward the same in duplicate to the Returning Officer who shall return one copy thereof to the election agent after affixing thereon his seal and signature in token of approval of the appointment.

**46.Function of Election Agent:** An election agent may perform such functions in connection with the election as are authorized by or under these rules to be performed by an election agent.

**47.Appointment of polling agents and revocation of such appointments:**

(1) A contesting candidate or his election agent may appoint not more than two polling agents for each polling station in Form 13 which shall be produced to the Presiding Officer at the Polling Station for his acceptance.

(2) The polling agent receiving acceptance by the Presiding Officer may be present at the polling station provided that only one polling agent of a candidate may be present there at a time.

(3) A contesting candidate or his election agent may revoke the appointment of any polling agent in Form 13A and may, at any time before the poll is closed, make a fresh appointment which shall be produced to the Presiding Officer in the manner provided at sub-rule (1).

**48.Non-attendance of polling agent:** Where any act or thing is required or authorized by these rules to be done in presence of the polling agents, the non-attendance of any such agent or agents at the time and place appointed for the purpose shall not, if the act or thing is otherwise duly done, invalidate the act or thing done.

**49.Death of candidate before poll:** If any contesting candidate dies and a report of his death is brought to the notice of 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 and report the fact to the Commission and also to the appropriate authority, and all 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 the case of a person who was a contesting candidate at the time of the countermanding of the poll:

Provided further that no person who has given a notice of withdrawal of his candidature under rule 36 before the countermanding of the poll shall be ineligible for being nominated as a candidate for the election after such countermanding.

**50.Hours of poll:** Except when and where the Commission otherwise directs, the hours of poll shall be for nine hours starting at seven o'clock in the forenoon and closing at four o'clock in the afternoon.



**51.Method of voting:** (1) At every election where a poll is taken under these rules, votes shall be given by ballot and no vote shall be received by proxy.

(2) Save as hereinafter provided, all electors voting at an election shall do so in person at the polling station provided for them under rule 43.

**52.Vote by a voter on election duty:** (1) A voter on election duty, who wishes to vote, shall, at least three days before the date of poll, approach the Returning Officer concerned and make an application in Form 14 for the issue of the ballot paper in order to enable him to cast his vote.

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

(a) have the person's name marked in the electoral roll, and

(b) issue to such voter a ballot paper and permit him to vote on the spot with instrument provided for the purpose.

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

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

## CHAPTER VI

### Voting by ballot

**53.Ballot box:** (1) A ballot box shall be made of strong materials such as wood or Iron and shall be constructed in such a way that ballot papers can be inserted therein but cannot be withdrawn therefrom without the box being unlocked.

(2) Every ballot box used at a polling station shall bear label outside and marked with the name and the number of the Ward, and the name and serial number of the polling station.

**54. Form of ballot paper:** (1) Every ballot paper shall have a counterfoil attached thereto, and the said ballot paper and the counterfoil shall be in Form 15.

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

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

**55. Admission to polling stations:** The Presiding Officer shall regulate the number of electors to be admitted at any one time inside the polling station and shall exclude therefrom all persons other than –

- (a) polling officers;
- (b) public servants on duty in connection with the election;
- (c) persons authorized by the Commission;
- (d) candidates, their election agents and subject to the provisions of rule 47, one polling agent of each candidate;
- (e) a child in arms accompanying a blind or infirm elector;
- (f) a person accompanying a blind or infirm elector who cannot move without help; and
- (g) such other persons as the Presiding Officer may employ under sub-rule(1) of rule 58.

**56. Preparation of ballot boxes for poll:** (1) The Commission may by a notification order whether or not a paper seal shall be used for securing a ballot box in an election.

(2) Where a paper seal is used for securing a ballot box, the Presiding Officer shall affix his own signature on the paper seal and obtained thereon the signatures of such of the polling agents present as are desirous of affixing the same.

(3) The Presiding Officer shall thereafter fix the paper seal so signed in the space meant therefor in the ballot box and shall then secure and seal the box in such manner that the slit for the insertion of ballot paper therein remains open.

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

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

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

- (a) the number of the Ward and name of the Municipality to which the Ward relates;
- (b) the serial number and name of the polling station;
- (c) the serial number of the ballot box ( to be filled in at the end of the poll on the label outside the ballot box only); and
- (d) the date of poll .

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

**57. Marked copy of electoral roll:** Immediately before the commencement of the poll, the Presiding Officer shall also demonstrate to the polling agents and others present that the marked copy of the electoral roll to be used during the poll does not contain any entry other than that made in persons of rule 52.

**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 authorized by him in this behalf shall check the elector's name and other particulars with the relevant entry in the electoral roll and then call out the serial number, name and other particulars of the elector.

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

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

- (2) On such deposit being made, the Presiding Officer shall –
- (a) warn the person challenged of the penalty for personation;
  - (b) read the relevant entry in the electoral roll in full and ask him whether he is the person referred to in that entry;
  - (c) enter his name and address in the list of challenged votes in Form 16; and
  - (d) 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 –
- (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 Presiding Officer considers that the challenge has not been established, he shall allow the person challenged to vote; and if he considers that the challenge has been established, he shall debar the person challenged from voting.

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

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

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

(3) Any reference in this rule to the left forefinger of 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.

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

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

- (a) record on its counterfoil the electoral roll number of the elector as entered in the marked copy of the electoral roll;
- (b) obtain the signature or thumb impression of the elector on the counterfoil; and
- (c) mark the name of the elector in the marked copy of the electoral roll to indicate that a ballot paper has been issued to him, without however recording therein the serial number of the ballot paper issued to that elector:

Provided that no ballot paper shall be delivered to an elector unless he has put his signature or thumb impression on the counterfoil of the ballot paper.

(3) It shall not be necessary for any Presiding Officer or polling officer or any other officer to attest the thumb impression of the elector on the counterfoil.

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

**62. Maintenance of secrecy of voting by electors within polling station and voting procedure:** (1) Every elector to whom a ballot paper has been issued under rule 61 or under any other provision of these rules, shall maintain secrecy of voting within the polling station and, for that purpose, observe the voting procedure hereinafter laid down.

- (2) The elector, on receiving the ballot paper, shall forthwith –
- (a) proceed to one of the voting compartments;
  - (b) there make a mark on the ballot paper with the instrument supplied for the purpose on or near the symbol of the candidate for whom he intends to vote;
  - (c) fold the ballot paper so as to conceal his vote;
  - (d) if required, show to the Presiding Officer the distinguishing mark on the ballot paper;
  - (e) insert the folded ballot paper into the ballot box; and
  - (f) quit the polling station.

(3) Every elector shall vote without undue delay.

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

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

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

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

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

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

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

Provided further that before any person is permitted to act as the companion of an elector on any day under this rule, the person shall be required to declare in Form 17 that he will keep secret the vote recorded by him on behalf of the elector and that he has not already acted as the companion of any other elector at any polling station on that day.

(2) The Presiding Officer shall keep a record in Form 18 of all cases under this rule.

**64. Spoilt and returned ballot papers:** (1) An elector who has inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used as a ballot paper may, on returning it to the Presiding Officer and on satisfying him of the inadvertence, be given another ballot paper, and the ballot paper so returned and the counterfoil of such ballot paper shall be marked "*spoilt: canceled*" by the Presiding Officer.

(2) If an elector, after obtaining a ballot paper, decides not to use it, he shall return it to the Presiding Officer, and the ballot paper so returned and the counterfoil of such ballot paper shall be marked as "Returned: cancelled" by the Presiding Officer.

(3) All ballot papers cancelled under sub-rule (1) or sub-rule (2) shall be kept in a separate packet.

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

(2) Every such person, before being supplied with a tendered ballot paper, sign his name against the entry relating to him in a list in Form 19.

(3) A tendered ballot paper shall be the same as the other ballot papers used at the polling except that –

- (a) such tendered ballot paper shall be serially the last in the bundle of ballot papers issued for use at the polling station; and
- (b) such tendered ballot paper and its counterfoil shall be endorsed on the back with the words “tendered ballot paper” by the Presiding Officer in his own hand and signed by him.

(4) The elector, after marking a tender ballot paper in the voting compartment and folding it, shall, instead of putting it into the ballot box, give it to the Presiding Officer, who shall place it in a cover specially kept for the purpose.

**66. Closing of poll:** (1) The Presiding Officer shall close a polling station at the hour fixed in that behalf under rule 50 and shall not thereafter admit any elector into the polling station :

Provided that all electors present at the polling station before it is closed shall be allowed to cast their votes.

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

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

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

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



**68. Ballot paper account:** (1) The Presiding Officer shall, at the close of the poll, prepare a ballot paper account in Form 20 and enclose it in a separate cover with the words "Ballot Paper Account" superscribed thereon.

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

**69. Sealing of other packets:** (1) The Presiding Officer shall then make into separate packets –

- (a) the marked copy of the electoral roll;
- (b) the counterfoils of the used ballot papers;
- (c) the ballot papers signed in full by the Presiding Officer under sub-rule (1) of rule 61 but not issued to the voters;
- (d) any other ballot papers not issued to the voters;
- (e) ballot papers cancelled for violation of voting procedure under rule 62;
- (f) any other cancelled ballot papers;
- (g) the cover containing the tendered ballot papers and the list in Form 18;
- (h) the list of challenged votes; and
- (i) any other papers directed by the Commission to be kept in a sealed packet.

(2) Each such packet shall be sealed with the seals of the Presiding Officer and with the seals, either of the candidate or of his election agent or of his polling agent who may be present at the polling station and may desire to affix his seals thereon.

**70. Transmission of ballot boxes, etc., to the Returning Officer:** (1) The Presiding Officer shall then deliver or cause to be delivered to the Returning Officer at such place as the Returning Officer may direct –

- (a) the ballot boxes or, as the case may be, the bags or covers referred to in rule 44;
- (b) the ballot paper account;
- (c) the sealed packets referred to in rule 69; and
- (d) all other papers used at the poll.

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

## CHAPTER VII

### Disturbance in the poll

**71.Adjournment of poll in emergencies:** (1) If at an election the proceedings at any polling station provided under rule 43 for the poll are interrupted or obstructed by any riot or open violence, or if at any election 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 for such polling station or the Returning Officer presiding over such place, as the case may be, shall announce an adjournment of the poll to a date to be notified later and where the poll is so adjourned by a Presiding Officer, he shall forthwith inform the Returning Officer concerned.

(2) Whenever a poll is adjourned under sub-rule (1), the Returning Officer shall immediately report the circumstances to the appropriate authority and the Commission and shall, as soon as may be, with the previous approval of the Commission appoint the day on which the poll shall recommence, and fix the polling station or place at which, and the hours during which, the poll will be taken, and shall not count the votes cast at such election until such adjourned poll shall have been completed.

(3) In every such case as aforesaid, the Returning Officer shall notify in such manner as the Commission may direct the date, place and hours of polling fixed under sub-rule (2).

**72.Procedure on adjournment of poll:** (1) If the poll at any polling station is adjourned under sub-rule 71, the provisions of rule 67 to 70 shall, as far as practicable, apply as if the poll was closed at the hour fixed in that behalf under rule 50.

(2) When an adjourned poll is recommenced under sub-rule (2) of rule 71, the electors who have already voted at the poll so adjourned shall not be allowed to vote again.

(3) The Returning Officer shall provide the Presiding Officer of the polling station at which adjourned poll is held, with the sealed packet containing the marked copy of the electoral roll and a new ballot box.

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

(5) The provisions or rules 43 to 70 shall apply in relation to the conduct of an adjourned poll as they apply in relation to the poll before it was so adjourned.

**73. Fresh poll in the case of destruction etc. of ballot boxes:** (1) If at any election, -

- (a) any ballot box used at a polling station or at a place fixed for the poll is unlawfully taken out of the custody of the Presiding Officer or the Returning Officer, or is accidentally or intentionally destroyed or lost, or is damaged or tampered with to such extent that the result of the poll at the polling station or place cannot be ascertained, or
- (b) any such error or irregularity as is likely to vitiate the poll is committed at a polling station or at a place fixed for the poll, the Returning Officer shall forthwith report the matter to the Commission.

(2) Thereupon the Commission shall, after taking all material circumstances into account, either -

- (a) declare the poll at the polling station or place to be void, appoint a day, and fix the hours, for taking a fresh poll at the polling station or place and notify the date so appointed and the hours so fixed in such manner as it may deem fit, or
- (b) issue such directions to the Returning Officer as it may deem proper for the further conduct and completion of the election, provided the Commission is satisfied that the result of a fresh poll at that polling station or place will not, in any way, affect the result of the election or that the error or irregularity in procedure is not material.

(3) The provisions of these rules shall apply to every such fresh poll as they apply to the original poll.

**74. Adjournment of poll or countermanding of election on the ground of booth capturing:** (1) If at any election -

- (a) booth capturing has taken place at a polling station or at a place fixed for the poll in such manner that the result of the poll at that polling station or place cannot be ascertained, or

(b) booth capturing takes place in the fixed place for counting of votes in such manner that the result of the counting at the place cannot be ascertained, the Returning Officer shall forthwith report the matter to the Commission.

(2) The Commission shall, on receipt of the report from the Returning Officer under sub-rule (1) and after taking all material circumstances into account, either –

(a) declare that the poll at the polling station or place be void, appoint a day, and fix the hours, for taking fresh poll at the polling station or place and notify the date so appointed and hours so fixed in such manner as it may deem fit, or

(b) countermand the election in that constituency, provided the Commission is satisfied that in view of the large number of polling stations or places involved in booth capturing, the result of the election is likely to be affected, or that booth capturing had affected counting of votes in such manner as to affect the result of the election.

*Explanation – In this rule, “booth capturing” shall have the same meaning as in section 135A of the Representation of the People Act, 1951.*

## CHAPTER VIII

### Counting of votes

**75. Time and place for counting of votes:** The Returning Officer shall appoint the place or places where the counting of votes will be done and the time at which the counting will commence and shall give notice of the same in writing to each contesting candidate or his election agent:

Provided that if for any reason the Returning Officer finds it necessary so to do, he may alter the date, time and place or places so fixed, or any of them, after giving notice of the same in writing to each contesting candidate or his election agent.

**76. Counting supervisors and counting assistants:** The Returning officer shall appoint from amongst the officers of the State Government as many counting supervisors and counting assistants as he considers to be necessary to do the counting.

**77.Provision of counting tables in the place of counting:** The Returning Officer shall provide as many counting tables as are necessary in the place of counting and detail one counting supervisor and two counting assistants for each counting table.

**78.Appointment of counting agents and revocation of such appointment:** (1) A contesting candidate may appoint as many counting agents as there are counting tables provided for the Ward in the counting place.

(2) Every appointment of counting agent shall be made in Form 21 which shall be produced to the Returning Officer or any other officer appointed by the Returning Officer in this behalf for his acceptance.

(3) The counting agent receiving acceptance by the Returning Officer or any officer appointed by the Returning Officer under sub-rule (2) may be present at the counting place:

Provided that only one counting agent of one candidate may be present at one counting table:

Provided further that the counting agents appointed for a Ward shall leave the counting place soon after the counting of votes for the Ward is completed.

(4) A contesting candidate or his election agent may revoke the appointment of any counting agent in Form 21A and may, at any time before the counting for the Ward is closed, make fresh appointment which shall be produced to the Returning Officer or any other officer appointed in this behalf by the Returning Officer in the manner provided in the fore-going sub-rules.

**79.Admission to the place of counting:** (1) The Returning Officer exclude from the place fixed for counting of votes all persons except –

- (a) the counting supervisors and counting assistants as he may appoint to assist him in the counting;
- (b) persons authorized by the Commission;
- (c) public servants on duty in connection with the election; and
- (d) candidates, their election agents and counting agents.

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

**80.Explaining the counting procedure:** The Returning Officer shall, before the commencement of the counting, briefly explain the counting procedure to all those allowed admission in the counting place under sub-rule (1) of rule 79 and caution them as to the maintenance of secrecy, the violation of which shall be an electoral offence under rule 99.

**81.Non-attendance of counting agent:** Where any act or thing is required by this chapter to be done in presence of the counting agents, the non-attendance of any such agent or agents at the time and place appointed for the purpose shall not, if the act or thing is otherwise duly done, invalidate the act or thing done.

**82.Counting of votes cast by voters on election duty:** (1) On the day and at the time and place appointed under rule 75 the Returning Officer shall first open the covers containing the ballot papers recording the votes of persons on election duty, which were received by him under rule 52 and scrutinize the ballot papers in accordance with the provisions of rule 84 and count them and record their number and other details in Form 22.

(2) The Returning Officer shall thereafter make separate packets of –

(a) all valid ballot papers, and

(b) all rejected ballot papers as founded by him at the scrutiny and counting under sub-rule (1), seal both the packets with his seal, and note on the packets the number of the Ward, the date of counting and description of the contents.

**83.Opening of ballot boxes:** (1) The counting supervisor shall thereafter in the presence of the persons allowed in the counting table, open at the table the used ballot box at the polling station or, if more than one ballot box was used, all such ballot boxes simultaneously, mix their contents, and proceed with the counting of ballot papers found in such box or boxes.

(2) Before any ballot box is opened at the counting table, the candidates or their agents present shall be allowed to inspect the seal which might have been affixed thereon to satisfy themselves that it is intact.

**84.Scrutiny of ballot papers and counting:** (1) The ballot papers taken out of the ballot box or boxes shall first be arranged in convenient bundles of 50 or 100, and the number of ballot papers found in such box or boxes shall be ascertained. Thereafter, the ballot papers taken out of all such boxes shall be scrutinized by the counting supervisor with the help of the counting assistants.

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

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

(b) if it bears no mark on the front or it bears a mark made otherwise than with the instrument supplied for the purpose, or

(c) if there are marks on it in favour of more candidates than one, or

(d) if the mark is so placed as to render it doubtful as 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:

Provided that –

- (i) where the Returning Officer is satisfied that any defect has been caused by any mistake or failure on the part of the Presiding Officer or the polling officer, the ballot paper shall not be rejected on the ground of such defect;
- (ii) a ballot paper shall not be rejected merely on the ground that the mark indicating the vote is indistinct or made more than once, if the intention that the vote shall be for a particular candidate clearly appears from the way the paper is marked.

(3) Before rejecting any ballot paper under sub-rule (2), the Returning Officer shall allow the 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.

(4) The Returning Officer shall endorse on every ballot paper which he rejects the letter “**R**” and the grounds for rejection in abbreviated form either in his own hand or by means of a rubber stamp and shall initial his endorsement; and his decision shall be final.

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

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

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

(7) The Returning Officer shall record in Form 23 the number and other details of the ballot papers contained by the ballot box or boxes.

**85.Sorting of ballot papers etc:** The valid ballot papers shall be sorted candidate-wise and counted to ascertain the total number of votes secured by each candidate.

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

**87. Announcement of votes by the Returning Officer:** (1) After the completion of the counting the Returning Officer shall record the details in the counting sheet in Form 24 and announce the total number of votes secured by each candidate.

(2) After such announcement has been made, a candidate or his election agent may apply in writing to the Returning Officer for a re-count of the votes either wholly or in part stating the grounds on which he demands such re-count.

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

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

(5) If the Returning Officer decides under sub-rule (3) to allow a re-count of the votes either wholly or in part, he shall –

(a) do the recounting accordingly;

(b) amend the counting sheet in Form 23 to the extent necessary after such re-count; and

(c) announce the amendments so made by him.

(6) After the number of votes polled by each candidate has been announced under sub-rule (1) or sub-rule (5), as the case may be, the Returning Officer shall complete and sign the counting sheet in Form 24 and no application for a re-count shall be entertained thereafter :

Provided that no step under this sub-rule shall be taken upon an announcement until the candidates or their election agents have been given a reasonable opportunity to exercise the right conferred by sub-rule (2).

**88. Declaration of result:** (1) When all the valid votes polled by each and every candidates, out of the votes contained in the ballot boxes and in the votes given by persons on election duty, have been counted the Returning Officer shall forthwith declare to be elected the candidate to whom the largest number of valid votes has been given.

(2) When an equality of votes is found to exist between any candidates and the addition of one vote will entitle any of the candidates to be declared elected, the determination of the person to whom such additional vote shall be deemed to have been given shall be made by lot to be drawn by the Returning Officer in the presence of the candidates or their election agents in such manner as he may determine.



**89. Grant of certificate of election to returned candidate:** As soon as may be after the declaration of election result, the Returning Officer shall grant to each returned candidate a certificate of election in Form 25.

**90. Person elected to more than one seat:** If a person is elected to more than one seat, then within seven days from the declaration of the election result under sub-rule (1) of rule 87 he shall resign all but one of the seats by writing under his hand addressed to the Commissioner, and the Commissioner shall declare vacant the seat or seats thus vacated.

**91. Sealing and Packing :** (1) The Returning Officer shall make, in respect of each ward, separate packets of the –

- (a) valid ballot papers at the counting;
- (b) rejected ballot papers at the counting;
- (c) one copy of counting sheet in Form 22 showing the votes secured by the candidates in votes given by persons on election duty;
- (d) one copy of counting sheet in Form 23 showing the votes contained in the ballot boxes; and
- (e) one copy of counting sheet of total votes in Form 24.

(2) Each such packet shall be sealed with the seal of the Returning Officer and the seal or seals of candidates or their election agents who may desire to affix their seals thereon.

(3) All the packets thus sealed under sub-rule (2) shall be kept in the safe custody of the Returning Officer.

**92. Production and inspection of election papers:** While in the custody of the Returning Officer –

- (a) the packets of unused ballot papers;
- (b) the packets of used ballot papers whether valid, tendered or rejected;
- (c) the packets of the marked copy of the electoral roll;
- (d) the packets of the declaration by electors and the attestation of their signature; and also
- (e) the sealed packets under rule 91 shall not be opened and their contents shall not be inspected by, or produced before, any person or authority except under order of District Magistrate.

**93. Disposal of election papers:** Subject to any direction to the contrary given by the District Magistrate the packets and other papers referred to in rule 92 shall be retained for a period of six months from the date of publication of the result of the election under rule 88 and shall thereafter be destroyed :

Provided that if an election petition is filed in the court of the District Magistrate, the packets and other papers referred to in this rule shall not be destroyed unless the petition is finally disposed of.

## CHAPTER IX

### Disputes regarding election

**94.Election petition:** (1) No election shall be called in question except by an election petition presented in accordance with the provisions of section 42 of the Act.

(2) The deposit of rupees two hundred as security referred to in sub-section (1) of section 42 shall be deposited in cash by the petitioner at the time of delivering his petition to the District Magistrate, and the deposit shall be non-refundable.

(3) A petitioner shall join as respondents to his petition all the contesting candidates at the election.

**95.Contents of election petition:** (1) An election petition shall –

- (a) contain a concise statement of the material facts on which the petition relies;
- (b) set forth with sufficient particulars the ground or grounds on which the validity of an election is challenged; and
- (c) 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 be signed by the petitioner and verified in the same manner.

**96.Grounds for declaring election to be void:** (1) Subject to the provisions of sub-rule (2), if the District Magistrate is satisfied –

- (a) that on the date of his election the returned candidate was not qualified or was disqualified, to be chosen as a Councillor under these rules; or
- (b) that any corrupt practice has been committed by the returned candidate or his agent or by any other person with the consent of the returned candidate or his agent; or
- (c) that any nomination paper has been improperly rejected; or
- (d) that the result of the election, in so far as it concerns the returned candidate, has been materially effected –

- (i) by improper acceptance of any nomination; or
- (ii) by any corrupt practice committed in the interest of the returned candidate by a person other than that candidate or his agent or a person acting with the consent of such candidate or agent; or
- (iii) by the improper acceptance or refusal of any vote or reception of any vote which is void; or
- (iv) by the non-compliance with the provisions of the Act or these rules or orders made there-under,

the District Magistrate shall declare the election of the returned candidate to be void.

(2) If in the opinion of the District Magistrate the returned candidate has been guilty by an agent, of any corrupt practice, but the District Magistrate is satisfied -

- (a) that no such corrupt practice was committed at the election by the candidate, and every such corrupt practice was committed contrary to the orders, and without the consent, of the candidate;
- (b) that the candidate took all reasonable means for preventing the commission of corrupt practices at the election; and
- (c) that in all other respects the election was free from any corrupt practice on the part of the candidate or any of his agents,

then the District Magistrate may decide that the election of the returned candidate is not void.

**97. Powers of the District Magistrate in hearing and examination of election petition:** It shall be open to the District Magistrate to -

- (a) direct the petitioner, all or any of the respondents and any other person to appear in person whenever and wherever he considers necessary;
- (b) enforce the attendance of witnesses;
- (c) compel the production and examination of the sealed packets and other papers referred to in rule 92; and
- (d) examine the witnesses on oath.

**98. Disposal of election petition:** (1) It shall be the duty of the District Magistrate to dispose of the election petition in any manner provided by section 43 or section 44, within a period not exceeding one year from the date of the receipt of the petition.

(2) If, during the course of the examination of the election petition the trying District Magistrate is not able to carry on the work owing to unavoidable circumstances and another officer takes over as the District Magistrate, thereby necessitating further period of time for the disposal of the petition, then the Commissioner may, after taking all material circumstances into account, grant another period of time for the disposal of the petition.

## CHAPTER X

### Electoral Offences

**99. Prohibition of public meeting on the date of poll:** (1) No person shall convene, hold or attend any public meeting within any polling area on the date or dates on which a poll is taken for an election in that polling area.

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

**100. 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 communicate to any person any information calculated to violate such secrecy.

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

**101. Officer, 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 shall in the conduct of 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 endeavor

(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.

**102. Prohibition of canvassing in or near polling stations:** (1) No person shall, on the 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 any public or private place within a distance of one hundred yards 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 rupees two hundred and fifty.

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

**103. 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 or private place in the neighborhood thereof, any apparatus for amplifying or reproducing the human voice, such as a megaphone or a loud speaker; or

(b) shout or otherwise act in a disorderly manner so as to cause annoyance to any person visiting the polling station for the poll, or so as to interfere with the work of the officers and other persons on duty at the polling station.

(2) Any person who contravenes, or willfully 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.

**104. Penalty for misconduct at the polling station:** (1) Any person who during the hours fixed for the poll at any polling station misconducts himself or fails to obey the lawful directions of the Presiding Officer may be removed from the polling stations by the Presiding Officer or by any Police Officer on duty or by any person authorized 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 so removed from a polling station re-enter the polling station without the permission of the Presiding Officer, he shall be punishable with imprisonment for a term which may extend to three months or with fine or with both.

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

**105. 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 willfully aids or abets the doing of any such act, shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to rupees five hundred or with both.

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

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

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

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

**106. Other offences and penalties therefor:** (1) A person shall be guilty of an electoral offence if at any election he -

- (a) fraudulently defaces or fraudulently destroys any nomination paper; or
- (b) fraudulently defaces, destroys or removes any list, notice or other documents affixed by or under the authority of a Magistrate or the Returning Officer or the Presiding Officer; 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 anything other than the ballot paper which he is authorized by law to put in; or
- (f) without due 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 foregoing acts or willfully aids or abets the doing of any such acts.

(2) Any person guilty of an electoral offence under this rule shall be punishable with imprisonment 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 and other documents in connection with such election.

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

**107. Penalty for corrupt practice:** Whoever commits at an election a corrupt practice referred to in section 38 shall be punishable with a fine not exceeding five hundred rupees.

## CHAPTER XI

### Miscellaneous provisions

**108. Civil court not to have jurisdiction:** No Civil Court shall have jurisdiction to question the legality of -

- (a) any action taken by the Returning Officer in the discharge of his duties under these rules; or
- (b) any action taken by the Presiding Officer and the Polling Officer in the discharge of their duties under these rules; or
- (c) any decision taken by the District magistrate in the discharge of his duties under these rules.

**109. Removal of difficulties:** If any difficulty arises in giving effect to any provision or provisions of these rules, the State Election Commissioner may, in consultation with the State Government as the occasion requires, by order do anything which appears to him to be necessary for the purpose of removing the difficulty.

Sd/-R.SANGLIANKHUMA

Additional Secretary to the Government of Mizoram  
Urban Development & Poverty Alleviation Department

FORM - 1  
(See rule 16)

Letter of request

Place .....  
Date .....

To

The Occupant of .....

The preparation of the electoral roll for the Municipal Ward in which you are residing has been taken in hand. It will greatly facilitate my work if you will kindly complete the statement below after reading the attached instruction and hand it over to my assistant who wil call for it.

Municipal Electoral Registration Officer  
District.

STATEMENT

Name and particulars of adult citizens ordinarily residing in the above premises

Name of citizen	Particulars as to father or husband	Age on 1st January, _____
1.		
2.		
3.		
4.		
5. etc.		

Signature .....  
Date .....

INSTRUCTIONS

1. Enter the names of all persons who have completed 21 years of age on or before the 1st of January of this year and who are ordinarily residing in the premises.
2. Only the names of those who are citizens of India should be entered.
3. Enter against Serial No. 1 in the first column, the name of the head or other senior member of the family, provided he or she has the qualifications mentioned in paragraphs 1 and 2 above.
4. "Ordinarily residing" does not mean that the person should be actually in the house when you are filling in the form. The persons who normally live in the house should be included even though they may be temporarily absent, e.g. on a journey or on business or in hospital. On the other hand, a guest or visitor, who normally lives elsewhere but happen to be in the house at the time should not be included.
5. All ordinary residents of the house should be included, whether they are members of the family or not. But do not enter the name of any person who is a member of the Armed Forces of India or is employed under the Government of India in a post outside India or the name of such person's wife if she ordinarily resides with him.
6. In the case of every female citizen, enter in the second column the name of his father preceded by the words "son of".
7. In the case of every female citizen, enter in the second column -
  - (i) the name of the husband preceded by the words "wife of", if she be a widow; and
  - (ii) the name of the late husband preceded by the words "widow of", if she be a widow; and
  - (iii) the name of the father preceded by the words "daughter of", if she be unmarried.
8. In the third column, enter the age of the citizen as accurately as possible, giving only the number of complete years and ignoring the months.



FORM 2  
(See rule 24)

*Notice of publication of electoral roll in draft.*

To

The Electors of the ..... Municipal Council/Board.

Notice is hereby given that the electoral roll has been prepared in accordance with the Mizoram Municipalities(Election of Councillors) Rules and a copy thereof is available for inspection at my office, and at ..... during office hours.

If there be any claim for the inclusion of a name in the rolls or any objection to the inclusion of a name or any objection to particulars in any entry, it should be lodged on or before the ..... in Form 3, 4 or 5 as may be appropriate.

Every such claim or objection should *either* be presented in my office or to ..... *or sent* by *post* to the address given below so as to reach me not later than the aforesaid date.

Municipal Electoral Registration Officer  
\_\_\_\_\_ District.

Date .....

FORM 3  
(See rule 21)

Claim application for inclusion of name

To

The Municipal Electoral Registration Officer,  
.....District.

Sir,

I request that my name be included in the electoral roll for the Municipal Ward of

\_\_\_\_\_

My Name (in full) .....

My Father's/ Mother's/Husband's Name .....

Particulars of my place of residence are :-

House No. ....

Street .....

Village .....

Post Office .....

Police Station .....

District .....

I hereby declare that to the best of my knowledge and belief -

(i) I am a citizen of India;

(ii) My age on the first day of January last was ..... years and  
.....months;

(iii) I am ordinarily resident at the address given below;

(iv) I have not applied for the inclusion of my name in the electoral roll for any  
other Ward;

(v) My name has not been included in the electoral roll for this or any other  
Municipal Ward.

or

My name may have been included in the electoral roll of  
..... Municipal Ward in which I was ordinarily  
resident earlier at the address ..... mentioned below and, if so, I  
request that the same may be excluded from ..... that electoral roll -

Place .....

Date .....

Signature or thumb impression of  
claimant.

Record of action taken

The application in Form -3 of Shri/Shrimati/Kumari \_\_\_\_\_ of  
\_\_\_\_\_ has been -

(a) accepted and his/her name is included in the electoral roll of Part No. \_\_\_\_\_ of the

\_\_\_\_\_ Municipal Ward, or

(b) rejected for the reason \_\_\_\_\_

\_\_\_\_\_

Date \_\_\_\_\_  
(VC)

Municipal Electoral Registration Officer

FORM 4  
(see rule 27(2))

*Form of objections*  
*[see rule 21(2)]*

To

The Municipal Electoral Registration Officer  
.....District.

Sir,

I object to the inclusion of the name of ..... at  
Serial No ..... of the electoral roll of .....Municipal  
Ward ,Part No.....for the following reason (S) :-

.....  
.....  
.....

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

My name has been included in the electoral roll for this Municipal Ward as  
follows :

Name in full .....  
Father's/Mother's/Husband's Name .....  
Serial No .....  
Part No .....

.....  
Signature/thumb impression of objector  
(Full postal address) .....

NOTE : Any person who makes a statement or declaration which is false and which he either  
knows or believes to be false or does not believe to be true is punishable under section 31 of the  
Representation of the People Act, 1950.

Record of action taken

The objection in Form 4 lodged by Shri/Shrimati/Kumari .....  
..... of ..... has been -

- (a) accepted and the entry of the name of \_\_\_\_\_  
Serial No. \_\_\_\_\_ of the electoral roll of \_\_\_\_\_ Municipal  
Ward at part No. \_\_\_\_\_ shall be deleted; or
- (b) rejected for the reason \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Date \_\_\_\_\_

Municipal Electoral Registration Officer  
.....District.

FORM 5  
[See rule 21(3)]

*Objections to particulars in an entry*

To

The Municipal Electoral Registration Officer,  
.....District.

Sir,

I submit that the entry relating to myself which appears at Serial No ..... of the electoral roll of..... Municipal Ward at Part No..... is not correct. It should be corrected to read as follows :

“ ..... ”

Place .....  
Date .....

.....  
Signature or thumb impression of  
the elector.

NOTE :- Any person who makes a statement or declaration which is false and which he either knows or believes to be false or does not believe to be true is punishable under section 31 of the Representation of the People Act, 1950.

Record of action taken

The objection in Form - 5 lodged by Shri/Shrimati/Kumari  
..... address .....  
..... has been -

(a) accepted and the relevant entry has been corrected to read as follows :-

.....  
(b) rejected for the reason .....

Date .....

Municipal Electoral Registration Officer  
.....District.

**FORM 6**  
[See rule 26(1)]

*Notice of final publication of electoral roll.*

It is hereby notified for public information that the list of amendments to the draft electoral roll for the ..... Municipal Ward has been prepared with reference to ..... as the qualifying date and in accordance with the Mizoram Municipalities(Election of Councillors) Rules 2007. A copy of the said roll together with the said list of amendments has been published and will be available for inspection at my office.

Place .....  
Date .....

.....  
**Municipal Electoral Registration Officer**  
.....District.

FORM 7  
(See rule 31)

*Notice of Election*

Notice is hereby given that:

- (1) an election is to be held of a Councillor to Ward No.....of the.....Municipal Council/Board;
- (2) nomination papers may be delivered by a candidate or his proposer to the Municipal Returning Officer at.....between 11 A.M and 3 P.M on any day (other than public Holiday) not later than the.....;
- (3) forms of nomination paper may be obtained at the place and times aforesaid;
- (4) the nomination papers will be taken up for scrutiny on.....at.....;
- (5) notice of withdrawal of candidature may be delivered by a candidate or his proposer or any person who has been authorized in writing by the candidate to deliver it to the officer specified in paragraph (2) above at his office before 3 P.M on the.....;
- (6) in the event of the election being contested, the poll will be taken on.....between the hours of.....and .....

Place.....  
Date.....

Municipal Returning Officer

**FORM 8**  
(See rule 33)

*Nomination paper*

I nominate as a candidate for election to the Municipality of.....from  
Ward no.....

Candidate's name .....  
Father's/Husband's Name .....  
Full postal address .....  
.....

His name is entered at Sl.No.....in part No.....of the  
electoral roll for the Ward no.....of the Municipality of.....

Date.....

\_\_\_\_\_  
Signature of proposer

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

- (a) that I have completed.....years of age;
- (b) that I am set up at this election by the.....party;
- (c) that symbols I have chosen are, in order of preference  
(i).....(ii).....and(iii).....
- (d) that my name and father's/husband's name have been correctly spelt out above  
in.....(name of language), and
- (e) that to the best of my knowledge and belief, I am qualified and not disqualified for  
being elected to fill the seat of Councillor in the Municipality of.....

Date.....

Signature of Candidate

FORM 9  
(see rule 34)

Receipt of Security Deposit

Part 'A'

Part 'A'

No. \_\_\_\_\_ Date \_\_\_\_\_

No. \_\_\_\_\_ Date \_\_\_\_\_

Received a sum of Rs. 500/-  
(Rupees five hundred) only from  
Pi/Pu \_\_\_\_\_  
of \_\_\_\_\_  
on account of security deposit for his  
nomination for election to the .....  
.....Municipality.

Received a sum of Rs. 500/-  
(Rupees five hundred) only from  
Pi/Pu \_\_\_\_\_  
of \_\_\_\_\_  
on account of security deposit for his  
nomination for election to the.....  
.....Municipality

Municipal Returning Officer  
.....Municipality

Municipal Returning Officer  
.....Municipality

Part 'B'

Part 'B'

HOW DISPOSED OF

HOW DISPOSED OF

Date \_\_\_\_\_

Date \_\_\_\_\_

Refunded/forfeited

Refunded/forfeited

( \_\_\_\_\_ )  
Signature  
of Candidate.

( \_\_\_\_\_ )  
Municipal Returning Officer  
\_\_\_\_\_Municipality

( \_\_\_\_\_ )  
Signature  
of candidate

( \_\_\_\_\_ )  
Municipal Returning Officer  
\_\_\_\_\_Municipality



**FORM 10**  
[See rule 36(1)]

Notice of withdrawal of candidature

Election to Ward No.....of the .....Municipality.

The Municipal Returning Officer,

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

Place .....

Date .....

Signature of validly nominated candidate

This notice was delivered to me at my office at .....(hour) on.....(date) by .....(name),\*\* the ..... Date .....

Municipal Returning Officer

Receipt for Notice of Withdrawal  
(To be handed over to the person delivering the notice)

The notice of withdrawal of candidature by .....a validly nominated candidate at the election to Ward No. .... of the ..... Municipality was delivered to me by the \*\* ..... at my office at .....(hour) on .....(date)

Municipal Returning Officer

\*\* Here insert one of the following alternatives as may be appropriate :-

- (1) Candidate
- (2) Candidate's proposer who has been authorized in writing by the candidate deliver it.
- (3) A person authorized in writing by the candidate to deliver it.

FORM 11  
[See rule 42(1)]

List of Contesting Candidates

Election to Ward No ..... of the ..... Municipality.

Serial Number	Name of Candidate	Address of Candidate	Party affiliation	Symbol allotted
1	2	3	4	5
1.				
2.				
3.				
4.				
5.				
etc.				

Date .....

Place .....

Municipal Returning Officer

**FORM 12**  
**[See rule 45(1)]**

**Appointment of Election Agent**

**Election to Ward No ..... of the .....Municipality.**

**To**

**The Municipal Returning Officer,**

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

**Place .....**

**Date .....**

*Signature of candidate*

**I accept the above appointment**

**Place .....**

**Date .....**

**Signature of election agent**

**Approved**

***Signature and Seal of the***

Municipal Returning Officer

FORM 13  
[See rule 47(1)]

Appointment of Polling Agent

Election to ward No ..... of the ..... Municipality.

I, ....., a candidate/the election agent of .....  
who is a candidate at the above election, do hereby appoint  
.....(Name and address) ..... As a polling  
agent to attend polling station No. .... at .....

Place .....

Date .....

*Signature of \*candidate/ election agent*

*I agree to act as polling agent*

Place .....

Date .....

**Signature of polling agent**

**Declaration of polling agent to be sign before the Presiding Officer.**

I hereby declare that at the above election I will not do anything forbidden by rule 99 of the Mizoram Municipalities (Election of Councillors) Rules, 2007.

Date .....

**Signature of polling agent  
Signed before me**

Date .....

***Presiding Officer***

\* Strike out the word(s) not applicable.

+ To be handed over to the polling agent for production at the polling station.

\*\* Rule 100 of the Mizoram Municipalities(Election of Councillors) Rules, 2007.

“ 100. 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 communicate to any person any information calculated to violate such secrecy.

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

FORM 13A  
[See rule 47(3)]

Revocation of Appointment of Polling Agent

To Election to Ward No .....of the ..... Municipality.  
The Presiding Officer,  
I,..... \* the election agent of ....., a candidate at the  
above election, hereby revoke the appointment of ....., \*my/ his polling agent.  
Place .....  
Date .....

Signature of person revoking

---

\*Strike out the word(s) not applicable.

FORM 14  
[See rule 52 (1)]

Application for casting vote by a voter on Election Duty

To

The Municipal Returning Officer,  
Ward No. ....of the ..... Municipality.

Sir,

I intend to cast my vote at the ensuing election to the .....  
Municipality in Ward No. .... to be taken at polling station No  
.....

My name is entered at Serial No ..... In Part No ..... of the electoral roll of Ward  
No ..... of the ..... Municipality.

I have been appointed to perform election duty and I produce herewith my letter of appointment.

I request that a ballot paper may be issued to me so that I may cast my vote.

Place .....

Date .....

Yours faithfully

.....  
*Signature*



**FORM 16**  
 [See rule 59(1)(c)]

**List of Challenged Votes**

Election to Ward No. ....of the.....Municipality.  
 Number and name of polling station.....

Serial number of entry	Name of elector	Serial Number of		Signature or thumb impression of the person challenged	Address of the person challenged	Name of Identifier, if any	Name of challenger	Order of Presiding Officer	Signature of challenger on receiving refund of deposit
		Part of roll	Electors name in that part						
1	2	3	4	5	6	7	8	9	10
1.									
2.									
3.									
4.									
5.									
6.									
7.									
8.									
9.									
10.									
etc.									

Date.....

**Signature of Presiding officer**



FORM 17  
[Sec rule 63(1)]

**DECLARATION OF COMPANION OF BLIND OR INFIRM ELECTOR**

I, \_\_\_\_\_ do hereby certify that \_\_\_\_\_ is personally known to me. I am satisfied that he/she is blind or physically infirm and is unable to make a mark on the ballot paper. He/She requested me to mark the ballot paper on his/her behalf. I hereby declare that I have not acted as companion of any other elector at any polling station today, and that I will keep secret the vote recorded by me on his/her behalf.

Signature of companion

Signed before me and permitted

Presiding Officer

**RECORD OF VOTES OF BLIND AND INFIRM ELECTORS**

Name of Municipality \_\_\_\_\_ Ward No. \_\_\_\_\_  
Electoral Roll Part No. \_\_\_\_\_  
Date of Poll \_\_\_\_\_

Sl.No.	Name of Elector	Elector's Sl.No. in E/Roll Officer	Name of Companion	Companion's Sl.No. in the Roll	Signature of Presi- ding Officer

Date : \_\_\_\_\_

Presiding Officer

FORM 19

LIST OF TENDERED VOTES  
[See rule 65(2)]

Name of Municipality \_\_\_\_\_  
Date of Poll \_\_\_\_\_

Ward No. \_\_\_\_\_  
Polling Station No. \_\_\_\_\_

Serial number and Name of the elector	Address of the elector	Serial Number of tendered ballot paper	Serial number of ballot paper issued to the person who has already voted	Signature or thumb impression of person tendering vote

Date \_\_\_\_\_

Presiding Officer \_\_\_\_\_

FORM 20  
[See rule 68(1)]

Ballot paper account

Election to Ward No.....of the.....Municipality  
Number and name of polling station.....

	<u>Serial Nos.</u>		<u>Total No.</u>
	From	To	
1. Ballot paper received			
2. Ballot papers unused (i.e., not issued to voters):			
(a) With the signature of the Presiding Officer			
(b) Without the signature of Presiding Officer			
			*Total: (a+b) _____
3. *Ballot papers used at the polling Station (1-2=3)			
4. *Ballot papers used at the polling station but NOT INSERTED INTO THE BALLOT BOX:			
(a) Ballot papers cancelled for violation of voting procedure under rule 62			
(b) Ballot papers cancelled for other reasons under rule 64			
(c) Ballot papers used as tendered ballot papers under rule 65			
			*Total: a+b+c) _____
5. *Ballot papers to be found in the Ballot box (3-4=5)			

\*Serial numbers need not be given

Date.....

Signature of Presiding Officer

**FORM 21**  
[See rule 78(2)]

*Appointment of Counting Agents*

Election to Ward No..... of the.....Municipality

I, .....\*a candidate/the election agent of..... who is a candidate at the above election, do hereby appoint the following persons(s) as my counting agent(s) to attend the counting of votes at.....

Name of the counting agent(s)	Address of the counting agent(s)
1.	
2.	
3.	
4.	
etc.	

**Signature of candidate/election agent**

**\*I/We agree to act as such counting agent(s)**

- 1.
- 2.
- 3.
- etc.

Place .....  
Date .....

**Signature of counting agent(s)**

*Accepted and admitted*

Municipal Returning Officer

**FORM 21A**  
[See rule 78(4)]

*Revocation of Appointment of Counting Agent*

**Election to Ward No. .... of the .....Municipality.**

**I, .....\*the election agent of ...../a  
candidate at the above election hereby revoke the appointment of.....\*my/his  
counting agent appointed earlier to attend the counting of votes at.....**

**Place.....**

**Date.....**

**Signature of person revoking.**

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**\*Strike out the word(s) not applicable.**

**FORM 22**  
[See rule 82(1)]

**Counting Sheet of votes cast by persons on election duty**

Election to the.....Municipality

Ward No. ....

Date of poll.....

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Total number of Sealed covers	Total number of valid ballot papers	Total number of Rejected ballot papers
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**Municipal Returning Officer**

**FORM 23**  
[See rule 84(7)]

**Counting Sheet of votes contained by ballot boxes**

Election to the.....Municipality

Ward No. ....

Polling Station No.....

Date of poll.....

<b>Number of ballot papers found in the ballot box(es)</b>	<b>Number of valid ballot papers</b>	<b>Number of rejected ballot papers</b>	<b>Discrepancy, if any, with reference to the ballot paper account</b>
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>

**Municipal Returning Officer**



**FORM 24**

[See rule 87(1)&(6)]

**Counting sheet of total votes**

Election to the.....Municipality

Ward No. ....

Date of poll.....

Date of counting.....

Name of the Candidate	Record of valid votes at polling station no. (1,2,3,4 etc.)	Record of valid votes given by persons on election duty	Total of valid votes polled by the candidate	Record of rejected votes at polling station no.	Record of rejected votes given by persons on election duty
1	2	3	4	5	6

Date.....

**Municipal Returning Officer**

**FORM 25**  
(See rule 89)

**Certificate of Election**

Election to the.....Municipality

Ward No. ....

Date of Poll.....

I, Municipal Returning Officer for the Ward No..... of the Municipality of.....do hereby certify that I have on this.....day of.....20..... declared Shri/Shrimati.....of.....(address) to have been duly elected by the said Ward to be a Councillor of the.....Municipality.

Place.....

Date.....

**Signature of the Municipal Returning Officer**

## THE SCHEDULE

### [See rule 39(2)]

List of Symbols for allotment to candidates at election

TABLE I

Reserved Symbols

Sl. No	Recognized Political Parties	Symbol Reserved
1	Communist Party of India	Ears of Corn and Sickle
2	Communist Party of India(Marxist)	Hammer, Sickle and Star
3	Janata Party	Haldhar with Wheel(Chakra Haldhar)
4	Indian National Congress	Hand
5	Janata Dal	Chakra(Wheel)
6	Bharatya Janata Party	Lotus
7	Samata Party	Flaming Torch
8	All India Forward Bloc	Plough
9	Revolutionary Socialist Party	Spade and Stoker
10	Mizo National Front	Star
11	Mizoram Peoples Conference	Electric Bulb
12	Zoram Nationalist Party	Sun without Ray

TABLE II

Free Symbols

- |                  |                  |                    |
|------------------|------------------|--------------------|
| 1. Aeroplane     | 11. Chair        | 21. Letter Box     |
| 2. Almirah       | 12. Coconut Tree | 22. Lock and Key   |
| 3. Apple         | 13. Dekchi Pan   | 23. Sewing Machine |
| 4. Bicycle       | 14. Drum         | 24. Ship           |
| 5. Boat          | 15. Hand Pump    | 25. Spectacles     |
| 6. Boy and Girl  | 16. Jeep         | 26. Sun with Rays  |
| 7. Bow and Arrow | 17. Jug          | 27. Tree           |
| 8. Bucket        | 18. Kettle       | 28. Two Bananas    |
| 9. Car           | 19. Ladder       | 29. Two leaves     |
| 10. Cart         | 20. Lantern      | 30. Two Mangoes    |